

525.582 **PROBATE PROCEEDINGS; GUARDIANS; ADJUDICATION ON ACCOUNT; RESIGNATION AND REMOVAL.** (a) Unless otherwise ordered, the guardian or conservator shall, and other persons may, be examined on the hearing. If the account be correct, it shall be settled and allowed; if incorrect, it shall be corrected and then settled and allowed. The order of settlement and allowance shall show the amount of the personal property remaining. Upon settlement of the final account, and upon delivery of the property on hand to the person entitled thereto, the court shall discharge the guardian or conservator and his sureties. Any person for whom a guardian or conservator has been appointed and who has become of age or has been restored to capacity may show to the court that he has settled with his guardian or conservator and may petition for the guardian's or conservator's discharge without further hearing. Upon such petition, the court may discharge the guardian or conservator and his sureties.

(b) If, after hearing on notice as the court may require to the guardian, conservator and any surety, there is determined to be mismanagement, a shortage of funds, or other misconduct for which the guardian, conservator or a surety is liable, the court shall settle the account and enter judgment against the guardian, conservator or any surety as may be appropriate. The judgment may be filed, docketed and enforced in the same manner as any other judgment. This remedy is in addition to any other remedy available for breach of any condition of the bond.

(c) The resignation of a guardian or conservator shall not take effect until the court examines and allows his final account and makes an order accepting his resignation.

(d) If a guardian or conservator becomes unsuitable, incapacitated or disabled, or violates his trust or fails to perform any duty imposed on him by law or the lawful order of the court, the court upon petition or the courts' own motion may remove him after notice.

Approved May 19, 1977.

CHAPTER 154—S.F.No.969

An act relating to probate; authorizing the court to issue interim orders; surety bonds; authorizing court to order accounting by and judgment against surety in proceedings to settle estate; amending Minnesota Statutes 1976, Sections 524.3-105; and 524.3-606.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 524.3-105, is amended to read:

524.3-105 **PROBATE PROCEEDINGS; PROCEEDINGS AFFECTING DEVOLUTION AND ADMINISTRATION; JURISDICTION OF SUBJECT MATTER.** Any interested person in a decedent's estate may apply to the registrar for determination in the informal proceedings provided in this article, and may petition the court for orders in formal proceedings within the court's jurisdiction including but not

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limited to those described in this article. Interim orders approving or directing partial distributions, sale of property or granting other relief, including, but not limited to, waiving the lien of inheritance taxes on specific property may be issued by the court at any time during the pendency of an administration on the petition of the personal representative or any interested person. The court has exclusive jurisdiction of proceedings, to determine how decedents' estates subject to the laws of this state are to be administered, expended and distributed. The court has concurrent jurisdiction of any other action or proceeding concerning a succession or to which an estate, through a personal representative, may be a party, except actions to determine title to property, tort actions, foreclosure of mechanic's liens, any action or proceeding in which property distributed by a personal representative or its value is sought to be subjected to rights of creditors or successors of the decedent and any actions under section 573.02.

Sec. 2. Minnesota Statutes 1976, Section 524.3-606, is amended to read:

524.3-606 TERMS AND CONDITIONS OF BONDS. (a) The following requirements and provisions apply to any bond required by this part:

(1) Bonds shall name the state as obligee for the benefit of the persons interested in the estate and shall be conditioned upon the faithful discharge by the fiduciary of all duties according to law.

(2) Unless otherwise provided by the terms of the approved bond, sureties are jointly and severally liable with the personal representative and with each other. The address of sureties shall be stated in the bond.

(3) By executing an approved bond of a personal representative, the surety consents to the jurisdiction of the probate court which issued letters to the primary obligor in any proceedings pertaining to the fiduciary duties of the personal representative and naming the surety as a party. Notice of such proceeding shall be delivered to the surety or mailed to him by registered or certified mail at his address as listed with the court where the bond is filed and to his address as then known to the petitioner.

(4) On petition of a successor personal representative, any other personal representative of the same decedent, or any interested person, a proceeding in the court may be initiated against a surety for breach of the obligation of the bond of the personal representative.

(5) The bond of the personal representative is not void after the first recovery but may be proceeded against from time to time until the whole penalty is exhausted.

(b) No action or proceeding may be commenced against the surety on any matter as to which an action or proceeding against the primary obligor is barred by adjudication or limitation.

(c) If a sole or last surviving representative is removed, is disabled or dies, the court may, upon notice and hearing, order his surety to file a verified final account and petition for complete settlement and, if proper, for distribution and closing of the estate.

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If in a proceeding under this clause the court determines that the representative has mismanaged the estate, misappropriated funds or committed other misconduct for which the surety is liable, the court shall settle the account and enter judgment against the representative and the surety as may be appropriate. The judgment may be filed, docketed and enforced in the same manner as any other judgment. This remedy is in addition to any other remedy for breach of the obligations of the bond.

Approved May 19, 1977.

CHAPTER 155—S.F.No.970

An act relating to probate; personal representatives; providing for appointment of successor representatives; amending Minnesota Statutes 1976, Section 524.3-613.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 524.3-613, is amended to read:

524.3-613 **PROBATE PROCEEDINGS; SUCCESSOR PERSONAL REPRESENTATIVE.** ~~Sections 524.3-301 to 524.3-311 and 524.3-401 to 524.3-414 govern proceedings for appointment of~~ Upon notice, if any, as the court or registrar shall require, the court upon petition and the registrar upon application may appoint a personal representative to succeed one whose appointment has been terminated. After appointment and qualification, a successor personal representative may be substituted in all actions and proceedings to which the former personal representative was a party, and no notice, process or claim which was given or served upon the former personal representative need be given to or served upon the successor in order to preserve any position or right the person giving the notice or filing the claim may thereby have obtained or preserved with reference to the former personal representative. Except as otherwise ordered by the court, the successor personal representative has the powers and duties in respect to the continued administration which the former personal representative would have had if his appointment had not been terminated.

Approved May 19, 1977.

CHAPTER 156—S.F.No.972

An act relating to probate; personal representatives; protecting certain good faith purchasers dealing with personal representatives; amending Minnesota Statutes 1976, Section 524.3-714.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 524.3-714, is amended to read:

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