CHAPTER 519A

UNIFORM DISPOSITION OF COMMUNITY PROPERTY RIGHTS AT DEATH ACT

519A.01	APPLICATION.	519A.06	PURCHASER FOR VALUE OR LENDER.
519A.02	REBUTTABLE PRESUMPTIONS.	519A.07	CREDITOR'S RIGHTS.
519A.03	DISPOSITION UPON DEATH.	519A.08	ACTS OF MARRIED PERSONS.
519A.04	PERFECTION OF TITLE OF SURVIVING SPOUSE.	519A.09	LIMITATIONS ON TESTAMENTARY DISPOSITION.
519A.05	PERFECTION OF TITLE OF PERSONAL REPRESENTATIVE, TRUSTEE, HEIR OR DEVISEE, OR TESTAMENTARY BENEFICIARY.	519A.10	UNIFORMITY OF APPLICATION AND CONSTRUCTION.
		519A.11	SHORT TITLE.

519A.01 APPLICATION.

This chapter applies to the disposition at death of the following property acquired by a married person:

(1) all personal property, wherever situated:

(i) which was acquired as or became, and remained, community property under the laws of another jurisdiction; or

(ii) all or the proportionate part of that property acquired with the rents, issues, or income of, or the proceeds from, or in exchange for, or traceable to, that community property; and

(2) all or the proportionate part of any real property situated in Minnesota which was acquired with the rents, issues, or income of, the proceeds from, or in exchange for, property acquired as or which became, and remained, community property under the laws of another jurisdiction, or property traceable to that community property.

History: *2013 c 24 s 1*

519A.02 REBUTTABLE PRESUMPTIONS.

In determining whether this chapter applies to specific property, the following rebuttable presumptions apply:

(1) property acquired during marriage by a spouse of that marriage while domiciled in a jurisdiction under whose laws property could then be acquired as community property is presumed to have been acquired as or to have become, and remained, property to which this chapter applies; and

(2) real property situated in Minnesota and personal property wherever situated acquired by a married person while domiciled in a jurisdiction under whose laws property could not then be acquired as community property, title to which was taken in a form which created rights of survivorship, are presumed to be property to which this chapter does not apply.

History: *2013 c 24 s 2*

519A.03 DISPOSITION UPON DEATH.

Upon the death of a married person, one-half of the property to which this chapter applies is the property of the surviving spouse and is not subject to testamentary disposition by the decedent or distribution under the laws of succession of Minnesota. The other one-half of that property is the property of the decedent and

is subject to testamentary disposition or distribution under the laws of succession of Minnesota. With respect to property to which this chapter applies, the one-half of the property which is the property of the decedent is not subject to the surviving spouse's right to elect against the will and is not included in the decedent's net estate which is subject to the elective share of the surviving spouse.

History: *2013 c 24 s 3*

519A.04 PERFECTION OF TITLE OF SURVIVING SPOUSE.

If the title to any property to which this chapter applies was held by the decedent at the time of death or by a trustee of an inter vivos trust created by the decedent or the decedent and the decedent's spouse, title of the surviving spouse may be perfected by an order of the court or by execution of an instrument, with the approval of the court by the personal representative, the trustee, the heirs or devisees of the decedent, or the testamentary beneficiaries. Neither the personal representative, nor the trustee of any trust described in this section, nor the court having jurisdiction over the decedent's estate or trust has a duty to discover or attempt to discover whether property held by the decedent is property to which this chapter applies, unless a written demand is made by the surviving spouse or the spouse's successor in interest as follows:

(1) within four months after the date of the first publication of notice to creditors, if the property was held by the decedent's estate at the time of death;

(2) within 60 days after the decedent's date of death, if the property was held by a trustee of an inter vivos trust at the time of death and no written notice is provided to the surviving spouse or the spouse's successor in interest by the trustee; or

(3) within 20 days after written notice is given by certified or registered mail or personally delivered to the surviving spouse or the spouse's successor in interest, if the property was held by a trustee of an inter vivos trust at the time of death and written notice is provided to the surviving spouse by the trustee.

History: *2013 c 24 s 4*

519A.05 PERFECTION OF TITLE OF PERSONAL REPRESENTATIVE, TRUSTEE, HEIR OR DEVISEE, OR TESTAMENTARY BENEFICIARY.

If the title to any property to which this chapter applies is held by the surviving spouse at the time of the decedent's death or by a trustee of an inter vivos trust created by the decedent or the decedent and the decedent's spouse, the personal representative, the trustee, an heir or devisee of the decedent, or a testamentary beneficiary may institute an action to perfect title to the property. Neither the personal representative nor the trustee of a trust described in this section has a fiduciary duty to discover or attempt to discover whether any property held by the surviving spouse or by a trustee of any trust described in this section is property to which this chapter applies, unless a written demand is made by an heir, devisee, testamentary beneficiary, or creditor of the decedent as follows:

(1) within four months after the date of the first publication of notice to creditors, if the property was held by the surviving spouse at the time of the decedent's death; or

(2) within 60 days after the decedent's date of death, if the property was held by a trustee of an inter vivos trust at the time of death.

History: *2013 c 24 s 5*

519A.06 PURCHASER FOR VALUE OR LENDER.

(a) If a surviving spouse has apparent title to property to which this chapter applies, a purchaser for value or a lender taking a security interest in the property takes the purchaser's or lender's interest in the property free of any rights of the personal representative, trustee, heir, devisee, beneficiary, or distributee of the decedent.

(b) If a personal representative, trustee, heir, devisee, beneficiary, or distributee of the decedent has apparent title to property to which this chapter applies, a purchaser for value or a lender taking a security interest in the property takes an interest in the property free of any rights of the surviving spouse.

(c) A purchaser for value or a lender need not inquire whether a lender or borrower acted properly.

(d) The proceeds of a sale or creation of a security interest must be treated in the same manner as the property transferred to the purchaser for value or a lender.

(e) For purposes of this section, any reference to the term "apparent title" with respect to real property means "record title" to the property.

History: *2013 c 24 s 6*

519A.07 CREDITOR'S RIGHTS.

This chapter does not affect rights of creditors with respect to property to which this chapter applies.

History: *2013 c 24 s 7*

519A.08 ACTS OF MARRIED PERSONS.

This chapter does not prevent married persons from severing or altering their interests in property to which this chapter applies.

History: *2013 c 24 s 8*

519A.09 LIMITATIONS ON TESTAMENTARY DISPOSITION.

This chapter does not authorize a person to dispose of property by will or by trust disposition if the property is held under the limitations imposed by law preventing disposition by that person.

History: *2013 c 24 s 9*

519A.10 UNIFORMITY OF APPLICATION AND CONSTRUCTION.

The chapter shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among those states which enact it.

History: *2013 c 24 s 10*

519A.11 SHORT TITLE.

This chapter may be cited as the "Uniform Disposition of Community Property Rights at Death Act."

History: *2013 c 24 s 11*