

# The Decoder

## Citation on Formal Petition Revised

The citation issued by the Probate and Family Court on a Petition for Formal Probate of Will/Adjudication of Intestacy/Appointment of a Personal Representative has been revised for use on or after June 11, 2015.

### The citation will now include:

- A more accurate description of the type of petition filed (e.g., Petition for Adjudication of Intestacy vs. Petition for Probate of Will, etc.);
- Whether supervised or unsupervised administration has been requested;
- A larger field for petitioner name(s);
- An updated Order of Notice to include the requirements of Rule 6 of the Supplemental Rules of the Probate and Family Court and the requirement to provide citation notice to the Division of Medical Assistance, Estate Recovery Unit;
- A revised Return of Service.



THE MUPC PROCEDURES COMMITTEE:

- Hon. Elaine Moriarty, Suffolk Probate and Family Court
- Hon. Anthony Nesi, Bristol Probate and Family Court
- Hon. Lisa Roberts, Plymouth Probate and Family Court
- Hon. Jennifer Ulwick, Norfolk Probate and Family Court
- Evelyn J. Patsos, Esq., Administrative Office Probate and Family Court, Boston
- Thomas P. Jalkut, Esq., Nutter McClennen & Fish LLP, Boston
- Christopher Mehne, Esq., Bowditch & Dewey LLP, Worcester

The following is a sample. To enlarge, place your cursor on each document, right click, and copy and paste to a Word document.

<p><small>Citation on Petition for Formal Administration effective June 11, 2015</small></p> <p><b>CITATION ON PETITION FOR FORMAL ADJUDICATION</b></p> <p>Case No. PL13P2243EA</p> <p>Commonwealth of Massachusetts The Trial Court Probate and Family Court</p>		<p>Booklet No. PL13P2243EA</p> <p>Commonwealth of Massachusetts The Trial Court Probate and Family Court</p>
<p><b>ORDER OF NOTICE</b> Pursuant to G. L. c. 190B, § 1-401</p> <p>It is ORDERED that the Petitioner shall give a copy of page 1 of this citation to ALL INTERESTED PERSONS as follows: (See G. L. c. 190B, § 3-403)</p> <p style="text-align: center;"><b>REVISED</b></p>		
<p>1) <b>Service within the Commonwealth</b> If there is anyone interested who is within the Commonwealth of Massachusetts, service of this citation shall be given by delivering in hand or by mailing by certified, registered or ordinary first class mail at least fourteen (14) days before the return day. (See Supp. R. Prob. Ct. 6(C))</p>		
<p>2) <b>Service outside the Commonwealth</b> If there is anyone interested who is outside the Commonwealth of Massachusetts, in any part of the United States, its Commonwealths or territories, service of this citation shall be given by delivering in hand or by mailing by certified, registered or ordinary first class mail at least fourteen (14) days before the return day; if in other parts, one (1) month. (See Supp. R. Prob. Ct. 6(D))</p>		
<p>3) <b>Service when whereabouts unknown</b> If there is anyone interested who is of parts unknown, service of this citation shall be given by delivering or mailing to the last known address at least one (1) month before the return day. (See Supp. R. Prob. Ct. 6(E))</p> <p style="text-align: center;">**** AND ****</p>		
<p>4) <b>Service by Publication</b> A copy of page 1 of this citation shall be published ONCE in the publication to be at least seven (7) days before the return day. (See Supp. R. Prob. Ct. 6(F))</p>		
<p>It is further ORDERED that a copy of page 1 of this citation shall be given to:</p> <ol style="list-style-type: none"> <li>1) The Division of Medical Assistance, Estate Recovery Unit, together with a copy of the petition and death certificate by certified mail at least fourteen (14) days before the return day. (See G. L. c. 190B, § 3-403(g); and</li> <li>2) The Massachusetts Attorney General, Division of Public Charities, if interested, by mailing by certified, registered or ordinary first class mail at least fourteen (14) days before the return day. (See G. L. c. 190B, § 3-403(d) and Uniform Probate Court Practice XXXIV)</li> </ol>		
<p>Any person entitled to notice (except a ward, an incapacitated person or a protected person) may waive their statutory right to notice by filing a written Assent and Waiver of Notice (Form MPC 459) with the Court on or before the return day.</p> <p>See generally, G. L. c. 190B, §§ 1-401-1-404, 3-403. See also Rule 2, 5, 6, and 28 of Supplemental Rules of the Probate and Family Court and Uniform Practice XXXIV.</p>		

  

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