

# Probate

Solutions

*Your friends-in-law.*



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(651) 403-8966



Serving Clients Across  
Minnesota

# Working with Johnson/Turner



## Your friends-in-law.

Losing a loved one is hard enough—navigating the legal process that follows shouldn't add more stress. Probate is the court-supervised process of settling someone's estate after they pass away. It can feel overwhelming, especially when emotions are high and decisions need to be made quickly. That's where we come in.

This guide will walk you through the essentials: what probate is, why it matters, and how we'll help you move through it with clarity, confidence, and compassion. You'll work with a dedicated legal team—attorney, paralegal, and support professionals—who are here to guide you every step of the way with experience, empathy, and straightforward communication.

At Johnson/Turner, we've built a proven process designed to remove the guesswork, reduce unnecessary costs, and give you peace of mind during a difficult time.

### WHAT WE STAND FOR

## Our Values



### We answer the call.

We are reliably timely and responsive.  
We rise to the occasion.  
We serve the client not just the case.



### We do what it takes.

We commit fully.  
We find solutions.  
We are scrappy.  
We have fun.



### We are optimistic.

We are hopeful.  
We assume the best.  
We have positive attitudes.



### We are Friends-in-Law.

We treat each other and our clients like we'd want our friends to be treated.



### We are bold innovators.

We are risk-takers.  
We try new things.  
We learn.  
We support each other.





# What is Probate?

In Minnesota, probate is the legal process for settling a person's estate after they pass away. The court appoints a Personal Representative (sometimes called an executor) to carry out the terms of the Will or, if there is no Will, to distribute assets according to Minnesota law.

Probate can be either formal (more court involvement) or informal (a simplified process handled mostly through documents). In either case, the court supervises key steps like verifying the Will, paying debts, notifying heirs, and distributing assets.

While the process is standard, it can still be time-consuming, emotionally draining, and legally complex—especially when family dynamics or difficult assets are involved. That's where we come in.



## Key Issues in Minnesota Probate

Every estate comes with its own challenges, but here are the most common issues that arise in Minnesota probate—and how we help you navigate them.



### Asset Management

The Personal Representative is responsible for managing estate property. This includes keeping up with insurance, property maintenance, bank accounts, and investments, and ensuring assets are preserved and, when needed, sold for fair market value.

*Minnesota probate doesn't have to be a burden. With the right team and a clear process, you can move forward with confidence and peace of mind.*



### Debt & Creditor Claims

Minnesota law requires that known creditors be notified and that debts be paid in a court-approved order of priority. This may include funeral costs, taxes, medical bills, and other liabilities. If the estate can't cover all debts, we'll help you navigate formal proceedings under Minnesota Statutes § 524.3-805.



### Locating and Notifying Heirs

The Personal Representative is responsible for managing estate property. This includes keeping up with insurance, property maintenance, bank accounts, and investments, and ensuring assets are preserved and, when needed, sold for fair market value.



### Minnesota Taxes

Minnesota has its own estate tax, separate from the federal tax, and it applies to estates exceeding a certain value (currently around \$3 million, but subject to change). If the estate is large enough, we'll prepare and file the appropriate tax returns.



### Cash Flow and Estate Advances

If the estate doesn't have liquid funds, the Personal Representative may need to pay costs out of pocket—such as legal fees, maintenance expenses, or funeral costs. Minnesota law allows repayment to the Personal Representative before other distributions are made.



### Real Estate Considerations

If the deceased owned Minnesota real property, it must go through probate unless it was held in a Trust, passed via a Transfer on Death Deed (TODD), or was jointly owned with survivorship rights. We'll help you determine how to manage, maintain, or sell property properly under state law.



### Family Dynamics

Even with a clear Will, emotions and grief can create stress. Disagreements over timelines, heir expectations, or asset divisions can slow things down. We help manage communication and transparency so you can focus on family, not friction.

## WHAT IS CONSIDERED IN PROBATE?

# Asset Categories

In probate, not all assets are treated the same. Different types of property may have different rules for how they are handled, transferred, or valued. Understanding the major asset categories helps you know what to expect as we move through the process.

Here are the key types of assets we'll help you manage:

## Real Estate



This includes any land, houses, cabins, or rental properties owned by the deceased.

- Real estate may require ongoing maintenance and insurance during probate.
- If property was solely owned or didn't have a Transfer on Death Deed (TODD), it must go through probate before it can be transferred or sold.
- If real estate is held in more than one state, additional probate processes may be needed (called ancillary probate).



