

# House Research Act Summary

**CHAPTER:** 362

**SESSION:** 2000 Regular Session

**TOPIC:** Miscellaneous Probate Changes

**Date:** May 9, 2000

**Analyst:** Deborah K. McKnight, 651-296-5056

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## Overview

The act increases the size estate that can be closed by summary closing rather than by probate. It also changes some appeal provisions and amends the law on lists of tangible property referenced in a will.

### Section

- 1 **Order and appeal.** Amends the statute on filing an appeal from a court order relating to a petition filed by a trustee of an express trust. Permits an appeal within six months after the court order is filed, in a case where no party has filed notice of appeal under the rules of appellate procedure. Makes this statute the same as the appeal statute in the probate code (see section 4).
- 2 **Separate writing identifying bequest of tangible property.** Amends a probate statute that allows disposing of items of tangible personal property by a list that is referenced in a will. Strikes from this statute references to kinds of property that are not currently allowed to be disposed of by such a list (evidence of indebtedness, documents of title, and securities) because they are not considered tangible personal property. Lets a will include multiple writings to dispose of tangible personal property. Provides that in the case of multiple lists with conflicting dispositions, the latest writing controls.
- 3 **Exhaustion of estate.** Increases the size estate that can be handled by a summary closing rather than traditional probate. The current size limit is \$30,000. The bill would change this to \$100,000, plus the value of exempt property other than the homestead that a surviving spouse is entitled to take (\$10,000 in home furnishings and one auto regardless of value).
- 4 **Requisites.** Amends the statute on appeals in probate matters to indicate that appeal is to be taken under the rules of appellate procedure.
- 5 **Effective date.** Section 2 is effective for wills signed on or after August 1, 2000.