

**CHAPTER 416—H.F.No. 2056**

*An act relating to state lands; requiring corrective deed to be issued to Basilica of St. Mary of Minneapolis for state lands authorized to be conveyed to Basilica of St. Mary's, Inc.*

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

**Section 1. CORRECTIVE DEED.**

**Subdivision 1. CORRECTIVE DEED.** The governor, on behalf of the state and in a form approved by the attorney general, shall issue a corrective deed to Basilica of St. Mary of Minneapolis for state lands authorized to be conveyed under Laws 1969, chapter 468.

**Subd. 2. REASON.** The lands authorized to be conveyed under the authority of Laws 1969, chapter 468, were to the correct recipient, but not under the correct name of the recipient.

Approved March 25, 1988

**CHAPTER 417—S.F.No. 896**

*An act relating to probate; providing for the award of sentimental property to the decedent's children; amending Minnesota Statutes 1986, sections 525.15; and 525.151; proposing coding for new law in Minnesota Statutes, chapter 525.*

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

Section 1. Minnesota Statutes 1986, section 525.15, is amended to read:

**525.15 ALLOWANCES TO SPOUSE.**

When any person dies, testate or intestate,

(1) The surviving spouse shall be allowed from the personal property of which the decedent was possessed or to which the decedent was entitled at the time of death, the wearing apparel, and, as selected, furniture and household goods not exceeding \$6,000 in value, and other personal property not exceeding \$3,000 in value, subject to an award of property with sentimental value to the decedent's children under section 3;

(2) When, except for one automobile, all of the personal estate of the decedent is allowed to the surviving spouse by clause (1), the surviving spouse shall also be allowed ~~such~~ the automobile;

(3) If there be no surviving spouse, the minor children shall receive the property specified in clause (1) as selected in their behalf;

New language is indicated by underline, deletions by ~~strikeout~~.

(4) During administration, but not exceeding 18 months, unless an extension shall have been granted by the court, or, if the estate be insolvent, not exceeding 12 months, the spouse or children, or both, constituting the family of the decedent shall be allowed reasonable maintenance;

(5) In the administration of an estate of a nonresident decedent, the allowances received in the domiciliary administration shall be deducted from the allowances under this section.

Sec. 2. Minnesota Statutes 1986, section 525.151, is amended to read:

**525.151 ALLOWANCE SELECTION AND MAINTENANCE PAYMENT.**

The surviving spouse, and conservators or guardians of the minor children, may select the property of the estate allowed to them under section 525.15, clauses (1), (2) and (3), subject to an award of property with sentimental value to the decedent's children under section 3. The personal representative may make these selections if the surviving spouse or the conservators or guardians of the minor children are unable or fail to do so within a reasonable time or if there are no conservators or guardians of the minor children. The personal representative may execute an instrument or deed of distribution to establish the ownership of ~~such~~ the property, provided that any notice required under section 3, subdivision 3, has been given and eligible children have failed to request an award of property with sentimental value or the court has denied the request. The personal representative may determine maintenance in periodic installments not exceeding \$500 per month for one year, if the estate is insolvent or 18 months if the estate is solvent, and may disburse funds of the estate in payment of such maintenance. The personal representative or any interested person aggrieved by any selection, determination, payment, proposed payment, or failure to act under this section may petition the court for appropriate relief which relief may provide a family allowance larger or smaller than that which the personal representative determined or could have determined.

**Sec. 3. [525.152] AWARD OF PROPERTY WITH SENTIMENTAL VALUE TO CHILDREN OF PRIOR MARRIAGE.**

Subdivision 1. DEFINITIONS. (a) "Eligible child" means a child of the decedent who:

- (1) is not the child of the surviving spouse, if any;
- (2) if there is no surviving spouse, is not a minor, and has a different parent than minor children of the decedent who are entitled to an allowance selection under section 525.15, clause (3);
- (3) is the child of a previous spouse of the decedent; and
- (4) if the decedent dies testate, is a successor under the decedent's will.

New language is indicated by underline, deletions by ~~strikeout~~.

(b) "Sentimental value" means significant emotional or nostalgic value arising out of the relationship of an individual with the decedent or, in the case of an eligible child, arising out of the relationship of the eligible child with the prior spouse of the decedent who is the parent of the eligible child.

Subd. 2. INELIGIBLE PROPERTY. The following property is not eligible for an award under this section:

- (1) real property;
- (2) personal property that is the subject of a specific devise under the decedent's will or under a separate writing under section 524.2-513; and
- (3) personal property disposed of by a premarital agreement.

Subd. 3. NOTICE TO ELIGIBLE CHILDREN; PETITION. At the time of an allowance selection under section 525.151, the person making the selection shall serve personally or by mail a written itemized notice of the property selected to every eligible child of the decedent. This requirement does not apply if an award of property with sentimental value already has been made under this section. Within 30 days of receipt of the notice of selection, an eligible child may petition the court to award property with sentimental value contained in the notice, or other property with sentimental value that belonged to the decedent, to the eligible child.

Subd. 4. COURT DECISION. The court shall award property with sentimental value to an eligible child if it finds that the property's sentimental value to the child outweighs its sentimental value to the person entitled to the allowance selection. If more than one eligible child petitions the court for an award of the same property, the court shall award the property to the child for whom the property has the greatest sentimental value. In awarding property with sentimental value to an eligible child, the court shall give weight to the following factors:

- (1) the relationship of the eligible child to the acquisition and use of the property;
- (2) whether the property was acquired prior to the decedent's marriage to the surviving spouse or prior to the birth of minor children who are entitled to an allowance selection; and
- (3) whether the property belonged to a prior spouse of the decedent who is the parent of the eligible child.

Subd. 5. PAYMENT TO ESTATE. As a condition of an award of sentimental property under this section, the court shall order that the eligible child pay the value of the property to the estate or that the value of the property be deducted from the eligible child's share of the estate. The surviving spouse or minor children may make an additional allowance selection in place of property with sentimental value awarded to an eligible child.

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**Sec. 4. EFFECTIVE DATE.**

This act is effective August 1, 1988, and applies to estates of decedents dying on or after that date.

Approved March 25, 1988

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**CHAPTER 418—S.F.No. 1772**

*An act relating to North Suburban Hospital District; authorizing renovation and use of the Fridley Assembly of God Church property for health or social services.*

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

**Section 1. NORTH SUBURBAN HOSPITAL DISTRICT; RENOVATION AND USE OF THE FRIDLEY ASSEMBLY OF GOD CHURCH PROPERTY.**

The North Suburban Hospital District, representing the cities of Blaine, Fridley, Hilltop, and Spring Lake Park in Anoka county, and Mounds View in Ramsey county, is authorized to renovate property in Fridley, Anoka county, commonly known as the Fridley Assembly of God Church. Notwithstanding limitations in Minnesota Statutes, sections 447.31 to 447.38, the district may use or lease the property for health or social service programs for the benefit of the community. The hospital district board shall oversee and monitor the programs conducted on the property. The district may spend funds which the hospital district board determines to be necessary to use and maintain the property and administer the programs conducted on the property.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective on the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the hospital board of the North Suburban Hospital District.

Approved March 25, 1988

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**CHAPTER 419—H.F.No. 81**

*An act relating to local government; providing for the use of certain city reserve funds; amending Minnesota Statutes 1986, section 471.572, subdivision 3.*

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

**New language is indicated by underline, deletions by ~~strikeout~~.**