

STATE OF MINNESOTA

COUNTY OF \_\_\_\_\_

JUDICIAL DISTRICT  
DISTRICT COURT  
PROBATE DIVISION

Court File No. \_\_\_\_\_

Estate of \_\_\_\_\_,  
Decedent

**PETITION FOR FORMAL ADJUDICATION OF  
INTESTACY AND DETERMINATION OF HEIRS  
AND CONFIRMATION OF PREVIOUSLY  
INFORMALLY APPOINTED  
PERSONAL REPRESENTATIVE  
OR APPOINTMENT OF SUCCESSOR  
PERSONAL REPRESENTATIVE**

I, \_\_\_\_\_, state: \_\_\_\_\_

1. My address is: \_\_\_\_\_.
2. I am an interested person as defined by Minnesota law because I am: \_\_\_\_\_.
3. On \_\_\_\_\_, the Registrar of this County informally appointed \_\_\_\_\_ as Personal Representative on an application signed by \_\_\_\_\_ (the "Applicant").
4. Decedent was born on \_\_\_\_\_, at (city, state) \_\_\_\_\_.
5. Decedent died on \_\_\_\_\_, at (city, state) \_\_\_\_\_.
6. Decedent's domicile at the time of death was in \_\_\_\_\_ County, State of \_\_\_\_\_ at (address): \_\_\_\_\_.
7. The names and addresses of Decedent's spouse, children, heirs and other persons interested in this proceeding so far as known or ascertainable with reasonable diligence by the Petitioner are:

Name and  
Mailing Address

Familial Relationship AND  
Legal Interest (List all)

Birthdate  
Of Minors

(Attach separate schedule, if necessary)

8. Negative Allegation Statement (*see* MINN. GEN. R. PRAC. 409(a)):

Only the Spouse Survive Decedent

Decedent left no surviving descendants (including adopted descendants); and was not in the process of adopting an individual at the time of the decedent's death.

Only children Survived Decedent

The Decedent left surviving no spouse; no children, (including adopted children), other than herein named; and no descendants of any deceased children.

Spouse and Children Survived Decedent

The Decedent left surviving no children (including adopted children), other than herein named and no descendants of any deceased children; and was not in the process of adopting an individual at the time of the decedent's death.

Only Brothers or Sisters Survived Decedent

The Decedent left surviving no spouse; descendants; parents; brothers or sisters other than herein named; and no descendants of deceased brothers or sisters.

Only First Cousins Survived Decedent

The Decedent left surviving no spouse; descendants; parents; brothers or sisters or descendants thereof, grandparents; aunts or uncles; and no first cousins other than herein named.

9. All persons identified as heirs have survived the Decedent by at least 120 hours, except for: \_\_\_\_\_.

10. (Check appropriate boxes):

Decedent left no surviving spouse.

Decedent left no surviving descendants.

All descendants of Decedent are descendants of Decedent's surviving spouse.

There are descendants of the Decedent that are not descendants of the surviving spouse.

There are descendants of the surviving spouse who are not descendants of the Decedent.

11. Venue for this proceeding is in this County of the State of Minnesota because:

The Decedent was domiciled in this County at the time of death and was the owner of property located in the State of Minnesota.

or

Though not domiciled in the State of Minnesota, the Decedent was the owner of property located in this County at the time of death.

12. I estimate the Decedent's assets and indebtedness are as follows: (complete all blanks, even if zero)

**Probate Assets**

Homestead	\$ _____
Other Real Estate	\$ _____
Cash	\$ _____
Securities	\$ _____
Other	\$ _____

**Non-Probate Assets**

Joint Tenancy	\$ _____
Insurance	\$ _____
Other	\$ _____

**Approximate Indebtedness**

\$ \_\_\_\_\_

13. There is no Personal Representative of the Decedent appointed in Minnesota or elsewhere whose appointment has not been terminated.

14.  I have not received a demand for notice and am not aware of any demand for notice of any probate or appointment proceeding concerning the Decedent that may have been filed in Minnesota or elsewhere.  
or  
 Proper notice has been given to those persons who have filed a demand for notice.

15. Having conducted a reasonably diligent search, I am unaware of any unrevoked testamentary instrument relating to property having a situs in Minnesota and believe that the Decedent died leaving no Will.

16. \_\_\_\_\_ is entitled to priority and appointment as Personal Representative under Minnesota Statutes section 524.3-203 because \_\_\_\_\_.  
There are no other persons having a prior or equal right to the appointment under Minnesota law except \_\_\_\_\_.

**WHEREFORE**, I request the Court fix a time and place for a hearing on the Petition and enter an order formally:

1. Finding the Decedent is dead;
2. Finding venue is proper;
3. Finding the proceeding was commenced within the time limitations prescribed by Minnesota law;
4. Determining Decedent's domicile at death;
5. Finding Decedent left no Will and therefore died intestate;
6. Determining Decedent's heirs;
7. Confirming the appointment of \_\_\_\_\_ as Personal Representative OR appointing \_\_\_\_\_ as successor Personal Representative of the Estate with \$ \_\_\_\_\_ bond, in  an unsupervised  a supervised administration;
8. Authorizing issuance of amended letters of general administration upon qualification and acceptance; and
9. Granting such other relief as may be proper.

**I declare under penalty of perjury that everything I have stated in this document is true and correct.**  
**MINN. STAT. § 358.116.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

Attorney for Petitioner
Name _____
Firm _____
Street _____
City, State, ZIP _____
Attorney License No: _____
Telephone: _____
FAX: _____
Email: _____

**SAMPLE DOCUMENT**