

519.101 MARRIED WOMEN; RIGHTS, PRIVILEGES

519.101 Actions not maintainable

No action for the recovery of real property, or of any right therein, or the possession thereof, shall be maintained by any person having any estate in dower or by the curtesy or any estate or statutory interest in lieu of dower or by the curtesy therein, or by anyone claiming, by, through or under any such person, where it appears that the husband or wife of such person conveyed such real property, or any interest therein, by a conveyance in writing, prior to the first day of January, 1960; and no action shall be maintained for the recovery of real property, or of any right therein, or the possession thereof, by any person claiming by reason of failure of a spouse to join in a conveyance of land which constituted the homestead of the grantor at the time of the conveyance where such conveyance was made prior to January 1, 1960, unless such action shall be commenced on or prior to the first day of January, 1974, and notice thereof filed for record at the time of the commencement of said action in the office of the register of deeds in the county where said real property is situate.

[1973 c 12 s 2]

PART III

ESTATES OF DECEDENTS; GUARDIANSHIPS

CHAPTER 525. PROBATE CODE

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PERSONNEL

525.04 Judge; election, qualifications, bond

There shall be elected in each county a probate judge who shall be learned in the law, except that probate judges now in office shall be considered learned in the law insofar as being eligible to continue in office and to be re-elected to same. Before he enters upon the duties of his office he shall execute a bond to the state in the amount of \$1,000, approved by the county board and conditioned upon the faithful discharge of his duties. Such bond with his oath shall be recorded in the office of the register of deeds. The

premiums on such bond and the expenses of such recording and filing shall be paid by the county. An action may be maintained on such bond by any person aggrieved by the violation of the conditions thereof.

[1973 c 524 s 12]

525.09 Clerks; appointment; powers

The judge may appoint a clerk, deputy clerks, and employees as provided by law, to hold office during his pleasure, who shall perform the duties imposed by law and such judge. Such appointments shall be in writing and filed in such court. Before entering upon the duties of his office, each clerk and such deputy clerks and employees designated by the court shall execute a bond to the state in the amount of \$1,000 approved by the county board and conditioned upon the faithful discharge of his duties. Such bond with the oath of the appointee shall be recorded in the office of the register of deeds. The premiums on such bonds and the expenses of such recording and filing shall be paid by the county. An action may be maintained on such bond by any person aggrieved by the violation of the conditions thereof. A clerk or deputy clerk may take acknowledgments, administer oaths, authenticate, exemplify, or certify copies of instruments, documents, or records of the court, and when so ordered may hear and report to the court the testimony of any witnesses and the interrogatories and objections of counsel.

[1973 c 524 s 13]

525.092 Clerk may destroy certain papers

[For text of subd. 1, see M.S.1971]

Subd. 2. Certain guardianships excepted. The provisions of this section shall not apply to guardianships of incompetent or insane persons, nor to guardianships of minors until one year after the minor has attained his eighteenth birthday.

[1973 c 725 s 75]

525.10 Referee; appointment; bond

The judge of the probate court of any county in this state now or hereafter having more than 350,000 inhabitants may appoint one referee in probate who shall be a resident of such county and an attorney at law duly admitted in this state. He shall hold office during the pleasure of the judge appointing him. Such appointment shall be in writing and filed in such court. Before entering upon the duties of his office, he shall execute a bond to the state in the amount of \$1,000 approved by the county board and conditioned upon the faithful discharge of his duties. Such bond with the oath of the appointee shall be recorded in the office of the register of deeds. The premiums on such bond and the expenses of such recording and filing shall be paid by the county. An action may be maintained on such bond by any person aggrieved by the violation of the conditions thereof.

[1973 c 524 s 14]

WILLS

525.215 Election against other conveyances

A spouse electing under sections 525.213 to 525.216 also must elect to take against the will, if spouse is a beneficiary thereunder, and against all other conveyances within the scope of section 525.213 of which spouse is a beneficiary. A spouse electing to take against the will pursuant to section 525.212 also must elect to take against all conveyances within the scope of section 525.213 of which spouse is a beneficiary. The share of any surviving spouse in all assets, probate and non-probate, shall thereupon be determined in accordance with the laws of intestacy.

[1973 c 398 s 1]

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525.2221 Wills not affected

Notwithstanding any other provision of law to the contrary, the provisions of any will executed prior to June 1, 1973 relating to one's "minority" or "majority" or other related terms shall be governed by the definitions of such terms existing at the time of the execution of the will.

