

STATE OF MINNESOTA

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

JUDICIAL DISTRICT  
DISTRICT COURT  
PROBATE DIVISION

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

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

**PETITION FOR FORMAL ADJUDICATION  
OF INTESTACY, DETERMINATION OF  
HEIRS AND 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 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 under Minnesota law 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. Having conducted a reasonably diligent search, I am unaware of any document which is a testamentary instrument under Minnesota law and believe that the Decedent died leaving no Will.

14. No Will of the Decedent was presented to the domiciliary court described in Paragraph 16.

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

16. \_\_\_\_\_ has been 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 accompanies this Petition. The appointment of \_\_\_\_\_:  
 has not been terminated.  
or  
 has been terminated because: \_\_\_\_\_.

17. 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.  
 Such person has been nominated by the creditors of the Estate under Minnesota Statutes section 524.3-203(b)(1).  
 Other: \_\_\_\_\_.

**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 limitation prescribed by Minnesota law;
4. Finding Decedent left no Will and therefore died intestate;
5. Determining Decedent's domicile at death;
6. Determining Decedent's heirs under Minnesota law;
7. Appointing \_\_\_\_\_ as the Personal Representative of the Estate with \_\_\_\_\_ bond, in  an unsupervised  a supervised administration;
8. Authorizing issuance of ancillary letters of general administration upon qualification and acceptance; and
9. 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: _____

**SAMPLE DOCUMENT**