

SIMPLIFIED PROBATE OPTIONS IN MINNESOTA

Yesterday, I shared a few basics about possible simplified probate procedures available in Illinois and today we'll look at some simplified probate procedures that may be potentially available for anyone subject to the Minnesota probate system depending on the circumstances.

Simplified Probate in Minnesota

Minnesota has a few options for simplified probate, one of which is the possibility of skipping probate altogether by using an affidavit.

Minnesota has a procedure that allows inheritors to skip probate altogether when the value of all the assets left behind is less than a certain amount by preparing an affidavit attesting to the fact that he or she is entitled to certain assets. The affidavit must be signed under oath, but once done, it may be relied upon (along with a death certificate) by third parties - such as financial institutions; and assets can be transferred to the new owner. This procedure is available in Minnesota if the entire probate estate – meaning all assets minus specified types of property – does not exceed \$20,000. Additionally, there is a 30-day waiting period before any inheritor can actually claim assets. For additional detail, see Minn. Stat. § 524.3-1201.

In addition to the availability of the transfer by affidavit procedure, Minnesota has a simplified probate procedure for small estates. If an executor receives permission from the court to use the simplified procedure then he or she will be able to proceed without continuous court involvement. In order to use the simplified procedure the executor must file a written request with the probate court. The request will typically be granted if the court determines that no property is subject to creditors' claims. If granted, the estate can be closed without further proceedings and assets can be distributed to the new owners. For additional detail see Minn. Stat. Ann. § 524.3-1203.

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