[1973 c 725 s 86]

MANAGEMENT OF ESTATE; INVENTORY, APPRAISAL

525.33 Contents of inventory

Within one month after his appointment unless a longer time has been granted by the court, every representative shall make and exhibit to the court a verified inventory of all the estate of the decedent or ward which shall have come to his possession or knowledge. Such property shall be classified therein as follows: (1) real estate, with plat or survey description, and if a homestead, designated as such, (2) furniture and household goods, (3) wearing apparel, (4) corporation stocks described by certificate numbers, (5) mortgages, bonds, notes, and other written evidence of debt, described by name of debtor, recording data, or other identification, (6) all other personal property accurately identified. All encumbrances, liens, and other charges on any item shall be stated. The representative shall set forth in the inventory the fair market value of all assets listed therein. If appraisers are appointed by the court, the value of assets other than those assets specified in section 525.331, subdivision 1, clause (c) shall be determined by the court appointed appraisers. In case of a decedent's estate, such value shall be the value at the date of the decedent's death. In the case of a guardianship, such value shall be the value at the date of appointment of the guardian. Such inventory shall show the net value of each item after deducting all encumbrances, liens and charges and the total net value of each class of items and of all classes.

[1973 c 495 s 1]

525.331 Appraisal

Subdivision 1. For the usual purposes of administration, the inventory filed by the representative pursuant to section 525.33 shall be sufficient without any appraisal of assets by court appointed appraisers in the following instances:

(a) In a guardianship proceeding where no sale of assets is to be made and then an appraisal shall be had only as to assets which are to be sold and which are not included in clause (c) below.

(b) In an estate proceeding where the court is satisfied that no tax is due, the total value of all assets of the estate appears to the satisfaction of the court to be \$10,000 or less, and no sale of assets is to be made.

(c) In an estate proceeding as to the following assets:

- (1) cash or deposits in any financial institution;
- (2) securities, bonds or other obligations of the United States government or agencies thereof;
- (3) securities listed on the New York stock exchange or the American stock exchange, and such other securities markets as may be designated by a rule of court, if the market value thereof can be readily ascertained;
- (4) insurance proceeds payable to the estate of the decedent; and
- (5) assets of a class specified by court rule as not requiring appraisal.

Subd. 2. In all other instances, and in all instances enumerated under clauses (a), (b) and (c) above where an appraisal is necessary for some special administrative purpose, the court shall appoint two or more disinterested and qualified appraisers who shall appraise the assets required to be appraised and shall set down in figures after each item after deducting the encum-

branches, liens, and charges, the net value thereof and show the total amount of each class, and of all classes, and forthwith deliver such inventory and appraisal certified by them, to the representative, who shall immediately file the same. Such assets shall be appraised at the fair market value thereof as of the date of death in the case of a decedent's estate, or in a guardianship, as of the date of the appointment of the guardian or time of sale of assets as circumstances may require as directed by the court.

Subd. 3. The appraisers shall be allowed such reasonable fees, necessary disbursements, and expenses as may be fixed by the court, and be paid by the representative as expenses of administration or guardianship. In fixing the fees so allowed, the court shall not give any consideration to items not requiring appraisal by this section, even though such assets be included with other appraisable assets in an inventory and appraisal filed pursuant hereto.

Subd. 4. Only one inventory and appraisal must be filed in any estate proceedings, and thereafter a successor representative shall file only the inventory required by section 525.33, unless otherwise ordered by the court.

Subd. 5. At any time prior to the filing of the final account, any heir, legatee, devisee or creditor may file with the court written objections to the appraisal. The court shall thereupon set a date for hearing and cause such notice of said hearing to be given to such persons and in such manner as the court may direct. Such hearing shall be held within 30 days from the filing of objections and the burden of proof shall be upon the objector. The court shall determine the full and fair value of the appraised value objected to and file its order in accordance therewith which said order shall become final and binding on all the parties interested in said estate.

[1973 c 495 s 2]

ACCOUNTING, DISTRIBUTION

525.481 Hearing and decree

Upon the filing of such petition, the court shall fix the time and place for the hearing thereof. Notice shall be given at least 14 days prior to the date fixed for hearing, by the petitioner, his attorney, or agent, who shall mail a copy of the notice to such persons as the court may direct, in addition to each heir, devisee, and legatee whose name and address are known to him and, if the decedent left heirs, devisees, or legatees in any foreign country, to the consul or representative referred to in section 525.28, or, if there be none, to the chief diplomatic representative of such country at Washington, D.C. or to the secretary of state at St. Paul, Minnesota, who shall forward the same to such representative. In an estate which is insolvent, such notice shall also be mailed to creditors who have filed claims in the estate. Proof of such mailing shall be filed before the hearing. No defect in any notice of service thereof shall invalidate any proceedings. Such notice need not be given in the instances provided for in sections 525.304, 525.48 and 525.51, unless otherwise ordered. If the estate is solvent, hearing may be waived by written consent to the proposed account and distribution by all heirs or distributees, and the court may thereupon enter its order allowing the account and issue a decree of distribution. Unless otherwise ordered, the representative shall, and other persons may, be examined relative to the account and the distribution of the estate. If all taxes payable by the estate have been paid so far as there are funds to pay them and the account is correct, it shall be settled and allowed; if incorrect, it shall be corrected and then settled and allowed.

