

Code of Federal Regulations, title 29, sections 552.6 and 552.106 as of March 1, 1984.

Approved May 2, 1984

## CHAPTER 615 — S.F.No. 1562

*An act relating to probate; providing for the transmission of documents to foreign consuls by the office of the secretary of state; amending Minnesota Statutes 1982, sections 524.3-306; 524.3-310; and 524.3-403.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 524.3-306 is amended to read:

### 524.3-306 INFORMAL PROBATE; NOTICE REQUIREMENTS.

The moving party must give notice as described by section 524.1-401 of his application for informal probate (1) to any person demanding it pursuant to section 524.3-204; and (2) to any personal representative of the decedent whose appointment has not been terminated. Upon issuance of the written statement by the registrar pursuant to section 524.3-302, notice of the informal probate proceedings, in the form prescribed by court rule, shall be given under the direction of the clerk of court by publication once a week for two consecutive weeks in a legal newspaper in the county where the application is filed and by mailing a copy of the notice by ordinary first class mail to all interested persons, other than creditors. Further if the decedent was born in a foreign country or left heirs or devisees in any foreign country, notice shall be given to the consul or other representative of such country, if he resides in this state and has filed a copy of his appointment with the secretary of state, ~~or to the nominee or nominees of such consul or representative.~~ If no such consul or representative exists, then notice shall be given to the chief diplomatic representative of such country at Washington, D.C. or to The secretary of state at St. Paul, Minnesota, who shall forward the same to such representative any notice received to the appropriate consul residing in Minnesota and on file with that office.

Sec. 2. Minnesota Statutes 1982, section 524.3-310 is amended to read:

### 524.3-310 INFORMAL APPOINTMENT PROCEEDINGS; NOTICE REQUIREMENTS.

The moving party must give notice as described by section 524.1-401 of his intention to seek an appointment informally; (1) to any person demanding it pursuant to section 524.3-204; and (2) to any person having a prior or equal right

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to appointment not waived in writing and filed with the court. Notice of the appointment of the personal representative shall be given under the direction of the clerk of court by publication once a week for two consecutive weeks in a legal newspaper in the county where the application is filed and by mailing a copy of the notice by ordinary first class mail to all interested persons, other than creditors. The notice, in the form prescribed by court rule, shall state that any heir, devisee or other interested person may be entitled to appointment as personal representative or may object to the appointment of the personal representative and that the personal representative is empowered to fully administer the estate including, after 30 days from the date of issuance of his letters, the power to sell, encumber, lease or distribute real estate, unless objections thereto are filed with the court (pursuant to section 524.3-607) and the court otherwise orders. Further, if the decedent was born in a foreign country or left heirs or devisees in any foreign country, notice shall be given to the consul or other representative of such country, if he resides in this state and has filed a copy of his appointment with the secretary of state, ~~or to the nominee or nominees of such consul or representative.~~ If no such consul or representative exists, then notice shall be given to the chief diplomatic representative of such country at Washington, D.C. or to The secretary of state at St. Paul, Minnesota, who shall forward the same to such representative any notice received to the appropriate consul residing in Minnesota and on file with that office. No defect in any notice nor in publication or service thereof shall limit or affect the validity of the appointment of the personal representative, his powers or other duties.

Sec. 3. Minnesota Statutes 1982, section 524.3-403, is amended to read:

**524.3-403 FORMAL TESTACY PROCEEDING; NOTICE OF HEARING ON PETITION.**

(a) Upon commencement of a formal testacy proceeding, the court shall fix a time and place of hearing. Notice, in the form prescribed by court rule, shall be given in the manner prescribed by section 524.1-401 by the petitioner to the persons herein enumerated and to any additional person who has filed a demand for notice under section 524.3-204 of this chapter. If the petitioner has reason to believe that the will has been lost or destroyed, he shall include a statement to that effect in the notice.

Notice shall be given to the following persons: the surviving spouse, children, and other heirs of the decedent, the devisees and ~~executors~~ personal representatives named in any will that is being, or has been, probated, or offered for informal or formal probate in the county, or that is known by the petitioner to have been probated, or offered for informal or formal probate elsewhere, and any personal representative of the decedent whose appointment has not been terminated. Notice of the hearing, in the form prescribed by court rule, shall also be given under the direction of the clerk of court by publication once a week for two consecutive weeks in a legal newspaper in the county where the hearing is to be

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held, the last publication of which is to be at least ten days before the time set for hearing.

If the decedent was born in a foreign country or ~~left~~ has heirs or devisees in any a foreign country, notice of a formal testacy proceeding shall be given to the consul of that country, if he resides in this state and has filed a copy of his appointment with the secretary of state. Any notice received by the secretary of state shall be forwarded to the appropriate consul.

(b) If it appears by the petition or otherwise that the fact of the death of the alleged decedent may be in doubt, the court shall direct the petitioner to proceed in the manner provided in chapter 576.

Approved May 2, 1984

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## CHAPTER 616 — S.F.No. 1614

*An act relating to mental health; authorizing establishment of a demonstration project for treatment of compulsive gamblers; appropriating money; proposing new law coded in Minnesota Statutes, chapter 240.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

### Section 1. DEMONSTRATION PROJECT FOR TREATMENT OF COMPULSIVE GAMBLERS.

Subdivision 1. AUTHORIZATION. The commissioner of public welfare is authorized to establish a pilot demonstration project to be completed no later than June 30, 1985, for the treatment of compulsive gamblers. For purposes of this act, a "compulsive gambler" means a person who is chronically and progressively preoccupied with gambling and the urge to gamble, and with gambling behavior that compromises, disrupts, or damages personal, family, or vocational pursuits.

Subd. 2. SERVICES. The services provided shall include outpatient services, consultation and educational services, and other forms of preventive treatment, or rehabilitation services for compulsive gamblers. The commissioner may enter into agreements with county agencies or other organizations and may employ consultants as necessary to assist in providing these services.

Subd. 3. REPORT. The commissioner shall report to the legislature during the 1985 session on the progress of the demonstration project. The commissioner shall deliver a final report to the legislature by January 15, 1986. The report shall consider, among other things, the following issues:

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