

STATE OF MINNESOTA

COUNTY OF _____

JUDICIAL DISTRICT
DISTRICT COURT
PROBATE DIVISION

Court File No. _____

Estate of

_____ ,
Decedent

**PETITION FOR
DETERMINATION OF DESCENT**

I, _____, state: _____

1. My address is: _____.
2. I am an interested person as defined by Minnesota law because I am: _____.
3. Decedent was born on _____, at (city, state) _____.
4. Decedent died on _____, at the age of _____ at (city, state) _____.
5. Decedent's residence at the time of death was in _____ County, State of _____ at (address): _____.
6. The names and addresses of Decedent's spouse, children, heirs, devisees and other persons interested in this proceeding so far as known or ascertained with reasonable diligence by the Petitioner are:

Name and Mailing Address	Familial Relationship AND Legal Interest (List all)	Birthdate Of Minors
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(Attach separate schedule, if necessary)

7. 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.

8. All persons identified as heirs have survived the Decedent by at least 120 hours, except for: _____.

9. (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.

Does not apply. Decedent died before January 1, 1987.

10. 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

The Decedent was the owner of property located in this County at the time of death.

11. 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.

12. I have made a reasonably diligent search for any testamentary document.

(Check appropriate box)

Intestate

I am unaware of any testamentary instrument relating to property having a situs in this state under Minnesota law.

Testate

Decedent's Will is comprised of the following:

Last Will dated _____.

Codicil() dated _____.

Separate writing() under Minnesota Statutes section 524.2-513 dated _____.

The Will refers to a separate writing but none has been found.

The documents comprising the Will:

accompany this Application.

- are in the Court's possession.
- have been probated elsewhere and an authenticated copy of the Will and statement or order probating the same accompany this Application.
- are unavailable, but a Statement of Contents of Lost, Destroyed or Otherwise Unavailable Will accompanies this Petition.

To the best of my knowledge and belief, the Will has been validly executed.

Having conducted a reasonably diligent search, I am unaware of any instrument revoking the Will or of any unrevoked testamentary instrument.

13. No will or authenticated copy of a will has been probated outside of this state in accordance with the laws in force in the place where probated has been probated nor proceeds had in this state.
14. More than three years have passed since the Decedent's death and there has been no probate proceeding or administration proceeding commenced in Minnesota.
15. At the time of death, Decedent was the owner of certain property described and valued at date of death as follows ("Property"):

SCHEDULE A: REAL ESTATE
(Use Date of Death Values)

Item Number	Description of Property	County Assessor's Market Value	Fair Market Value (Date of Death)
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1. Homestead in the County of _____, Minnesota \$ _____ \$ _____

2. Other Real Estate: _____ \$ _____ \$ _____

	Schedule A: Real Estate	TOTAL	\$ _____
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SCHEDULE B: PERSONAL PROPERTY
(Use Date of Death Values)

Item Number	Description of Property	Fair Market Value (Date of Death)
1	_____	\$ _____
2	_____	\$ _____
3	_____	\$ _____
	Schedule B: Other Property	TOTAL

16. The property on hand for distribution is as reflected in this document and should be distributed to the following named persons in the following proportions or parts: _____

 _____.

17. (Check appropriate box)

The devisee or the devisee's successors and assigns possess the property devised in accordance with the Will.

Any heir or successors and assigns possesses such property which passed to such heir under the laws of intestate succession in force at the Decedent's death.

or

The property was not possessed or claimed by anyone by virtue of the Decedent's title during the time period for testacy proceedings.

18. (Check box if this Petition includes Multiple Decedents.) Separate petitions for the determination of descent through multiple decedents of the property described in this Petition are attached and made a part of this Petition.

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

1. Finding that venue is proper;
2. Finding that the Decedent died more than 3 years ago;
3. Determining Decedent's domicile at death;
4. Determining Decedent's state of testacy;
5. Determining Decedent's heirs;
or
 Probating the valid and unrevoked Will of Decedent;
6. Determining the descent of the property and assigning the property to the persons entitled to the property;
7. Consolidating multiple petitions for determination of descent into one proceeding; and
8. Granting such other relief as may be proper.

Under penalties for perjury, I declare or affirm that I have read this document and I know or believe its representations are true and complete.

Dated: _____

Petitioner

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

NOTE: This form is to be used if there HAS NOT been a prior probate proceeding. If there has been a prior probate proceeding use Petition for Determination of Descent of Incorrectly Described Property or Petition for Determination of Descent of Omitted Property.

SAMPLE DOCUMENT