Upon such settlement and allowance the court shall determine the persons entitled to the estate and assign the same to them by its decree. The decree shall name the heirs and the distributees, state their relationship to the decedent, describe the property and state the proportion or part thereof to which each is entitled. In the estate of a testate decedent, no heirs shall be named in the decree unless all of the heirs be ascertained. No final decree

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shall be entered until all inheritance taxes for the payment of which the representative is liable as shown by the inheritance tax return provided for in section 291.09 have been paid. If the commissioner of taxation shall have filed objections to the inheritance tax return as provided in section 291.09, no final decree shall be entered until such objections have been heard and determined unless the court determines that the collection of additional inheritance taxes for which the representative is liable will not be jeopardized. The court shall have the power in its decree to waive the lien of inheritance taxes on the property distributed and either the probate court or the commissioner of taxation shall have the power to issue certificates waiving such lien or acknowledging payment of all such taxes and discharging the lien at any time.

If all of the creditors have consented, in writing, the court, with or without notice, may assign the estate, if insolvent, without conversion thereof into money, to such creditors in the proportions to which each is entitled.

If any liquidated demand for money arising on contract or if any unsatisfied judgment for the payment of money, whether or not unenforceable because of lapse of time or discharge in bankruptcy, exists in favor of decedent at the time of his death against an heir, legatee, or devisee, and not forgiven or otherwise specifically disposed of in the will, or if any judgment recovered by the representative against an heir, legatee, or devisee has not been paid during administration, the amount thereof shall be considered a part of the estate for purposes of distribution and taken by such heir, legatee, or devisee as a part of his share of the personalty.

If such amount exceeds such beneficiary's share of the personalty, the real property assigned to him shall be subjected in the decree to a lien in favor of the other heirs or beneficiaries in accordance with their respective shares.

If such demand or judgment became unenforceable prior to decedent's death, no interest after it became unenforceable shall be included and the total amount charged against such heirs, legatee, or devisee shall in no event exceed the value of his share of the estate. In the event of an escheat of part of the estate no such lien shall be imposed upon any other part of the estate in favor of the state of Minnesota.

Any beneficiary hereunder shall not be required to pay any inheritance tax and no inheritance tax shall be payable as to him on that part of the estate created by the set-off hereinbefore provided and inherited by the beneficiary, which the beneficiary would not otherwise have been required by law to pay because the demand so set off was unenforceable as to the beneficiary because of lapse of time or a discharge in bankruptcy.

Upon its own motion or upon the request of any party, without the determination or payment of inheritance taxes, the court may enter into an interlocutory decree, determining the persons entitled to the estate, naming the heirs and distributees, stating their relationship to the decedent, describing the property and stating the proportion or part thereof to which each is entitled. Such interlocutory decree shall be final as to the persons entitled to distribution, and as to the part or portion of the estate each is entitled to receive, but it shall not have the effect of assigning the estate to such persons.

[1973 c 466 s 1]

525.482 Partial distribution

A partial distribution of an estate may be made before final settlement in the manner and upon the notice provided for final distribution. No decree of partial distribution shall be entered until after the determination and payment of inheritance taxes sufficient to cover the property thereby distributed. Such decree shall be final as to the persons entitled to such distribution and as to their proportions, and except where such decree includes only specific bequests or devises, as to the persons entitled to, and their proportions of the

whole estate. No distribution shall be made until after the expiration of the time limited for the filing of claims, nor until a bond satisfactory to the court has been filed to secure the payment of unpaid claims and bequests, and the unpaid expenses of the administration, funeral, and last illness, and taxes. To facilitate the closing of an estate, one or more decrees of partial distribution also may be issued in any proceeding on hearing on final account and petition for distribution under section 525.481 without additional hearings for each distribution unless otherwise ordered.

