

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:

Changes or additions indicated by underline deletions by ~~strikeout~~

524.3-714 PROBATE PROCEEDINGS; PERSONAL REPRESENTATIVES; GOOD FAITH TRANSACTIONS; PERSONS DEALING WITH PERSONAL REPRESENTATIVE; PROTECTION. (a) A person who in good faith either assists a personal representative or deals with him for value is protected as if the personal representative properly exercised his power. The fact that a person knowingly deals with a personal representative does not alone require the person to inquire into the existence of a power or the propriety of its exercise. Except for restrictions on powers of supervised personal representatives which are endorsed on letters as provided in section 524.3-504, no provision in any will or order of court purporting to limit the power of a personal representative is effective except as to persons with actual knowledge thereof. A person is not bound to see to the proper application of estate assets paid or delivered to a personal representative. The protection here expressed extends to instances in which some procedural irregularity or jurisdictional defect occurred in proceedings leading to the issuance of letters, including a case in which the alleged decedent is found to be alive. The protection here expressed is not by substitution for that provided by comparable provisions of the laws relating to commercial transactions and laws simplifying transfers of securities by fiduciaries.

(b) If property is wrongfully transferred by a person acting as a personal representative to a person who is not in good faith, a subsequent good faith purchaser is protected as if the original transferee dealt in good faith.

Approved May 19, 1977.

CHAPTER 157—S.F.No.973

[Coded]

An act relating to probate; rules of procedure; providing for probate proceedings to be governed by rules of civil procedure; amending Minnesota Statutes 1976, Chapter 524, by adding a section.

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

Section 1. Minnesota Statutes 1976, Chapter 524, is amended by adding a section to read:

[524.1-304] PROBATE PROCEEDINGS; RULES OF CIVIL PROCEDURE; PRACTICE IN COURT. Unless inconsistent with the provisions of this chapter or chapter 525, pleadings, practice, procedure and forms in all probate proceedings shall be governed insofar as practicable by rules of civil procedure provided for in section 487.23 and adopted pursuant thereto.

Approved May 19, 1977.

Changes or additions indicated by underline deletions by ~~strikeout~~