

2.1 intestate, or proceedings to determine descent. In cases under clause (1) or (2) ~~above~~, the
2.2 date on which a testacy or appointment proceeding is properly commenced shall be deemed
2.3 to be the date of the decedent's death for purposes of other limitations provisions of this
2.4 chapter which relate to the date of death. Nothing herein contained prohibits the formal
2.5 appointment of a special administrator at any time for the purposes of reducing assets to
2.6 possession, administering the same under direction of the court, or making distribution
2.7 of any residue to the heirs or distributees determined to be entitled thereto pursuant to a
2.8 descent proceeding under section 525.31 or an exempt summary proceeding under section
2.9 524.3-1203, even though the ~~three-year~~ six-year period above referred to has expired.

2.10 Sec. 2. Minnesota Statutes 2010, section 524.3-301, is amended to read:

2.11 **524.3-301 INFORMAL PROBATE OR APPOINTMENT PROCEEDINGS;**
2.12 **APPLICATION; CONTENTS.**

2.13 An informal probate proceeding is an informal proceeding for the probate of
2.14 decedent's will with or without an application for informal appointment. An informal
2.15 appointment proceeding is an informal proceeding for appointment of a personal
2.16 representative in testate or intestate estates. These proceedings may be combined in a
2.17 single proceeding. Applications for informal probate or informal appointment shall
2.18 be directed to the registrar, and verified by the applicant, in accordance with section
2.19 524.1-310, to be accurate and complete to the best of applicant's knowledge and belief
2.20 as to the following information:

2.21 (1) Every application for informal probate of a will or for informal appointment of
2.22 a personal representative, other than a special or successor representative, shall contain
2.23 the following:

2.24 (i) a statement of the interest of the applicant;

2.25 (ii) the name, birthdate, and date of death of the decedent, and the county and state
2.26 of the decedent's domicile at the time of death, and the names and addresses of the spouse,
2.27 children, heirs, and devisees and the ages of any who are minors so far as known or
2.28 ascertainable with reasonable diligence by the applicant;

2.29 (iii) if the decedent was not domiciled in the state at the time of death, a statement
2.30 showing venue;

2.31 (iv) a statement identifying and indicating the address of any personal representative
2.32 of the decedent appointed in this state or elsewhere whose appointment has not been
2.33 terminated;

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3.1 (v) a statement indicating whether the applicant has received a demand for notice, or
3.2 is aware of any demand for notice of any probate or appointment proceeding concerning
3.3 the decedent that may have been filed in this state or elsewhere.

3.4 (2) An application for informal probate of a will shall state the following in addition
3.5 to the statements required by paragraph (1):

3.6 (i) that the original of the decedent's last will is in the possession of the court, or
3.7 accompanies the application, or that an authenticated copy of a will probated in another
3.8 jurisdiction accompanies the application;

3.9 (ii) that the applicant, to the best of the applicant's knowledge, believes the will to
3.10 have been validly executed;

3.11 (iii) that after the exercise of reasonable diligence, the applicant is unaware of any
3.12 instrument revoking the will, and that the applicant believes that the instrument which is
3.13 the subject of the application is the decedent's last will;

3.14 (iv) that the time limit for informal probate as provided in this article has not expired
3.15 either because ~~three~~ six years or less have passed since the decedent's death, or, if more
3.16 than ~~three~~ six years from death have passed, that circumstances as described by section
3.17 524.3-108 authorizing tardy probate have occurred.

3.18 (3) An application for informal appointment of a personal representative to
3.19 administer an estate under a will shall describe the will by date of execution and state
3.20 the time and place of probate or the pending application or petition for probate. The
3.21 application for appointment shall adopt the statements in the application or petition for
3.22 probate and state the name, address and priority for appointment of the person whose
3.23 appointment is sought.

3.24 (4) An application for informal appointment of an administrator in intestacy shall
3.25 state in addition to the statements required by paragraph (1):

3.26 (i) that after the exercise of reasonable diligence, the applicant is unaware of any
3.27 unrevoked testamentary instrument relating to property having a situs in this state under
3.28 section 524.1-301, or, a statement why any such instrument of which the applicant may
3.29 be aware is not being probated;

3.30 (ii) the priority of the person whose appointment is sought and the names of any
3.31 other persons having a prior or equal right to the appointment under section 524.3-203.

3.32 (5) An application for appointment of a personal representative to succeed a personal
3.33 representative appointed under a different testacy status shall refer to the order in the most
3.34 recent testacy proceeding, state the name and address of the person whose appointment
3.35 is sought and of the person whose appointment will be terminated if the application is
3.36 granted, and describe the priority of the applicant.

4.1 (6) An application for appointment of a personal representative to succeed a personal
4.2 representative who has tendered a resignation as provided in section 524.3-610(c), or
4.3 whose appointment has been terminated by death or removal, shall adopt the statements in
4.4 the application or petition which led to the appointment of the person being succeeded
4.5 except as specifically changed or corrected, state the name and address of the person who
4.6 seeks appointment as successor, and describe the priority of the applicant.

4.7 Sec. 3. Minnesota Statutes 2010, section 524.3-1006, is amended to read:

4.8 **524.3-1006 LIMITATIONS ON ACTIONS AND PROCEEDINGS AGAINST**
4.9 **DISTRIBUTEES.**

4.10 Unless previously adjudicated in a formal testacy proceeding or in a proceeding
4.11 settling the accounts of a personal representative or otherwise barred, the claim of any
4.12 claimant to recover from a distributee who is liable to pay the claim, and the right of any
4.13 heir or devisee, or of a successor personal representative acting in their behalf, to recover
4.14 property improperly distributed or the value thereof from any distributee is forever barred
4.15 at the later of (1) ~~three~~ six years after the decedent's death; or (2) one year after the time
4.16 of distribution thereof. This section does not bar an action to recover property or value
4.17 received as the result of fraud.

4.18 Sec. 4. Minnesota Statutes 2010, section 525.31, is amended to read:

4.19 **525.31 ESSENTIALS.**

4.20 Whenever any person has been dead for more than ~~three~~ six years and has left real
4.21 or personal property, or any interest therein, and no will or authenticated copy of a will
4.22 probated outside this state in accordance with the laws in force in the place where probated
4.23 has been probated nor proceedings had in this state, any interested person or assignee or
4.24 successor of an interested person may petition the court of the county of the decedent's
4.25 residence or of the county wherein such real or personal property, or any part thereof, is
4.26 situated to determine the descent of such property and to assign such property to the
4.27 persons entitled thereto.

4.28 Sec. 5. **EFFECTIVE DATE.**

4.29 Sections 1 to 4 are effective the day following final enactment.