

<b>PETITION FOR LATE AND LIMITED FORMAL TESTACY and/or APPOINTMENT</b> <b>PURSUANT TO G. L. c. 190B, § 3-108(4)</b> <input type="checkbox"/> Original Form <input type="checkbox"/> Amended Form	Docket No. _____	<b>Commonwealth of Massachusetts</b> <b>The Trial Court</b> <b>Probate and Family Court</b>
<b>Estate of:</b> _____ <div style="display: flex; justify-content: space-between; width: 100%;"> <span>First Name</span> <span>Middle Name</span> <span>Last Name</span> </div> Date of Death: _____	_____ <b>Division</b>	

**(Form Alert: You cannot use this form if the Decedent died prior to March 31, 2012)**

**I. GENERAL INFORMATION**

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

**1. Information about the Decedent:**

Name: \_\_\_\_\_  

First Name
Middle Name
Last Name

Also known as: \_\_\_\_\_  

Name

Street Address: \_\_\_\_\_  

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

The Decedent died on or **AFTER MARCH 31, 2012** on \_\_\_\_\_ at the age of \_\_\_\_\_ years.  

(date)

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 has a property right in the estate of the Decedent that is the subject of this Petition or is a person having priority for appointment as Personal Representative or other fiduciary representing an interested person. The Petitioner's interest is as follows: \_\_\_\_\_

(e.g., Personal Representative named in a will, surviving spouse, heir, devisee, etc. See G. L. c. 190B, §§ 1-201(24), 3-101).

**3. No original proceeding relative to the estate has occurred within the three (3) year period after the Decedent's death and a formal testacy proceeding or appointment is necessary for the limited purpose of confirming title in the successors to estate assets listed in #8 below and paying expenses of administration, if any. See G. L. c. 190B, § 3-108(4).**

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 (*Formal proceeding required*).

**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 are attached and incorporated herein.

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. ESTATE ASSETS**

8. This Petition concerns the succession of the Decedent's interest in the following property:

**A. REAL PROPERTY** (*List all real estate*):

Description of Property	Location of Property	Decedent's Interest

**B. PERSONAL PROPERTY** (List all stocks, bonds, securities, cash and other personal property):

Description of Property	Location of Property	Decedent's Interest

**V. APPOINTMENT OF PERSONAL REPRESENTATIVE**

(if requested)

9.  The Petitioner requests that the following qualified person, who is 18 years of age or older, be appointed Personal Representative for the limited purpose of confirming title in the successors to the estate assets listed in #8 above and paying expenses of administration, if any:

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 #: \_\_\_\_\_

10. *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:

\_\_\_\_\_  
First Name M.I. Last Name

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

The nominee(s) without priority for appointment are:

\_\_\_\_\_  
First Name M.I. Last Name

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

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 that the Personal Representative serve in a(n) (*select one*):

- Unsupervised Administration because:
  - 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 because:
  - 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.*).

**VI. RELIEF REQUESTED**

**Wherefore, the Petitioner requests that the court:**

- Admit the Decedent's will to formal probate and determine both the heirs and devisees.
- Determine that the Decedent died without a will and determine the heirs.
- Appoint the nominee(s) as Personal Representative of the estate in a(n)  unsupervised  supervised administration to serve  with  without sureties on the bond and that Letters be issued that limit the authority of the Personal Representative to confirming title in the successors to the estate assets identified herein and paying expenses of administration, if any.
- Appoint a Special Personal Representative pending the appointment of the nominated Personal Representative.

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**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: \_\_\_\_\_

SAMPLE