## Financial Accounts

Bank accounts, investment accounts, retirement plans (like IRAs or 401(k)s), and life insurance policies fall into this category.

- Accounts with named beneficiaries often pass outside of probate.
- Accounts held solely in the decedent's name, without a beneficiary, typically must go through probate before distribution.
- Part of probate is gathering account balances and handling claims.

## Personal Possession



This category covers items like jewelry, art, collections, household goods, electronics, and furniture.

- Some items may hold emotional rather than financial value, which can sometimes lead to family disagreements.
- Valuables (like antiques or art) may need formal appraisals during probate to determine their value for estate accounting.



## Vehicles

Cars, trucks, boats, RVs, and motorcycles are treated like personal property.

- Titles may need to be transferred through probate, depending on ownership and liens.
- Some vehicles may qualify for a streamlined transfer process in Minnesota if their value falls below a certain threshold.

## TRUSTED PARTNERS

# Probate Partnership

Navigating the sale of a home during probate can feel overwhelming—but you don't have to do it alone. With over 20 years of experience handling probate transactions, we've partnered with Johnson/Turner to offer a clear, three-step process that makes things easier for families during a difficult time:

### 1. Start with a Market Value Assessment

We'll help you determine the current value of the property so you can make informed decisions from the start.

### 2. Confirm Title Eligibility

Our team conducts thorough title work to ensure the property is legally ready for sale.

### 3. Move Forward with Probate

We coordinate with Johnson/Turner to process the probate matter—so you can receive the proceeds smoothly at closing.

**We'll cover your initial legal fees to help get the probate started.**

Contact us today—we're ready to help.



