

<p style="text-align: center;">PETITION FOR FORMAL</p> <p><input type="checkbox"/> PROBATE OF A WILL</p> <p><input type="checkbox"/> ADJUDICATION OF INTESTACY</p> <p><input type="checkbox"/> APPOINTMENT OF A PERSONAL REPRESENTATIVE</p> <p><input type="checkbox"/> OTHER: _____</p> <p style="text-align: center;">PURSUANT TO G. L. c. 190B, § 3-402</p> <p><input type="checkbox"/> Original Form <input type="checkbox"/> Amended Form</p>	<p>Docket No.</p>	<p style="text-align: center;">Commonwealth of Massachusetts The Trial Court Probate and Family Court</p>
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<p>Estate of:</p> <p style="text-align: center;">_____ Division</p> <hr/> <p style="text-align: center;">_____ First Name _____ Middle Name _____ Last Name</p> <p>Date of Death: _____</p>	
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I. GENERAL INFORMATION

The Petitioner(s) (hereafter "Petitioner"), an interested person, makes the following statements:

1. Information about the Decedent:

Name: _____ Age at death _____

(First Name) (Middle Name) (Last Name)

Also known as: _____

(Name)

Street Address: _____

(Address) (Apt, Unit, No. etc.) (City/Town) (State) (Zip)

The Decedent was domiciled in _____ , _____ .

(City/Town) (State)

- A death certificate issued by a public officer is in the possession of the court or accompanies this Petition.
- A death certificate issued by a public officer is not in the possession of the court and does not accompany this Petition. The circumstances which make it impossible for a death certificate to be provided are (See G. L. c. 190B, §§ 3-402(b), 1-107):

2. Information about the Petitioner:

Name: _____

(First Name) (M.I.) (Last Name)

(Address) (Apt, Unit, No. etc.) (City/Town) (State) (Zip)

Mailing Address, if different: _____

(Address) (Apt, Unit, No. etc.) (City/Town) (State) (Zip)

Primary Phone #: _____

The Petitioner's interest in the estate is as follows (e.g., Personal Representative named in a will, surviving spouse, heir, devisee, Public Administrator, creditor, etc. See G. L. c. 190B, § 1-201(24)): _____

- 3. This Petition is filed within the time period permitted by law. See G. L. c. 190B, § 3-108. Three years or less have passed since the Decedent's death, or the following circumstances authorize tardy proceedings (include statutory reference):**

FORM ALERT: Do not use this form to file a late probate proceeding pursuant to G. L. c. 190B, § 3-108(4). Use form MPC 161.

4. Venue for this proceeding is proper in this county because on the date of death, the Decedent:

was domiciled in this county. was not domiciled in Massachusetts, but had property located in this county at:

(Address) (Apt, Unit, No. etc.) (City/Town) (State) (Zip)

5. The Petitioner shall give notice once by citation to the Division of Medical Assistance. To do so, the Petitioner shall send a copy of the citation when issued by the court together with a copy of this Petition and death certificate by certified mail at least fourteen (14) days before the return day to the Division of Medical Assistance, Estate Recovery Unit, P.O. Box 15205, Worcester, MA 01615-0205. For specific details, see the citation's Order of Notice.

II. PERSONS INTERESTED IN THE ESTATE

6. The Decedent's surviving spouse, children, heirs at law and devisees (if any), so far as known or ascertainable with reasonable diligence by the Petitioner are as stated in form [MPC 162 Surviving Spouse, Children, Heirs at Law](#) AND if the Decedent died with a will, form [MPC 163 Devisees](#) incorporated herein.

There are or may be additional heirs at law who are not known to the Petitioner.

FORM ALERT: Failure to submit this information will result in a delay in processing your case.

III. TESTACY STATUS

7. The Decedent died (select one):

Intestate (without a will)

After the exercise of reasonable diligence, the Petitioner is unaware of any unrevoked testamentary instrument relating to property in Massachusetts, or see attached statement of why such an instrument is not being probated.

Testate (with a will)

The date of the Decedent's last will is _____.

The dates of all codicils are _____.

(select one of the following):

The original will is in the possession of the court or accompanies this Petition.

