

STATE OF MAINE

_____ COUNTY PROBATE COURT

DOCKET NO. _____

Estate of _____
Deceased

PETITION FOR FORMAL
ADJUDICATION OF INTESTACY
AND APPOINTMENT OF
PERSONAL REPRESENTATIVE
OR FOR FORMAL ADJUDICATION
OF INTESTACY ONLY

Attorney for Petitioner, if any

PETITION TO JUDGE:
FORMAL ADJUDICATION ()
FORMAL APPOINTMENT ()

Name

Address

Zip Code

Telephone No. _____

Attorney's Maine Bar Registration Number _____

1. Name of petitioner:

2. Address and telephone number of petitioner:

3. Legal interest of petitioner in estate ¹ (e.g., surviving spouse, domestic partner, other heir, etc.):

4. Full legal name of decedent:

5. Date of decedent's death:

6. Date of decedent's birth:²

7. Domicile of decedent at date of death:

8a. Names and addresses of spouse, registered domestic partner, children and other heirs:³

Name	Address	Date of Birth ⁴ if Under 18	Relationship to decedent:
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8b. Is there a domestic partner (non-registered)?⁵ YES ____ NO ____ If yes, give name and address:

9. Does the probate estate contain real estate in Maine? YES ____ NO ____ . If yes, list each municipality and county in which such real estate is located. NOTE: Do not list jointly held property which passes by survivorship.

10. Was decedent domiciled outside of Maine at date of death? YES ____ NO ____ . If yes, identify here decedent's property which was, at the time of decedent's death, or has since then been located in this county, and state whether probate proceedings have been commenced elsewhere with respect to this estate.⁶

11. Has a personal representative of the decedent been appointed by any court prior to this date whose appointment has not been terminated? YES ____ NO ____ . If yes, state that person's name and address.

12. Did decedent die more than three years before the date of this petition? YES ____ NO ____ .
If yes, state here the circumstances which authorize commencing this proceeding.⁷

13. Has the applicant received a demand for notice or is the petitioner 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?⁸

YES ____ NO ____ .

If yes, include name and address of person demanding notice.

14. Is petitioner seeking supervised administration of this estate? YES ____ NO ____ . If yes, state here the circumstances which require establishing supervised administration of this estate.⁹

15. Check (a) or (b).

____ (a) I request that the court give notice of this filing to the heirs listed in item 8a and 8b and if the decedent was 55 years of age or older, to the Department of Health and Human Services and to the following other persons:¹⁰

____ (b) I will give notice to all persons entitled by law to receive it and furnish proof of notice to the court by affidavit.

16. Check if desired:

____ Pursuant to Rule 80B(a), I request the register to publish notice to creditors.¹¹

17. In addition to the notice mentioned in item 15, I request the court to publish notice as required by law.⁹

18. Check (a) or (b):

____ (a) I know of an unrevoked testamentary instrument relating to property in this estate, and I have attached a statement setting forth why that instrument is not being probated.¹²

____ (b) After exercise of reasonable diligence, I am unaware of any unrevoked testamentary instrument relating to property having a situs in this state.¹³

(If petitioner is not seeking appointment of a personal representative, omit items 19-22.)

19. Name and address of personal representative whose appointment is sought. (Designate mailing and legal addresses if they are different.)

20. The person listed in item 19 has the following relationship to decedent:

Check one:

- surviving spouse
- domestic partner
- other heir
- creditor
- state tax assessor

Do any persons have a prior or equal right to appointment?¹⁴ YES NO . If yes, explain.

21. Is there any question relating to priority or qualification of personal representative to be resolved by the court?
YES NO . If yes, describe it here.¹⁵

22. Check one:

- A personal representative's bond is required and is attached.¹⁶
- A bond may be required. The court is asked to decide if a bond is necessary and in what amount.¹⁷
- No bond is required.¹⁶
- An estate tax bond is required and is attached.¹⁸

REQUEST FOR ORDER OR ORDERS.

23. Check applicable box or boxes.

_____ I request a judicial finding and order that the decedent left no will, an adjudication of intestacy and an adjudication that the heirs are as set forth in item 8.

_____ I request an order of court appointing the personal representative listed in item 19 or some other suitable person.

_____ I request an order of court establishing supervised administration.

24. Under penalty of perjury, I, the undersigned, state that all of the foregoing facts and statements are complete and accurate as far as I know or am informed.¹⁹

Dated: _____

Petitioner or Attorney

“Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name.” See Rule 11.

SPECIAL INSTRUCTIONS

People with priority for appointment equal to or greater than the person whose appointment is sought may renounce or concur by signing here or by a separate writing or by filing a Renunciation/Nomination form (Probate Court Form DE-407).

“I hereby renounce my right to appointment or concur in the appointment sought or both as required by law. I also waive notice of the filing or of any hearing on this petition.”

Note: If the petitioner on this form is a person with priority, his filing of the petition acts as a renunciation and nomination if he is seeking the appointment of some other person.

Fees due upon filing:

Filing Fee \$ _____ Mailing Notices \$ _____ Publication \$ _____
Surcharge \$ _____ Abstracts \$ _____ Other \$ _____

¹ Except as noted, all statutory references are to Title 18-A MRSA. See § 1-201 (20).
² If exact birthdate is unknown, give age in years of decedent at date of death.
³ See § 1-201 (17). Relationship of all heirs to decedent should be stated and explained: e.g., “spouse,” or “nephew, son of (name) predeceased brother”.
⁴ Age is required by law if person listed is a minor. If person listed is an adult (i.e. has attained 18 years of age) the letter “A” may be inserted in place of the person’s age. See § 3-301 (a) (1) (ii).
⁵ See § 1-201 (10-A)
⁶ See § 3-201.
⁷ See § 3-108.
⁸ See §§ 3-301(a)(1)(v) and 3-402(a)(2).
⁹ See § 3-501 *et seq.*
¹⁰ The requests in items 15 (a) and 17, accompanied by proper information and fees, fulfill the moving party’s duty to give notice pursuant to §§ 3-403 and 3-414. Petitioner should list in item 15(a) all persons who have filed a demand for notice pursuant to § 3-204. Include address for any person whose address doesn’t appear elsewhere in this form.
¹¹ If this is not checked, the personal representative must publish his own notice. Register may advise on acceptable newspapers. See §3-801.
¹² See § 3-301(a)(4). See also § 3-402(a)(2).
¹³ See § 1-301.
¹⁴ See § 3-203. In general the surviving spouse has first priority; heirs come before creditors. All other heirs have equal rights of priority under § 3-203. See back of this petition for special instructions.
¹⁵ See § 3-414. If none, state “None.”
¹⁶ See § 3-603 *et seq.*
¹⁷ Attach a separate statement of facts and the proposed ruling for the court.
¹⁸ See 36 MRSA § 4079
¹⁹ See § 1-310.

I certify that no alteration has been made to the official form as most recently approved and promulgated by the Supreme Judicial Court. I also certify that I have met the standards under M.R.Prob.P. 84(b).

Preparer Signature _____

Typed or Printed Name of Preparer _____

MARP 11/2008