**Greg Weinberger**

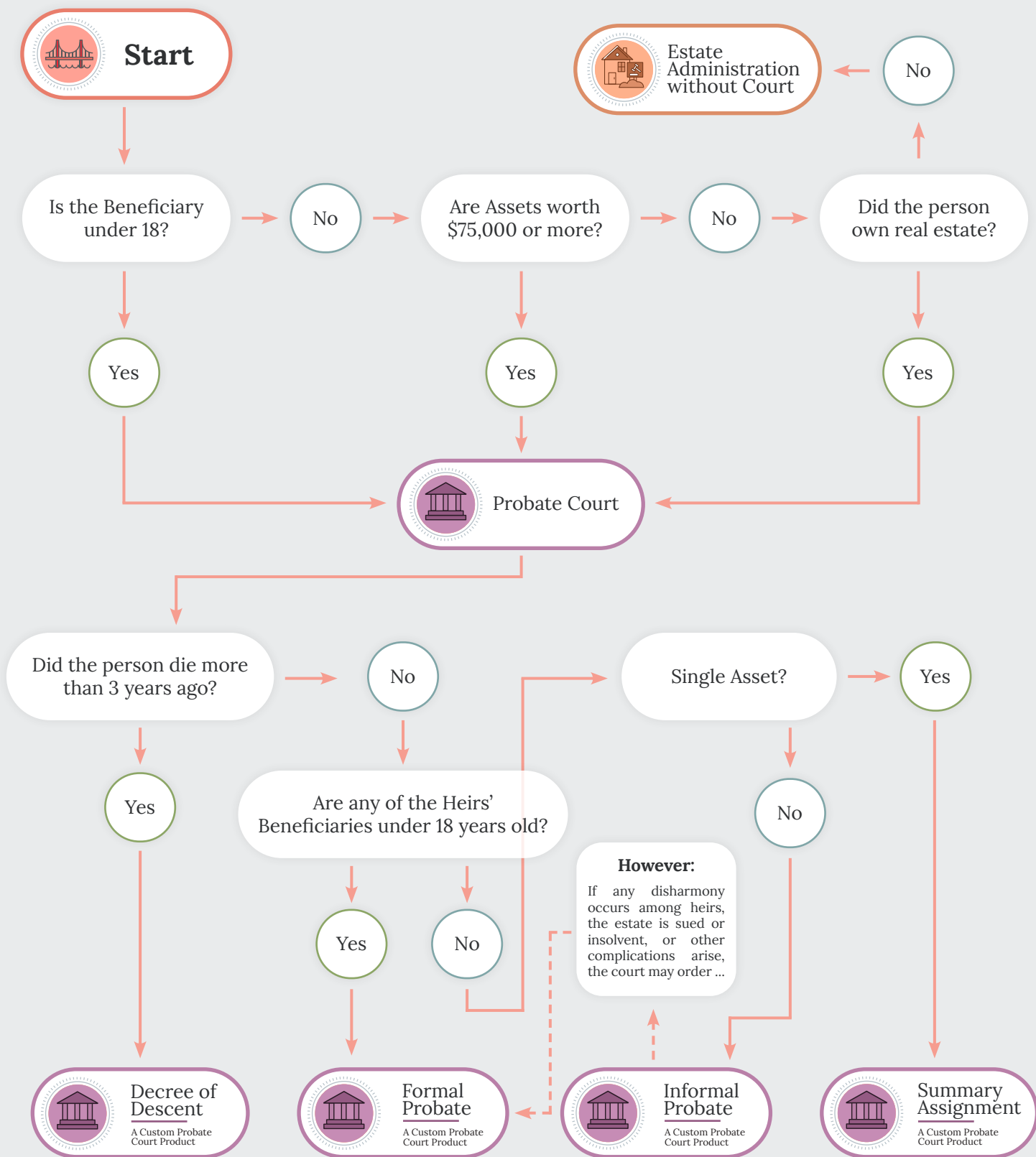


**Jake Schoenberger**

Call us at: **763-323-6252**  
MNHHomeRealtyGroup.com

# Is Probate Court Necessary?

Not every estate has to go through full probate in Minnesota. This guide will help you quickly see whether probate court is required—and if so, whether an informal, formal, or special type of probate is the right fit for your situation.



# Probate Roadmap

If in a **Summary Assignment or Decree of Descent or Formal Probate**  
**ONTO COURT**

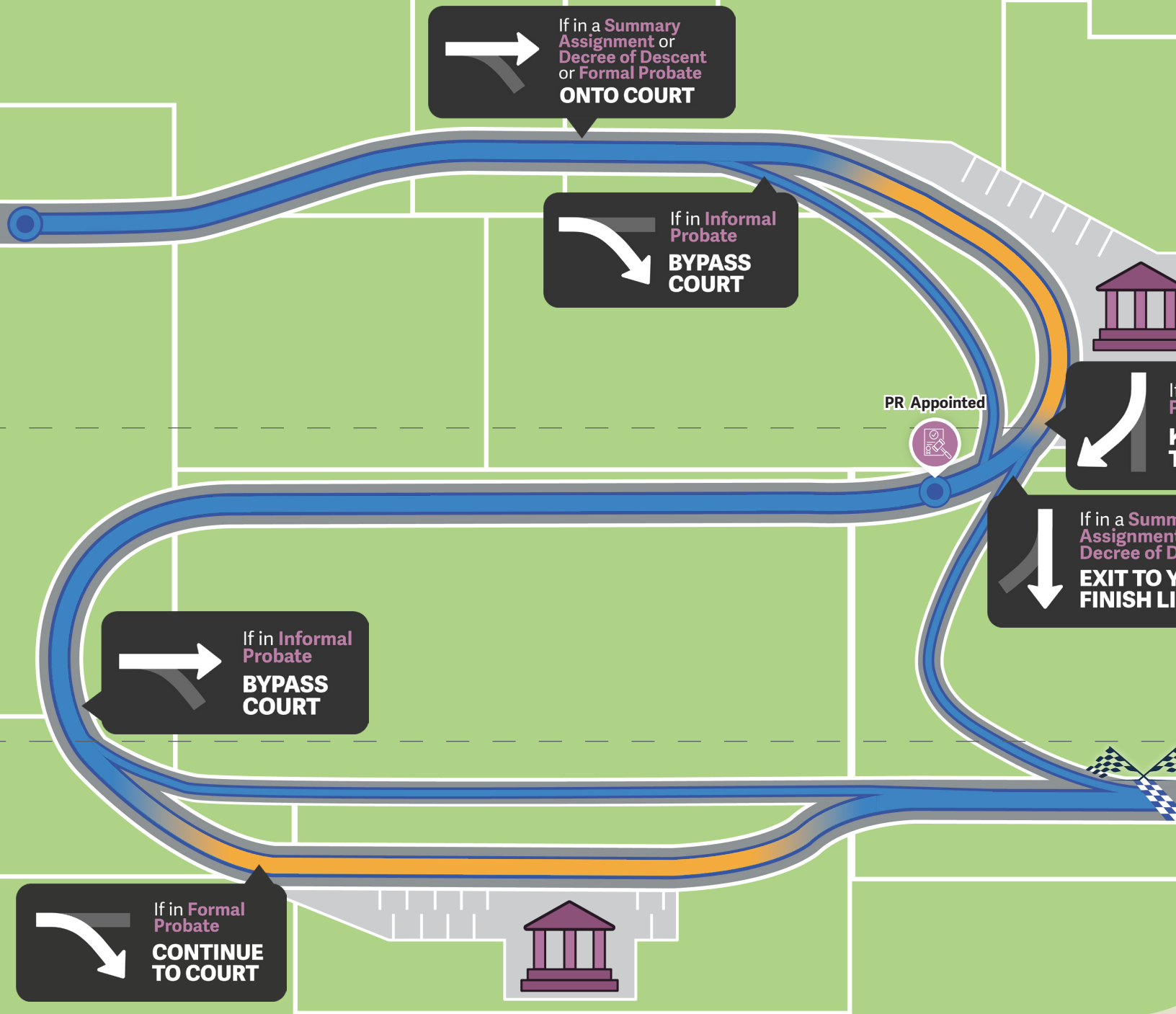
If in **Informal Probate**  
**BYPASS COURT**

