§ 1003. Persons who must be served with process; waiver of process; dispensation with service of process

1. In a proceeding for letters of administration upon the estate of a person alleged to be deceased process shall issue directed to such person and to all his presumptive distributees.

2. Every eligible person who has a right to administration prior or equal to that of the petitioner and who has not renounced must be served with process upon an application for letters of administration. When the petitioner is a creditor or a person interested in an action brought or about to be brought in which the intestate, if living, would be a party, process shall also issue to all incompetents, conservatees and infants for whom a committee, conservator or guardian of the property has been appointed who are domiciliary distributees. When the petitioner is a public administrator or county treasurer process shall issue only to such incompetent or conservatee domiciliary distributees whose names and addresses are known to him. The court may dispense with the issuance and service of process upon non-domiciliaries.

3. Any person who has a right to administration prior or equal to that of the petitioner may renounce his right and waive the issuance and service of process by an acknowledged instrument which must be filed in the office of the clerk of the court, except that a public administrator or the chief fiscal officer of the county may not renounce his right and may only be excused from acting, upon his motion duly made and an order made and entered thereupon by the court.

4. The court may dispense with service of process upon a person who has a right to administration prior or equal to that of the petitioner where it appears that the name or whereabouts of such person is unknown and cannot be ascertained after diligent inquiry, subject to the requirement that the decree granting the letters shall contain a provision directing that in the proceeding for the judicial settlement of the account of the administrator process shall issue and be served upon such person.

5. If an application for letters of administration be made under the circumstances provided in 1001, subdivision 9, process shall also issue to the persons named in the paper writing referred to in that section and the persons to whom process would be required to issue in a proceeding for the probate of such paper writing.