[1973 c 411 s 1]

525.485 Partition of property

When upon the hearing of any petition for the distribution of any property in any estate of any decedent, it appears to the court that two or more distributees are entitled to the distribution of undivided interests in such property, the court, upon petition of the representative of said estate, may issue its decree dividing such property, designating particular assets to each distributee, and allocating and distributing like or unlike property, or shares thereof, in accordance with their respective rights to share in said estate; provided that each such distributee has filed his written consent thereto. If no such consent is given, the court may nevertheless make such decree dividing such property but then only upon a separate hearing held for such purpose on 14 days mailed notice to all interested heirs or next of kin. Upon the hearing, the court shall partition the property in the same manner as provided for in civil actions in partition.

[1973 c 606 s 1]

525.501 Removal of representative

When a representative becomes insane or otherwise mentally incompetent, or unsuitable, incompetent, or incapable of discharging his trust, or has mismanaged the estate, or has failed to perform any duty imposed by law or by any lawful order of the court, or has absconded, or has ceased to be a resident of this state, the court may remove him. The court on its own motion may, and on the petition of any person interested in the estate shall, order the representative to appear and show cause why he should not be removed. Service of such order may be made either upon the representative or his sureties, personally or by mailing a copy to him or any of them at the address given in the file, or in such other manner as the court may direct.

If after hearing and notice as herein provided to the representative and surety, there is determined to be mismanagement, a shortage of funds, or other misconduct for which the representative or surety is liable, the court shall settle the account and enter judgment against either or both the representative and his surety which may be filed and docketed like any other judgment in the district court and enforced in the same manner. This remedy shall be in addition to the action on the bond provided for in section 525.322.

[1973 c 402 s 1]

525.51 Summary proceedings

[For text of subds. 1 to 4, see M.S.1971]

Subd. 5. In any summary, special, or general administration wherein it appears that the estate will not be exhausted in payment of the priority items enumerated in the foregoing subdivisions, the estate may nevertheless be summarily closed without further notice, and the property assigned to the proper persons, if the gross probate estate, exclusive of any exempt homestead as defined in section 525.145, does not exceed the value of \$30,000. Where such closing and distribution of assets is made pursuant to the terms of a will, no decree shall issue until a hearing has been held on the admission of the will to probate as provided in section 525.24.

No summary closing of an estate shall be made to any distributee under this subdivision, unless a showing is made by the representative or the peti-

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tioner, that all funeral expenses, expenses of last illness, taxes, debts, and claims have been paid, and provided, further, that a bond shall be filed by the representative or the petitioner, conditioned upon the fact that all such obligations have been paid and that all the facts shown on the petition are true, with sufficient surety approved by the court in an amount as may be fixed by the court to cover potential improper distributions. If a representative is appointed, his representative's bond shall be sufficient for such purpose unless an additional bond is ordered, and the sureties on his bond shall have the same obligations and liabilities as provided for sureties on a distribution bond.

In the event that an improper distribution or disbursement is made in a summary closing, in that not all of said obligations have been paid or that other facts as shown by the representative or the petitioner, are not true, resulting in damage to any party, the court may vacate its summary decree or closing order, and the petitioner or the representative, together with his surety, shall be liable for damages to any party determined to be injured thereby as herein provided. The representative, petitioner, or his surety, may seek reimbursement for damages so paid or incurred from any distributee or recipient of assets under summary decree or order, who shall be required to make a contribution to cover such damages upon a pro rata basis or as may be equitable to the extent of assets so received. The probate court is hereby granted complete and plenary jurisdiction of any and all such proceedings and may enter such orders and judgments as may be required to effectuate the purposes of this subdivision.

Any judgment rendered for damages or the recovery of assets in such proceedings shall be upon petition and only after hearing held thereon on 14 days' notice of hearing and a copy of petition served personally upon the representative and the surety and upon any distributee or recipient of assets where applicable. Any action for the recovery of moneys or damages under this subdivision shall be subject to the time and other limitations imposed by section 525.02.

[1973 c 306 s 1; 1973 c 644 s 1]

GUARDIANSHIPS AND CONSERVATORSHIPS**525.54 Persons subject to guardianship and conservatorship**

Subdivision 1. Persons subject to guardianship. The court may appoint one or two persons suitable and competent to discharge the trust as guardians of the person or estate or of both of any person who is a minor, who because of old age, or imperfection or deterioration of mentality is incompetent to manage his person or estate, who because of excessive intoxication, gambling, idleness, or debauchery, so spends or wastes his estate or injures his person as to be likely to expose himself or his family to want or suffering, or who, though not otherwise incompetent to manage his person or estate, requests the court to appoint such a guardian, provided such person is a resident of the county or being a nonresident of this state has property in the county. No guardian of the person of any minor shall be appointed while proceedings for his care and custody are pending in any juvenile court of this state. Nothing herein contained shall diminish the power of any court to appoint a guardian to serve or protect the interest of any minor or other person under disability in any proceedings therein, nor abridge the rights of the father and mother, if suitable and competent, as the natural guardians of their minor children.