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If in **Informal Probate**  
**BYPASS COURT**

If in **Formal Probate**  
**CONTINUE TO COURT**

If in a **Summary Assignment or Decree of Descent or Formal Probate**  
**EXIT TO Y FINISH LI**





# What to Expect

As the Personal Representative, you're responsible for guiding the estate through probate. That includes managing legal tasks, communicating with family, and ensuring everything is handled according to the law. It can feel overwhelming—but you don't have to do it alone. We're here to support you at every step.



## Things to keep in mind:

- You'll manage property, debts, taxes, and asset distribution
- Family dynamics may be emotional or complicated—patience and clarity help
- The process takes time, often 9–12 months or more

## Phase 1

### Personal Representative Appointment

Time est: 1-3 months

This phase officially starts the probate process. It begins with reviewing the estate plan (if there is one), identifying any immediate concerns, and filing the necessary documents to have the court appoint a Personal Representative. Once appointed, that person is legally authorized to manage the estate's affairs.

#### Review the estate and open the case

Meet with your attorney, review the Will (if applicable), and determine the right type of probate proceeding (formal or informal).

#### Begin the court process

File the official Petition or Application, attend an initial court hearing (if required), and publish legal notice to alert creditors and interested parties.

#### Obtain legal authority

Receive Letters Testamentary, which allow the Personal Representative to open accounts, access assets, and begin managing the estate on behalf of all heirs.

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KEEP RIGHT  
TO PHASE 2

## Phase 2

### Administering the Estate

Time est: 4+ months

Once the Personal Representative has been formally appointed, the next step is to manage the estate's assets, debts, and taxes. This phase involves gathering financial information, organizing paperwork, and beginning the work of settling the estate in a way that aligns with MN law and the decedent's wishes.

#### Inventory & manage estate assets

Collect, appraise, and liquidate assets as needed; prepare a formal inventory of probate assets within six months.

#### Handle taxes and debts

Determine if estate or fiduciary tax returns are required, and manage the payment or resolution of valid debts and claims.

#### Prepare for distribution

Work with your legal and financial team to ensure assets like real estate are sold properly and funds are preserved until creditor periods have passed.

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## Phase 3

### Closing of the Estate

Time est: 1-3 months

In this final phase, the Personal Representative carries out the plan built during administration—paying off remaining debts, distributing assets, and completing court requirements. This phase is detail-heavy but also brings resolution. Once everything balances and all heirs are in agreement, the estate can be formally closed.

#### Settle debts and distribute gifts

Pay remaining expenses and distribute any specific items or gifts listed in the Will.

#### Provide a final accounting and distribution plan

Send a detailed report to heirs showing all assets and debts, along with a proposed plan for dividing what remains. Each heir is asked to sign off.

#### Complete distribution and close the estate

After all approvals are received, the remaining assets are distributed, and a final court filing officially closes the estate.

# Other Practice Areas

Johnson/Turner offers the same type of client-centered, non-traditional approach to a wide range of legal practice areas. For more information as well as FAQs, eBooks, and other resources, please visit [johnsonturner.com](http://johnsonturner.com).



## FAMILY LAW

If legal difficulties or a complex situation are unsettling your family, we can help you restore balance.



## ESTATE PLANNING

Every adult needs some form of Estate Planning, even if it's just a health care directive. Securing your future is a concern of ours today.



## PROBATE

The death of a loved one can begin a complicated and confusing process, made all the harder by your grief. We're here to help you navigate the process.

## AND MORE!

We also offer a wide range of practice areas, including litigation, real estate law, and many other areas.



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