

MINNESOTA STATUTES 1977 SUPPLEMENT

PROBATE PROCEEDINGS 525.013

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

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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]

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525.04 PROBATE PROCEEDINGS

525.04 Judge; election, qualifications, bond.

There shall be elected in Hennepin county and Ramsey county probate judges who shall be learned in the law. Before a judge 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. The bond with his oath shall be recorded in the office of the county recorder. The premiums on the bond and the expenses of the recording and filing shall be paid by the county. An action may be maintained on the bond by any person aggrieved by the violation of the conditions thereof.

[1977 c 432 s 43]

525.081 Practice of law; appraisals.

Subdivision 1. [Repealed, 1977 c 432 s 49]

Subd. 2. [Repealed, 1977 c 432 s 49]

Subd. 3. [Repealed, 1977 c 432 s 49]

Subd. 4. [Repealed, 1977 c 432 s 49]

Subd. 5. [Repealed, 1977 c 432 s 49]

Subd. 6. [Repealed, 1977 c 432 s 49]

Subd. 7. No judge of the probate court shall practice as an attorney or counselor at law, nor shall he be a partner of any practicing attorney in the business of his profession, nor shall he serve as an appraiser in any estate proceeding.

Subd. 8. [Repealed, 1977 c 432 s 49]

Subd. 9. [Repealed, 1977 c 432 s 49]

[1977 c 432 s 44]

525.312 Decree of descent.

Upon the filing of such petition, the court shall fix the time and place for the hearing thereof, notice of which shall be given pursuant to section 524.1-401. Notice of the hearing, in the form prescribed by court rule, shall also be given under direction of the clerk of court by publication once a week for two consecutive weeks in a legal newspaper in the county where the hearing is to be held, the last publication of which is to be at least ten days before the time set for hearing. Upon proof of the petition and of the will if there be one, or upon proof of the petition and of an authenticated copy of a will duly proved and allowed outside of this state in accordance with the laws in force in the place where proved, if there be one, the court shall allow the same and enter its decree of descent assigning the real or personal property, or any interest therein, to the persons entitled thereto pursuant to the will or such authenticated copy, if there be one, otherwise pursuant to the laws of intestate succession in force at the time of the decedent's death. The court may appoint two or more disinterested persons to appraise the property. No decree of descent shall be entered until the inheritance tax, if any, has been determined and paid.

[1977 c 207 s 1]

525.582 Adjudication on account.

(a) 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.

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(b) If, after hearing on notice as the court may require to the guardian, conservator and any surety, there is determined to be mismanagement, a shortage of funds, or other misconduct for which the guardian, conservator or a surety is liable, the court shall settle the account and enter judgment against the guardian, conservator or any 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 available for breach of any condition of the bond.

(c) The resignation of a guardian or conservator shall not take effect until the court examines and allows his final account and makes an order accepting his resignation.

(d) If a guardian or conservator becomes unsuitable, incapacitated or disabled, or violates his trust or fails to perform any duty imposed on him by law or the lawful order of the court, the court upon petition or the courts' own motion may remove him after notice.

[1977 c 153 s 1]

CHAPTER 526. PROBATE GENERAL PROVISIONS

Sec.
526.18 Repealed.

526.18 [Repealed, 1977 c 35 s 21]

CHAPTER 530. JUSTICE COURTS

Sec.		Sec.	
530.01	Repealed.	530.08	Repealed.
530.02	Repealed.	530.09	Repealed.
530.03	Repealed.	530.10	Repealed.
530.04	Repealed.	530.11	Repealed.
530.05	Repealed.	530.12	Repealed.
530.06	Repealed.	530.16	Repealed.
530.07	Repealed.	530.17	Repealed.

530.01 [Repealed, 1977 c 432 s 49]

530.02 [Repealed, 1977 c 432 s 49]

530.03 [Repealed, 1977 c 432 s 49]

530.04 [Repealed, 1977 c 432 s 49]

530.05 [Repealed, 1977 c 432 s 49]

530.06 [Repealed, 1977 c 432 s 49]

530.07 [Repealed, 1977 c 432 s 49]

530.08 [Repealed, 1977 c 432 s 49]

530.09 [Repealed, 1977 c 432 s 49]

530.10 [Repealed, 1977 c 432 s 49]

530.11 [Repealed, 1977 c 432 s 49]

530.12 [Repealed, 1977 c 432 s 49]

530.16 [Repealed, 1977 c 432 s 49]

530.17 [Repealed, 1977 c 432 s 49]