

1 Department of Revenue

2 Income Tax Division

3 Estate and Fiduciary Tax Group

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5 Adopted Rule and Repeal of a Rule Relating to Estate Tax

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7 Rules as Adopted

8 13 MCAR S 1.2220 Safe deposit boxes.

9 A. General rule. Except as provided in B., C., and D., the
 10 contents of a safe deposit box to which a decedent had access
 11 shall not be surrendered by the depository to any person until
 12 the contents have been inventoried by the county treasurer or a
 13 person authorized by the county treasurer to perform the
 14 inventory.

15 B. Exception for surviving spouse. If the person seeking
 16 access to a safe deposit box is a surviving spouse of the
 17 decedent and if the surviving spouse had a contractual right as
 18 a joint tenant to enter the safe deposit box prior to the
 19 decedent's death, the depository may grant access to the safe
 20 deposit box without requiring an inventory by the county
 21 treasurer or the county treasurer's designee. For purposes of
 22 B., the deceased tenant and spouse seeking access must be
 23 designated as joint tenants on the safe deposit box rental
 24 agreement.

25 If the person seeking access to a safe deposit box is a
 26 surviving spouse and the court-appointed personal representative
 27 of the decedent's estate, the depository may grant access to the
 28 safe deposit box without requiring an inventory by the county
 29 treasurer or the county treasurer's designee.

30 C. Exception for death of authorized agent. When an agent
 31 specifically authorized by a safe deposit box tenant dies,
 32 access may be granted to the tenant without an inventory by the
 33 county treasurer or the designee of the county treasurer. For
 34 purposes of C., an authorized agent does not include
 35 court-appointed fiduciaries. C. only applies to agents
 36 designated by individual renters of the safe deposit box and

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1 subject to the terms of the, "Deputy Appointment" agreement.

2 D.--Safe-deposit-boxes-rented-to-organizations.--For-purposes
 3 of-D.--an-organization-may-be-an-association,-corporation,-a
 4 partnership,-or-other-organized-group.--Individuals-renting
 5 boxes-as-joint-tenants-or-tenants-in-common-are-excluded-from
 6 this-provision.--When-a-safe-deposit-box-is-rented-to-an
 7 organization,-the-commissioner-may-waive-the-inventory
 8 requirement-if-the-depository-files-with-the-commissioner-of
 9 revenue-a-report-prepared-by-an-authorized-representative-of-the
 10 organization.--The-report-must-state-that-the-safe-deposit-box
 11 is-rented-to-an-organization-which-grants-authority-to-certain
 12 of-its-officers,-members,-or-agents-to-enter-the-safe-deposit
 13 box-in-the-course-of-the-business-or-activities-of-the
 14 organization.

15 The-report-must-contain-the-following-information:

16 1.--the-name-of-the-organization,-association,
 17 partnership,-or-entity;

18 2.--the-type-of-activities-in-which-applicant-is-engaged;

19 3.--an-itemized-list-of-the-property-or-documents-usually
 20 stored-in-the-safe-deposit-box;

21 4.--the-titles-or-names-of-all-to-whom-right-of-access-to
 22 the-box-is-given;-and

23 5.--a-statement,-under-oath,-that-no-personal-property-of
 24 any-officers,-members,-or-agents-will-be-kept-in-the-box.

25 If-the-application-is-approved,-the-commissioner-will
 26 notify-the-applicant-that-the-death-of-a-person-authorized-to
 27 enter-the-safe-deposit-box-rented-by-the-applicant-will-not
 28 require-an-inventory-by-the-county-treasurer.--Upon-presentation
 29 of-the-approved-application,-the-depository-may-grant-access
 30 without-requiring-an-inventory.

31 If-the-report-is-not-filed-by-the-depository-with-the
 32 commissioner,-then-upon-the-death-of-a-person-authorized-by-the
 33 organization-to-enter-the-safe-deposit-box,-access-shall-not-be
 34 surrendered-by-the-depository-to-any-person-until-its-contents
 35 have-been-inventoried-by-the-county-treasurer-or-a-person
 36 authorized-by-the-county-treasurer-to-perform-the-inventory.

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2 Renumbering. Renumber part 8150.2200, subpart 4, item F. as
3 part 8150.2210.

4 Repealer. ~~inh-Tax-219-is-repealed~~ Minnesota Rules, part
5 8150.2200, subparts 1, 2, 3, and 4, items A, B, C, D, E, G, H,
6 I, J, and K, are repealed.