

## Probate Transfer

Includes instructions for deed of sale, deed of distribution, decree of distribution, summary proceedings, decree of descent, conservator's deed, protected arrangements, and tips for avoiding common errors.

### Personal Representative's Deed of Sale—Testate (Will)

- **Deed**—Personal Representative's Deed of Sale is recommended; UCB Forms: [10.5.3](#); [10.5.5](#); [10.5.6](#); or [10.5.8](#). The consent of the decedent's spouse, if any, should be attached; UCB Form [70.1.1](#)
- **Certified copies of probate documents**—in Hennepin County, the probate court assembles the documents and attaches a single certification page to them.
  - in a **formal** proceeding: [Will](#), [Order for Probate](#), and [Letters Testamentary](#)
  - in an **informal** proceeding: [Will](#), [Registrar's Statement Admitting Will to Probate](#), and [Letters Testamentary](#)
- **The conveyance will not be approved if:**
  - it appears to conflict with a provision in the will or with a provision in an Order in a formal proceeding, Minn Stat § [524.3-715](#)
  - it appears to involve a conflict of interest, Minn Stat § [524.3-713](#). In such a case, it may be necessary to obtain either: (1) an Order of the probate court approving the conveyance, or (2) the acknowledged consents of devisees whose interests are affected by the conveyance (consents may be attached to the deed)
  - a restriction on the power of the personal representative to sell is endorsed on the letters

### Personal Representative's Deed of Sale—Intestate (No Will)

- **Deed**—Personal Representative's Deed of Sale is recommended; UCB Forms: [10.5.3](#); [10.5.5](#); [10.5.6](#); or [10.5.8](#). The consent of the decedent's spouse, if any, should be attached; UCB Form [70.1.1](#)
- **Certified copy of Letters of General Administration**—in Hennepin County, if you request a probate package, the probate court assembles the Order Appointing the Personal Representative and Letters of General Administration and attaches a single certification page to them.

## Contact

### Examiner of Titles

Office: 612-348-3191

[Ex.Titles@hennepin.us](mailto:Ex.Titles@hennepin.us)

## Website

[hennepin.us](http://hennepin.us)

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- **The conveyance will not be approved if:**
  - it appears to conflict with an Order in a formal proceeding, Minn Stat § [524.3-715](#)
  - it appears to involve a conflict of interest, Minn Stat § [524.3-713](#). In such a case, it may be necessary to obtain either: (1) an Order of the probate court approving the conveyance, or (2) the acknowledged consents of devisees whose interests are affected by the conveyance (consents may be attached to the deed)
  - a restriction on the power of the personal representative to sell is endorsed on the letters

### Personal Representative's Deed of Distribution—Testate (Will)

- **Deed**—Personal Representative's Deed of Distribution is recommended; UCB Forms: [10.5.1](#) or [10.5.2](#). The consent of the decedent's spouse, if any, should be attached; UCB Form [70.1.1](#)
- **Certified copies of probate documents**—in Hennepin County, the probate court assembles the documents and attaches a single certification page to them.
  - in a **formal** proceeding: [Will](#), [Order for Probate](#), and [Letters Testamentary](#)
  - in an **informal** proceeding: [Will](#), [Registrar's Statement Admitting Will to Probate](#), and [Letters Testamentary](#)
- **Notice to Commissioner of Human Services and Affidavit of service upon Commissioner of Human Services.** Minn Stat § [524.3-801\(d\)](#); UCB Form [70.3.1](#); UCB Form [70.3.4](#).
  - If the deed is executed before 70 days have elapsed from the date of service on the Commissioner of Human Services, then a **Certificate of Consent to an Early Distribution of Assets** also should be submitted; UCB Form [70.3.7](#)
  - To obtain a certificate of consent, complete the UCB form and send the form and a request (via mail, fax, or email attachment) including the decedent's name, probate file information, and a brief description of the asset you are looking to distribute to:
    - Hennepin County Human Services—Estate Recovery, 300 South Sixth Street, Suite A-150, Mail code A150, Minneapolis, MN 55487
    - [Email—HSPH.FAA.Unit.ERU.Spaulding@hennepin.us](mailto:HSPH.FAA.Unit.ERU.Spaulding@hennepin.us), Phone—612-596-0674, Fax—612-313-3605
- **The conveyance will not be approved if:**
  - it appears to conflict with a provision in the will or with an Order in a formal proceeding, Minn Stat § [524.3-715](#)
  - a restriction on the power of the personal representative to distribute is endorsed on the letters
  - the probate is supervised. In that case, a certified copy of a prior Order of the court authorizing the deed of distribution must be submitted

### Personal Representative's Deed of Distribution—Intestate (No Will)

- **Deed**—Personal Representative's Deed of Distribution is recommended; UCB Forms: [10.5.1](#) or [10.5.2](#). The consent of the decedent's spouse, if any, should be attached; UCB Form [70.1.1](#)
- **Certified copies of probate documents**—in Hennepin County, the probate court assembles the documents and attaches a single certification page to them.