Subd. 2. Persons subject to conservatorship. The court may appoint one or two persons suitable and competent to discharge the trust as conservators of the person or estate or of both of any person who is a minor, or who because of old age or other cause is unable properly to care for himself or for his property, or who because of old age or other cause is likely to be deceived or imposed upon by artful or designing persons, or who, for these causes or

other cause requests the court to appoint such a conservator and establishes to the satisfaction of the court the need thereof, provided such person is a resident of the county or being a non-resident of this state has property in the county. No conservator of the person of any minor shall be appointed while proceedings for his care and custody are pending in any juvenile court of this state.

[1973 c 618 s 1]

525.541 Petitioners

Any person may petition for the appointment of a guardian or guardians or conservator or conservators for any person believed to be subject to guardianship or conservatorship, provided that the petition of a person over the age of 14 years for the appointment of a guardian or guardians or conservator or conservators of his own person or estate, and the petition of any person nominated by the will of a deceased parent with the written consent of the other parent if living and not under disability, for the appointment of a guardian or conservator or guardians or conservators for their minor child shall have priority over the petition of any other person. When any minor under guardianship or conservatorship attains the age of 14 years, he may petition for the appointment of a guardian or conservator or guardians or conservators nominated by him in lieu of the guardians or conservators theretofore appointed.

[1973 c 618 s 2]

525.542 Contents of petition

The petition shall show (1) the name and address of the person for whom a guardian or conservator, is sought, (2) the date and place of his birth, (3) if he be a minor, the names and addresses of his parents, or if the parents be dead or have abandoned the minor, the names and addresses of his custodians and of any person named as testamentary guardians or conservators in the will of a decedent, (4) if he be not a minor, the names and addresses of his nearest kindred, (5) if he be married, the name and address of his spouse, (6) the reasons for the guardianship or conservatorship, (7) the probable value and general character of his real and personal property and the probable amount of his debts, (8) the names, ages, addresses, and occupations of the proposed guardians or conservators.

[1973 c 618 s 3]

525.543 Lis pendens

After the filing of the petition, a certificate of the probate court certified to that fact may be filed for record in the office of the register of deeds of any county in which any real estate owned by the ward or conservatee is situated and if a resident of this state, in the county of his residence. Such certificate shall state that such a petition is pending and the name and address of the person for whom a guardian or conservator is sought. If a guardian or conservator be appointed on such petition, all contracts except for necessities, and all transfers of real or personal property made by the ward after such filing and before the termination of the guardianship or conservatorship shall be void.

[1973 c 618 s 4]

525.544 Planning provisions

In the petition or in a written instrument executed before or after the petition is filed, the person may, if at the time of signing the same, he has sufficient capacity to form an intelligent preference, nominate a conservator or guardian or give instructions to the conservator or guardian or he may do both. The written instrument shall be executed and attested in the same manner as a will. The court shall appoint the person so nominated as conservator or guardian and shall charge him with the instructions, unless the

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court finds that the appointment of the nominee or the instructions or both are not in the best interests of the person to be placed under conservatorship or guardianship. When any person lacks capacity or fails to nominate a conservator or guardian, the court may appoint any qualified person. If proposed ward or conservatee lacks capacity or fails to give instructions, the court may give such powers as required.

[1973 c 618 s 5]

525.55 Notice of hearing

If the petition be made by the person for whom a guardian or conservator is sought, or by a parent, custodian, or testamentary guardian or conservator of a minor under the age of 14 years, the court may hear the same with or without notice. In all other cases, upon the filing of the petition the court shall fix the time and place for the hearing thereof. At least 14 days prior to such time, personal service shall be made upon the ward or conservatee. If he have a spouse, custodian, or if there be a testamentary guardian or conservator named in the will of a decedent, notice shall be given to such persons and to such of the nearest kindred and in such manner as the court may direct. If he be a patient of any hospital or asylum, notice by mail shall be given to the superintendent thereof. If he be a non-resident or if after diligent search he cannot be found in this state, notice shall be given in such manner and to such persons as the court may determine.

