

§3-301. Informal probate or appointment proceedings; application; contents

1. Applications for informal probate or appointment proceedings. Applications for informal probate or informal appointment must be directed to the register and be verified by the applicant to be accurate and complete to the best of the applicant's knowledge and belief as to the following information and such other information and in such form as the Supreme Judicial Court may by rule provide:

A. Every application for informal probate of a will or for informal appointment of a personal representative, other than a special or successor representative, must contain the following:

- (1) A statement of the interest of the applicant;
- (2) The name and date of death of the decedent, the decedent's age and the county and state of the decedent's domicile at the time of death and the names and addresses of the spouse, children, heirs and devisees and the ages of any who are minors so far as known or ascertainable with reasonable diligence by the applicant;
- (3) If the decedent was not domiciled in the State at the time of death, a statement showing venue;
- (4) A statement identifying and indicating the address of any personal representative of the decedent appointed in this State or elsewhere whose appointment has not been terminated;
- (5) A statement indicating whether the applicant has received a demand for notice or is aware of any demand for notice of any probate or appointment proceeding concerning the decedent that may have been filed in this State or elsewhere; and
- (6) A statement that the time limit for informal probate or appointment as provided in this Article has not expired either because 3 years or less have passed since the decedent's death or, if more than 3 years from death have passed, circumstances as described by section 3-108 have occurred authorizing tardy probate or appointment; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. An application for informal probate of a will must state the following in addition to the statements required by paragraph A:

- (1) That the original of the decedent's last will is in the possession of the court or accompanies the application or that an authenticated copy of a will probated in another jurisdiction accompanies the application;
- (2) That the applicant, to the best of the applicant's knowledge, believes the will to have been validly executed; and
- (3) That after the exercise of reasonable diligence, the applicant is unaware of any instrument revoking the will and that the applicant believes that the instrument that is the subject of the application is the decedent's last will; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

C. An application for informal appointment of a personal representative to administer an estate under a will must describe the will by date of execution and state the time and place of probate or the pending application or petition for probate. The application for appointment must adopt the statements in the application or petition for probate and state the name, address and priority for appointment of the person whose appointment is sought; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

D. An application for informal appointment of an administrator in intestacy must state in addition to the statements required by paragraph A:

(1) That after the exercise of reasonable diligence the applicant is unaware of any unrevoked testamentary instrument relating to property having a situs in this State under section 1-301 or a statement why any such instrument of which the applicant may be aware is not being probated; and

(2) The priority of the person whose appointment is sought and the names of any other persons having a prior or equal right to the appointment under section 3-203; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

E. An application for appointment of a personal representative to succeed a personal representative appointed under a different testacy status must refer to the order in the most recent testacy proceeding, state the name and address of the person whose appointment is sought and of the person whose appointment will be terminated if the application is granted and describe the priority of the applicant; and [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

F. An application for appointment of a personal representative to succeed a personal representative who has tendered a resignation as provided in section 3-610, subsection 3 or whose appointment has been terminated by death or removal must adopt the statements in the application or petition that led to the appointment of the person being succeeded except as specifically changed or corrected, state the name and address of the person who seeks appointment as successor and describe the priority of the applicant. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Personal jurisdiction over applicant. By verifying an application for informal probate or informal appointment, the applicant submits personally to the jurisdiction of the court in any proceeding for relief from fraud relating to the application, or for perjury, that may be instituted against the applicant.

[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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