

STATE OF MINNESOTA

COUNTY OF _____

JUDICIAL DISTRICT
DISTRICT COURT
PROBATE DIVISION

Court File No. _____

Estate of _____,
Decedent

**PETITION FOR FORMAL PROBATE OF WILL
AND FOR FORMAL APPOINTMENT OF
PERSONAL REPRESENTATIVE (ANCILLARY
PROCEEDING)**

I, _____, state:

1. My address is: _____.

2. I am an interested person as defined by Minnesota law because:

☐ I have been appointed Personal Representative of Decedent's Estate by a court or registrar in the Decedent's domicile.

or

☐ Other: _____

3. Decedent was born on _____, at (city, state) _____.

4. Decedent died on _____, at (city, state) _____.

5. Decedent's domicile 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 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)

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.

10. Venue for this proceeding is in this County of the State of Minnesota because, though not domiciled in the State of Minnesota, 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 estimate the Decedent's assets in Minnesota and indebtedness are as follows: (Complete all blanks, even if zero)

Assets in Minnesota

Real Estate \$ _____
Personal Property \$ _____
Nonprobate Assets \$ _____

**Approximate
Indebtedness**

Domiciliary State \$ _____
Minnesota \$ _____

13. Decedent's Will relating to property in Minnesota 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.

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

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

16. The Will has been previously probated by the Domiciliary court described in Paragraph 18 by an Order or Statement dated _____, and an authenticated copy of the Will and Order or Statement probating the Will accompany this Petition.

17. No Personal Representative of the Decedent has been appointed in Minnesota whose appointment has not been terminated.

18. _____ was appointed Personal Representative by _____ Court of _____ County, _____, the state of Decedent's domicile, by Order or Statement dated _____ in File No. _____ . An authenticated copy of the Order or Statement accompany this Petition.

The appointment of _____ :

☐ has not been terminated.

or

☐ has been terminated because: _____

19. The person having priority to serve as Personal Representative in Minnesota is _____ because:

☐ Such person is the Domiciliary Personal Representative.

☐ Such person has been nominated by the Domiciliary Personal Representative.

☐ The Will specifically nominates such person to serve as Personal Representative in Minnesota.

☐ Such person has been nominated by the creditors of the Estate under Minnesota Statutes section 524.3-203(b)(1).

☐ Other: _____

20. The Will specifies: ☐ no bond ☐ minimum bond ☐ \$ _____ bond ☐ bond not specified.

21. The Will specifies: ☐ formal/supervised administration ☐ formal/unsupervised administration
☐ informal/unsupervised ☐ administration not specified

WHEREFORE, I request the Court fix a time and place for hearing this 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. Determining Decedent's heirs under Minnesota law;
6. Determining Decedent's testacy status;
7. Determining the Will is valid and unrevoked and should be probated in Minnesota;
8. Determining _____ is entitled to appointment as Personal Representative under Minnesota law and should be appointed;
9. Appointing _____ as Personal Representative with _____ bond, in ☐ an unsupervised ☐ a supervised administration;
10. Authorizing issuance of ancillary letters testamentary upon qualification and acceptance; and
11. 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: _____