[1973 c 618 s 6]

525.551 Hearing; appointment; bond; notice

Upon proof of the petition, the court shall appoint one or two persons suitable and competent to discharge the trust as general guardians or conservators of the person or estate or of both. Upon the filing of a bond in such amount as the court may direct and an oath according to law, or upon the filing of an acceptance of the trust pursuant to section 48.79, letters of guardianship or conservatorship shall issue. If there be no personal property, the court may waive the filing of a bond, but if the guardian or conservator receives or becomes entitled to any such property he shall immediately file a report thereof and a bond in such amount as the court may direct. If the ward or conservatee be a patient of a state hospital for the mentally ill, or committed to the guardianship or conservatorship of the commissioner of public welfare as mentally retarded, epileptic, dependent and neglected or is under the temporary custody of the commissioner of public welfare, the court shall notify the commissioner of public welfare of the appointment of a guardian or conservator or successor guardian or conservator of the estate of such ward or conservatee.

[1973 c 618 s 7]

525.552 Reduction of bond

Any conservator or guardian may deposit money belonging to the conservatee or ward, in a bank or trust company or in a savings and loan association and make the money subject to withdrawal only upon order of the court. Upon such deposit, the court may reduce or waive bond.

[1973 c 618 s 8]

525.56 Guardian's or conservator's duties

Subdivision 1. A guardian or conservator shall be subject to the control and direction of the court at all times and in all things.

Subd. 2. A general guardian or conservator of the person shall have charge of the person of the ward or conservatee.

Subd. 3. A general guardian or conservator of the estate shall

(1) Pay the reasonable charges for the support, maintenance, and education of the ward or conservatee in a manner suitable to his station in life and the

value of his estate; but nothing herein contained shall release parents from obligations imposed by law for the support, maintenance, and education of their children;

(2) Pay all just and lawful debts of the ward or conservatee and the reasonable charges incurred for the support, maintenance, and education of his wife and children and, upon order of the court, pay such sum as the court may fix as reasonable for the support of any person unable to earn a livelihood who is or may become legally entitled to support from the ward or conservatee;

(3) Possess and manage the estate, collect all debts and claims in favor of the ward or conservatee, or, with the approval of the court, compromise the same, institute suit on behalf of the ward or conservatee and represent the ward or conservatee in any court proceedings, and invest all funds not currently needed for the debts and charges named in clauses (1) and (2) and the management of the estate, in accordance with the provisions of sections 48.84, 501.125, subdivision 1 and section 51.29, subdivision 2. Where a bank or trust company is a guardian or conservator, with or without coguardians or coconservators, it may invest in such securities without approval of the probate court, but the investments of other guardians or conservators in such securities shall be subject to the approval of the probate court except as otherwise specifically provided by law. A guardian or conservator shall also have the power to purchase certain contracts of insurance as provided in section 50.14, subdivision 14(b);

(4) Where a ward or conservatee has inherited an undivided interest in real estate, the court, on a showing that it is for the best interest of the ward or conservatee, may authorize an exchange or sale of the ward's or conservatee's interest or a purchase by the ward or conservatee of any interest other heirs may have in the real estate.

[1973 c 618 s 9]

525.57 Transfer of venue

When it is for the best interest of the ward or conservatee or his estate the venue may be transferred to another county. Upon the filing of a petition by any person interested in the ward or conservatee or in his estate the court shall fix the time and place for the hearing thereof, notice of which shall be given to such persons and in such manner as the court may direct. Upon proof that a transfer of venue is for the best interest of the ward or conservatee or his estate, and upon the settlement and allowance of the guardian's or conservator's accounts to the time of such hearing, the court shall transmit the entire file to the court of such other county in which all subsequent proceedings shall be had.

[1973 c 618 s 10]

525.58 Filing of accounts

Except where expressly waived by the court, every guardian or conservator annually shall file a verified account covering the period from the date of appointment or his last account. At the termination of the guardianship or conservatorship, or upon the guardian's or conservator's removal or resignation, he or his surety, or in the event of his death or disability, his representative or surety shall file a verified final account with a petition for the settlement and allowance thereof. Every account shall show in detail all property received and disbursed, the property on hand, the present address of the ward or conservatee and of the guardian or conservator, and unless the guardian or conservator be a corporation, the amount of the bond, the names and addresses of all sureties thereon, that each unincorporated surety is a resident of this state, is not under disability, and is worth the amount in which he justified.

[1973 c 618 s 11]

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525.581 Notice of hearing on account

The court on its own motion may, or upon the petition of the guardian or conservator or any person interested in the ward or conservatee or his estate shall, fix the time and place for the hearing on any account, notice of which shall be given in such manner and to such persons as the court may direct. Wherever any funds have been received from the veterans' administration, notice by mail shall be given to the regional office having charge thereof.

[1973 c 618 s 12]

525.582 Adjudication on account

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.