- in a **formal** proceeding: Order of Formal Adjudication of Intestacy, and Letters of General Administration
  - The Order must state the name, relationship to decedent and interest of each heir in the property
- in an **informal** proceeding: Registrar’s Statement and Order of Informal Appointment, and Letters General Administration
  - The Registrar’s Statement must state the name, relationship and interest of each heir in the property. If the Statement does not identify the heirs by name and interest, but states that the heirs are “as listed in the Application,” or words to that effect, then a certified copy of the Application for Informal Appointment of a Personal Representative also should be submitted
- **Notice to Commissioner of Human Services and Affidavit of service upon Commissioner of Human Services.** Minn Stat § [524.3-801\(d\)](#); UCB Form [70.3.1](#); UCB Form [70.3.4](#).
  - If the deed is executed before 70 days have elapsed from the date of service on the Commissioner of Human Services, then a **Certificate of Consent to an Early Distribution of Assets** also should be submitted; UCB Form [70.3.7](#)
  - To obtain a certificate of consent, complete the UCB form and send the form and a request (via mail, fax, or email attachment) including the decedent’s name, probate file information, and a brief description of the asset you are looking to distribute to:
    - Hennepin County Human Services–Estate Recovery, 300 South Sixth Street, Suite A-150, Mail code A150, Minneapolis, MN 55487
    - [Email—HSPH.FAA.Unit.ERU.Spaulding@hennepin.us](mailto:HSPH.FAA.Unit.ERU.Spaulding@hennepin.us), Phone—612-596-0674, Fax—612-313-3605
- **The conveyance will not be approved if:**
  - it does not match the fractional interests of each heir set forth in the Order
  - it appears to conflict with a provision in an Order in a formal proceeding; Minn Stat § [524.3-715](#)
  - a restriction on the power of the personal representative to distribute is endorsed on the letters
  - the probate is supervised. In that case, a certified copy of a prior Order of the court authorizing the deed of distribution must be submitted

## Decree of Distribution

- **Decree of Distribution**
- **Notice to Commissioner of Human Services and Affidavit of service upon Commissioner of Human Services.** Minn Stat § [524.3-801\(d\)](#); UCB Form [70.3.1](#); UCB Form [70.3.4](#).
  - If the deed is executed before 70 days have elapsed from the date of service on the Commissioner of Human Services, then a **Certificate of Consent to an Early Distribution of Assets** also should be submitted; UCB Form [70.3.7](#)
  - To obtain a certificate of consent, complete the UCB form and send the form and a request (via mail, fax, or email attachment) including the decedent’s name, probate file information, and a brief description of the asset you are looking to distribute to:

- Hennepin County Human Services–Estate Recovery, 300 South Sixth Street, Suite A-150, Mail code A150, Minneapolis, MN 55487
- [Email—HSPH.FAA.Unit.ERU.Spaulding@hennepin.us](mailto:HSPH.FAA.Unit.ERU.Spaulding@hennepin.us), Phone—612-596-0674, Fax—612-313-3605

### Summary Proceedings—pursuant to Minn Stat § [524.3-1203](#)

- Certified copy of decree or order assigning property to distributee

### Decree of Descent

- Certified copy of decree of descent

### Conservator’s Deed

- Conservator’s Deed; UCB Form [10.6.1](#)
- Certified copy of Letters of Conservatorship
- Certified copy of Order Directing Sale
- Certified copy of Order Confirming Sale

### Protected Arrangements

- **Deed by Agent**—Quit Claim deed is recommended. The form of acknowledgment of the deed should be in a representative capacity “as agent.” Minn Stat § [358.66 \(a\)\(2\)](#)
- Certified copy of **Order** issued pursuant to Minn Stat § [524.5-412](#)

### Conveyance from Domiciliary Foreign Personal Representative

- Follow the requirements set out in section F.1.e of the White Pages of the [Minnesota Title Standards](#).

### Avoiding common errors

#### Before you submit your documents, check to make sure:

- The deed is dated and acknowledged the same day or before the certification date of the letters and that the letters are certified to be “in full force and effect.”
  - *Due to the difficulty in obtaining certified copies during Covid-19 restrictions, letters certified a month prior to the deed/acknowledgement date will be accepted provided the examiner is able to confirm by viewing the court file that they are still in effect.*
- The deed is dated and acknowledged at least 30 days after the issuance of the letters in an informal probate.
- The required Notice to Commissioner of Human Services (UCB Form [70.3.1](#)) and Affidavit (UCB Form [70.3.4](#)), (Minn Stat § [524.3-801](#)) accompany your Deed of Distribution/Decree of Distribution.
- If 70 days have not passed from the day notice was served on the commissioner, you are also submitting a consent to early distribution (UCB Form [70.3.7](#)).

## General tips

- All documents submitted must be originals or certified copies.
- All documents must be complete and in recordable form (signed, dated and notarized).
- Proof-read all documents and check that the acknowledgement/verification is complete and in the correct form.