

MINNESOTA STATUTES 1977 SUPPLEMENT

518A.21 UNIFORM CHILD CUSTODY JURISDICTION ACT

priate request of the court of another state the court shall forward to the other court certified copies of any or all of those documents.

[1977 c 8 s 21]

518A.22 Request for court records of another state.

If a custody decree has been rendered in another state concerning a child involved in a custody proceeding pending in a court of this state, the court of this state upon taking jurisdiction of the case shall request of the court of the other state a certified copy of the transcript of any court record and other pertinent documents which have been preserved by the court of the other state.

[1977 c 8 s 22]

518A.23 International application.

The general policies of sections 518A.01 to 518A.25 extend to international proceedings. The provisions of sections 518A.01 to 518A.25 relating to the recognition and enforcement of custody decrees of other states apply to custody decrees and decrees involving legal institutions similar in nature to custody institutions rendered by appropriate authorities of other nations if reasonable notice and opportunity to be heard were given to all affected persons.

[1977 c 8 s 23]

518A.24 Priority.

Upon the request of a party to a custody proceeding which raises a question of existence or exercise of jurisdiction under sections 518A.01 to 518A.25 the case shall be given calendar priority and handled expeditiously.

[1977 c 8 s 24]

518A.25 Citation.

Sections 518A.01 to 518A.25 may be cited as the Uniform Child Custody Jurisdiction Act.

[1977 c 8 s 25]

CHAPTER 524. UNIFORM PROBATE CODE

Sec.		Sec.	
524.1-304	Practice in court. [New]	524.3-606	Terms and conditions of bonds.
524.1-307	Registrar; powers.	524.3-613	Successor personal representative.
524.3-105	Proceedings affecting devolution and administration; jurisdiction of subject matter.	524.3-714	Persons dealing with personal representative; protection.
524.3-108	Probate, testacy and appointment proceedings; ultimate time limit.	524.3-1201	Collection of personal property by affidavit.

524.1-304 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.

[1977 c 157 s 1]

524.1-307 Registrar; powers.

The acts and orders which chapter 524 specifies as performable by the registrar shall be performed by a judge of the court or by a person, including the clerk, designated by the court by a written order filed and recorded in the office of the court.

In addition to acts specified in this chapter to be performed by the registrar, the registrar may take acknowledgements, administer oaths, fix and approve bonds, provide information on the various methods of transferring property of decedents under the laws of this state, issue letters in informal proceedings and perform such other acts as the court may by written order authorize as necessary or incidental to the conduct of informal proceedings. Letters, orders and documents issued by the

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registrar may be certified, authenticated or exemplified by the registrar or in the same manner as those issued by the court. All files shall be maintained by the clerk of court. The probate registrar shall not render advice calling for the exercise of such professional judgment as constitutes the practice of law.

[1977 c 440 s 2]

NOTE: This section as amended by Laws 1977, Chapter 440, Section 2 is effective for informal proceedings commenced after January 1, 1976.

524.3-105 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 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.

[1977 c 154 s 1]

524.3-108 Probate, testacy and appointment proceedings; ultimate time limit.

No informal probate or appointment proceeding or formal testacy or appointment proceeding, other than a proceeding to probate a will previously probated at the testator's domicile and appointment proceedings relating to an estate in which there has been a prior appointment, may be commenced more than three years after the decedent's death, except (1) if a previous proceeding was dismissed because of doubt about the fact of the decedent's death, appropriate probate, appointment or testacy proceedings may be maintained at any time thereafter upon a finding that the decedent's death occurred prior to the initiation of the previous proceeding and the applicant or petitioner has not delayed unduly in initiating the subsequent proceeding; (2) appropriate probate, appointment or testacy proceedings may be maintained in relation to the estate of an absentee, or disappeared or missing person, at any time within three years after the death of the absentee or disappeared or missing person is established; and (3) a proceeding to contest an informally probated will and to secure appointment of the person with legal priority for appointment in the event the contest is successful, may be commenced within the later of twelve months from the informal probate or three years from the decedent's death. These limitations do not apply to proceedings to construe probated wills, determine heirs of an intestate, or proceedings to determine descent. In cases under (1) or (2) above, the date on which a testacy or appointment proceeding is properly commenced shall be deemed to be the date of the decedent's death for purposes of other limitations provisions of this chapter which relate to the date of death. Nothing herein contained prohibits the formal appointment of a special administrator at any time for the purposes of reducing assets to possession, administering the same under direction of the court, or making distribution of any residue to the heirs or distributees determined to be entitled thereto pursuant to a descent proceeding under section 525.31 or an exempt summary proceeding under section 525.51, even though the three year period above referred to has expired.

[1977 c 440 s 3]

NOTE: This section as amended by Laws 1977, Chapter 440, Section 3 is effective for informal proceedings commenced after January 1, 1976.

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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.

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.

[1977 c 154 s 2]

524.3-613 Successor personal representative.

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.

[1977 c 155 s 1]

524.3-714 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 ex-

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ercised 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.

[1977 c 156 s 1]

524.3-1201 Collection of personal property by affidavit.

(a) Thirty days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock or chose in action to a person claiming to be the successor of the decedent upon being presented a certified death certificate of the decedent and an affidavit made by or on behalf of the successor stating that:

- (1) the value of the entire probate estate, wherever located, less liens and encumbrances, does not exceed \$5,000;
- (2) 30 days have elapsed since the death of the decedent;
- (3) no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction; and
- (4) the claiming successor is entitled to payment or delivery of the property.

(b) A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit as provided in subsection (a).

[1977 c 159 s 1]

CHAPTER 525. PROBATE PROCEEDINGS

Sec.	Sec.
525.013 Jury trials.	525.312 Decree of descent.
525.04 Judge; election, qualifications, bond.	525.582 Adjudication on account.
525.081 Practice of law; appraisals.	

525.013 Jury trials.

[For text of subd 1, see M.S.1976]

Subd. 2. [Repealed, 1977 c 201 s 2]

Subd. 2a. Petit jurors for the trial of all types of action shall be selected in the same manner as petit jurors are selected in district court.

Subd. 3. [Repealed, 1977 c 201 s 2]

[For text of subds 4 to 8, see M.S.1976]

[1977 c 201 s 1]