[1973 c 618 s 13]

525.583 Allowance and wages of conservatee; limited accountability of conservator

The court, upon petition of the conservator, may authorize the conservator to pay to the conservatee out of the conservatorship estate a reasonable allowance for the personal use of the conservatee in such amount as the court may determine to be for the best interests of the conservatee. Unless otherwise ordered by the court, if the conservatee shall at any time during the continuance of the conservatorship be employed, his wages or salary for employment shall not be a part of the conservatorship estate and the wages and salaries shall be paid to the conservatee and shall be subject to his control to the same extent as if the conservatorship did not exist. The conservator shall not be accountable for such allowances or wages and salary.

[1973 c 618 s 14]

525.59 Succeeding guardian or conservator

If a guardian or conservator dies, resigns, or is removed, the court with or without notice may appoint a successor.

[1973 c 618 s 15]

525.591 Special guardian or conservator

Upon a showing of necessity or expediency, the court with or without notice may appoint a special guardian or conservator of the person or estate or both of any person designated in section 525.54, whether a petition for general guardianship or conservatorship has been filed or not. There shall be no appeal from any order appointing or refusing to appoint a special guardian or conservator. A special guardian or conservator of the person shall have charge of the person of the ward or conservatee. A special guardian or conservator of the estate shall collect the assets and conserve the estate, unless his powers are limited by the court in the order of appointment and in the letters to the performance of specified acts. Upon a showing of necessity or expediency, the court with or without notice may expressly confer upon a special guardian or conservator power to perform any or all acts in the administration of the guardianship or conservatorship, not exceeding the powers conferred by law upon general guardians or conservators.

Within 14 days after appointment, a special guardian or conservator of the estate shall file an inventory and appraisal of the personal property according to the requirements of sections 525.33 and 525.331. Upon the granting of letters of general guardianship or conservatorship, the power of a special guardian or conservator shall cease, and he shall proceed forthwith to a final accounting. When a special guardian or conservator has been appointed to protect the ward's or conservatee's interest in any matter wherein the interest of the general guardian or conservator appears to conflict with that of the ward or conservatee, or to protect the ward's or conservatee's interest upon suspension of an order of removal of a general guardian or conservator by appeal, the power of such special guardian or conservator shall not cease until terminated by the court.

[1973 c 618 s 16]

525.60 Termination; conveyances

Subdivision 1. A guardianship or conservatorship of a minor shall terminate upon his death or upon his attainment of legal age. The marriage of a female ward or conservatee under guardianship or conservatorship as a minor only and not under a juvenile court guardianship or conservatorship shall terminate the guardianship or conservatorship of her person but not of her estate. The guardianship or conservatorship of a ward or conservatee other than a minor shall terminate upon his death or upon his restoration to capacity. When there is no further need for any guardianship or conservatorship, the court may terminate the same upon such notice as it may direct.

Subd. 2. The guardianship or conservatorship of a married ward or conservatee as a minor only shall not affect the capacity of such ward or conservatee to join in conveyances affecting any real estate owned by his or her spouse.

[1973 c 618 s 17]

525.61 Restoration to capacity

Any person who is under guardianship or conservatorship (except as a minor, or as a feeble-minded or epileptic person, or a person under guardianship or conservatorship in the juvenile court), or his guardian or conservator, or any other person interested in him or his estate may petition the court in which he was so adjudicated to be restored to capacity. Upon the filing of such petition, the court shall fix the time and place for the hearing thereof, notice of which shall be given to the commissioner of public welfare if he was under the control of the commissioner and has not been discharged by the commissioner, and to such other persons and in such manner as the court may direct.

Any person may oppose such restoration. Upon proof that such person is of sound mind and capable of managing his person and estate, and that he is not likely to expose himself or his family to want or suffering, the court shall adjudge him restored to capacity. In any proceedings for restoration, the court may appoint two duly licensed doctors of medicine to assist in the determination of the mental capacity of the patient. The court shall allow and order paid to each doctor a reasonable sum for his services. Upon such order, the county auditor shall issue a warrant on the county treasurer for the payment thereof.

[1973 c 618 s 18]

525.611 Discharge of commissioner of public welfare as guardian or conservator

When it appears to the commissioner of public welfare that a person committed to his guardianship or conservatorship as a mentally deficient or epileptic person is no longer in need of guardianship or conservatorship or supervision for his own or the public welfare, or when the commissioner can no longer exercise his guardianship or conservatorship and supervision because

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the mentally deficient or epileptic person no longer lives in the state, or his whereabouts are unknown and cannot be ascertained, the commissioner may petition the court of commitment, or the court to which the venue has been transferred, for his discharge as such guardian or conservator, stating facts in support of his petition.

