

clause (3) of this subdivision. ~~Such~~ The election shall be made on a form provided by the ~~board of trustees~~ executive secretary.

Sec. 15. **EFFECTIVE DATE.**

This act is effective on the day following final enactment.

Approved May 8, 1981

CHAPTER 161 — S.F.No. 18

An act relating to probate; eliminating requirement of notice to representatives of foreign countries in certain formal testacy proceedings; amending Minnesota Statutes 1980, Section 524.3-403.

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

Section 1. Minnesota Statutes 1980, 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 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 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 heirs or devisees in any foreign country, notice of a formal testacy proceeding shall be given to the consul ~~or other representative~~ of such that country, if he resides in this state

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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.

(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 11, 1981

CHAPTER 162 — S.F.No. 77

An act relating to foreign corporations; removing certain deficiencies and ambiguities; defining certain activities that do not constitute transacting business in the state; and removing limitations on engaging in the business of making real estate loans; amending Minnesota Statutes 1980, Sections 303.02, Subdivision 3; 303.03; 303.04; and 303.25.

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

Section 1. Minnesota Statutes 1980, Section 303.02, Subdivision 3, is amended to read:

Subd. 3. **FOREIGN TRUST ASSOCIATION OF A CONTERMINOUS STATE.** "Foreign trust association of a ~~conterminous~~ state" includes every banking and trust association or corporation organized under the laws of any state ~~conterminous~~ with other than this state having the power to act as executor, administrator, trustee, ~~or~~ guardian, or conservator, and every national banking association maintaining its principal office in any state ~~conterminous~~ with other than this state which is granted permission by the ~~federal reserve board~~ comptroller of the currency to act in a fiduciary capacity under the provisions of ~~Subsection K of Section 44 of the Federal Reserve Act~~ 12 U.S.C. 92a, as amended.

Sec. 2. Minnesota Statutes 1980, Section 303.03, is amended to read:

303.03 FOREIGN CORPORATIONS MUST HAVE CERTIFICATE OF AUTHORITY.

No foreign corporation shall transact business in this state unless it holds a certificate of authority so to do; and no foreign corporation whose certificate of authority ~~shall have~~ has been revoked or canceled pursuant to the provisions of this chapter shall be entitled to obtain a certificate of authority except in

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