The original will is lost, destroyed or otherwise unavailable and

a copy of the original will accompanies this Petition **OR**

a statement of its contents is attached and incorporated herein.

The will has been probated in the state or country of _____.

An authenticated copy of the will and proof of its probate are filed with this Petition.

The will and any codicils are referred to as the will. The Petitioner, to the best of his or her knowledge, believes the will was validly executed. After the exercise of reasonable diligence, the Petitioner is unaware of any instrument revoking the will and believes that the will is the Decedent's last will.

IV. APPOINTMENT OF PERSONAL REPRESENTATIVE

(if requested)

8. The Petitioner requests that the following qualified person, who is 18 years of age or older, be appointed Personal Representative: Self only. Self and other(s): Other(s):

Name of other(s): _____
First Name M.I. Last Name

(Address) (Apt, Unit, No. etc.) (City/Town) (State) (Zip)

Mailing Address, if different: _____
(Address) (Apt, Unit, No. etc.) (City/Town) (State) (Zip)

Primary Phone #: _____

9. *Select all that apply:*

All or some of the nominees have priority for appointment:

by statute. See G. L. c. 190B, § 3-203.

by renunciation and/or nomination. Persons with higher or equal rights to appointment are:

_____ M.I. _____ Last Name
First Name

FORM ALERT: Any required renunciations/nominations using form [MPC 455](#) must accompany this Petition.

The nominee(s) without priority for appointment are:

_____ M.I. _____ Last Name
First Name

Persons with priority have failed to request appointment or to nominate the above nominee and administration is necessary.

10. *Select one of the following:*

No court has appointed a Personal Representative and no such appointment proceeding is pending in Massachusetts or elsewhere.

A court has appointed a Personal Representative, whose appointment has not been terminated, or an appointment proceeding is pending in the State of _____ and the Personal Representative's name and address is:

_____ M.I. _____ Last Name
First Name

(Address) (Apt, Unit, No. etc.) (City/Town) (State) (Zip)

11. *Select one of the following:*

A bond with sureties in the penal sum amount of \$ _____ has been or will be filed.

A bond without sureties has been or will be filed and is permissible because:

The will waives sureties on the bond and no interested person has demanded that a bond with sureties be filed.

All devisees (if a will is filed) or heirs (if no will is filed) have waived sureties in writing using form MPC 455 and all waivers are filed with this Petition or are in the possession of the court.

FORM ALERT: All persons seeking appointment must file a bond using form [MPC 801](#).

12. The Petitioner requests (*Select one of the following*):

Unsupervised administration

The Decedent died intestate (without a will).

The will directs unsupervised administration or is silent on the issue.

The will directs supervised administration, but circumstances have changed since the execution of the will and there is no necessity for supervised administration because:

Supervised administration

The will directs supervised administration.

The will directs unsupervised administration, but it is necessary for protection of persons interested in the estate

because: _____

No will directs supervised administration but it is necessary under the circumstances, specifically:

13. The appointment of a Special Personal Representative is necessary pursuant to G. L. c. 190B, § 3-614 (See separate motion and affidavit filed with this Petition).

V. RELIEF REQUESTED

Wherefore the Petitioner requests that the court:

- Admit the Decedent's will to formal probate and determine the heirs.
- Determine that the Decedent died without a will and determine the heirs.
- Determine the heirs of the Decedent.
- Appoint the nominee(s) as Personal Representative of the estate in a(n) unsupervised supervised administration to serve without with sureties on the bond and that Letters be issued.

The Petitioner also requests:

- A setting aside of prior informal findings as to testacy.
- A setting aside of prior informal appointment of Personal Representative.
- Other:

SIGNED UNDER THE PENALTIES OF PERJURY

I certify under the penalties of perjury that the foregoing statements are true to the best of my knowledge and belief.

Date: _____
Signature of Petitioner

Information on Attorney for Petitioner, if any

Signature of Attorney

(Print name)

(Address)

(Apt, Unit, No. etc.)

(City/Town)

(State)

(Zip)

Primary Phone #: _____

B.B.O. # _____

Email: _____