[1973 c 618 s 19]

525.612 Petition; hearing

Upon the filing of such petition, the court shall fix the time and place for the hearing thereof, notice of which shall be given as the court may direct. Upon proof of the petition the court shall make an order discharging the commissioner of public welfare as the guardian or conservator of such person.

[1973 c 618 s 20]

525.613 Effect of appointment of conservator

Those adjudged in need of a conservator shall have powers or capacity as the court will grant in the letters of conservatorship. If no powers or capacity is delimited in the letters of conservatorship, the conservatee shall have no capacity to do any of the following acts:

(a) To contract for any goods or services except necessities;

(b) To sell, mortgage, or encumber any real estate or personal property except that he may pay for necessities as provided for in clause (a) above out of personalty.

The appointment of a conservator shall not deprive the conservatee of the right to vote or to marry if otherwise competent.

Any sale, transfer, or encumbrance of personal or real property by the conservatee contrary to this chapter or any order of the probate court, after appointment of a conservator, shall be invalid unless the same is subsequently affirmed by the court as being in the best interests of the conservatee.

[1973 c 618 s 21]

525.614 Terminology

Wherever in this chapter the term "guardian" is used, it shall include "conservator", and the term "ward" shall include "conservatee" unless another intention clearly appears from the context.

[1973 c 618 s 22]

REALTY; SALES, LEASES, MORTGAGES

525.64 Petition, notice, hearing

A representative may file a petition to sell, mortgage, or lease alleging briefly the facts constituting the reasons for the application and describing the real estate involved therein. The petition may include all the real estate of the decedent or ward or any part or parts thereof. It may apply for different authority as to separate parcels. It may apply in the alternative for authority to sell, mortgage, or lease. Upon the filing of such petition, the court shall fix the time and place for the hearing thereof. Notice of the hearing shall state briefly the nature of the application made by the petition and shall be given pursuant to section 525.83 except that no publication is required unless otherwise ordered. Upon the hearing, the court shall have full power to direct the sale, mortgage, or lease of all the real estate described in the petition, or to direct the sale, mortgage, or lease of any one or more parcels thereof, provided that any such direction shall be within the terms of the application made by the petition. In any solvent estate, the court may grant the application without hearing where the court determines that all interested distributees have consented in writing thereto.

[1973 c 405 s 1]

UNIFORM GIFTS TO MINORS ACT 527.01

GENERAL PROVISIONS

525.80 Representative and minor

As used in this chapter, the word "representative," unless the context otherwise indicates, includes executors, general administrators, special administrators, administrators with the will annexed, administrators de bonis non, general guardians, and special guardians. Commencing with June 1, 1973, the word "minor" means a person under the age of 18 years.

[1973 c 725 s 76]

525.83 Notice

When notice of hearing is required by any provision of this chapter by reference to this section, such notice shall be given once a week for three consecutive weeks in a legal newspaper designated by the petitioner in the county wherein the proceedings are pending; or, if no such designation be made, in any legal newspaper in such county; or, if the city or village of the decedent's residence is situated in more than one county, in any legal newspaper in such city or village. The first publication shall be had within two weeks after the date of the order fixing the time and place for the hearing.

At least 14 days prior to the date fixed for hearing the petitioner, his attorney or agent, shall in guardianship mail a copy of the notice to such persons as the court may direct and in estates shall mail a copy of the notice to each heir, devisee, and legatee whose name and address are known to him and, if the decedent left heirs, devisees, or legatees in any foreign country, to the consul or representative referred to in section 525.28, or, if there be none, to the chief diplomatic representative of such country at Washington, D.C., or to the secretary of state at St. Paul, Minnesota, who shall forward the same to such representative.

If the decedent was born in any foreign country, 14 days prior to the date fixed for hearing notice of the initial probate hearing respecting his estate shall be mailed to the consul or representative referred to in section 525.28 or, if there be none, to the chief diplomatic representative of such country at Washington, D.C. or to the secretary of state at St. Paul, Minnesota, who shall forward the same to such representative.

Proof of such publication and mailing shall be filed before the hearing. No defect in any notice nor in the publication or service thereof shall invalidate any proceedings.

[1973 c 404 s 1]

CHAPTER 527. UNIFORM GIFTS TO MINORS ACT

Sec.

- 527.01 Definitions.
- 527.04 Custodian, duties and powers.
- 527.07 Successor custodians.

527.01 Definitions

[For text of subd. 1, see M.S.1971]

Subd. 2. An "adult" is a person who has attained the age of 18 years.

[1973 c 725 s 77]

[For text of subds. 3 to 13, see M.S.1971]

Subd. 14. A "minor" is a person who has not attained the age of 18 years.

[1973 c 725 s 78]

[For text of subds. 15 to 17, see M.S.1971]