

CHAPTER 525

PROBATE PROCEEDINGS

525.152 Award of property with sentimental value to children.

525.152 AWARD OF PROPERTY WITH SENTIMENTAL VALUE TO CHILDREN.

Subdivision 1. **Definitions.** (a) "Eligible child" means a child of the decedent who:

- (1) is not the child of the surviving spouse, if any;
- (2) if there is no surviving spouse, is not a minor, and has a different parent than minor children of the decedent; and
- (3) if the decedent dies testate, is a devisee under the decedent's will.

(b) "Sentimental value" means significant emotional or nostalgic value arising out of the relationship of an individual with the decedent or arising out of the relationship of the eligible child with the individual who is the nondecedent parent of the eligible child.

Subd. 2. **Ineligible property.** The following property is not eligible for an award under this section:

- (1) real property;
- (2) personal property that is the subject of a specific devise under the decedent's will where the will was executed before August 1, 1989, and where the devise specifically identifies the particular item of property, unless the property is selected under section 524.2-403;
- (3) personal property that is the subject of a specific devise under a separate writing under section 524.2-513, unless the property is selected under section 524.2-403; and
- (4) personal property disposed of by a premarital agreement.

Subd. 3. **Notice to eligible children; petition.** At the time of an allowance selection under section 524.2-403, the person making the selection shall serve personally or by mail a written itemized notice of the property selected to every eligible child of the decedent. This requirement does not apply if an award of property with sentimental value already has been made under this section. Within 30 days of receipt of the notice of selection, an eligible child may petition the court to award property with sentimental value contained in the notice, or other property with sentimental value that belonged to the decedent, to the eligible child.

[For text of subs 4 and 5, see M.S.1996]

History: 1997 c 7 art 1 s 166-168