

STATE OF MAINE

_____ COUNTY PROBATE COURT

DOCKET NO. _____

Estate of _____
Decedent

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

PETITION TO JUDGE:
 FORMAL ADJUDICATION AND/OR
 FORMAL APPOINTMENT

1. Full legal name of Petitioner:

2. Address, email address and telephone number of Petitioner:

3. Legal interest of Petitioner in Estate¹ (Check all that apply):

- Surviving spouse
- Domestic partner
- Heir (e.g. child, parent, etc.)
- Creditor
- Other _____

4. Full legal name of Decedent:

5. Date of Decedent's death:

6. Date of Decedent's birth (or approximate age if date of birth unknown):

7. Domicile (a/k/a address of permanent residence) of Decedent at date of death:

11. Has a personal representative for 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 (3) years before the date of this petition? YES NO
If yes, state here the circumstances that authorize commencing this proceeding.⁶

13. Has the Petitioner 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?⁷ 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 that require establishing supervised administration of this Estate.⁸

15. Upon receiving notice of the time and place for the formal intestacy proceeding, I will give notice to the heirs listed in items 8a and 8b and if the Decedent was fifty-five (55) years of age or older, to the Department of Health and Human Services and to the following other persons:⁹

Name	Address

I will 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.¹⁰

17. In addition to the notice mentioned in item 15, I request the Court to publish notice as required by law.
YES NO

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.¹¹

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

****Complete questions 19-22 only if Petitioner is also seeking appointment as Personal Representative****

19. Name and address of Personal Representative whose appointment is sought. (Provide both mailing and legal addresses if they are different.)

20. The Personal Representative listed in item 19 has the following relationship to Decedent:

Check one:

- Surviving spouse
- Domestic partner
- Other heir (e.g. child, parent, etc.)
- Creditor
- State tax assessor

Do any persons have a prior or equal right to appointment?¹² YES NO If yes, explain.

21. Is there any question relating to priority or qualification of personal representative to be resolved by this Court?
YES NO If yes, describe it here.¹³

22. Check one:¹⁴

- A personal representative's bond is required and is attached.
- A bond may be required. The court is asked to decide if a bond is necessary and in what amount.
- No bond is required.
- An estate tax bond is required and is attached.¹⁵

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.

Dated: _____

Petitioner or Attorney for Petitioner¹⁶

Attorney for Petitioner, if any:

Name

Address

Address

Phone Number

Maine Bar Number

Email Address

“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, the Petitioner’s filing of the Petition acts as a renunciation and nomination if such Petitioner is seeking the appointment of some other person

Fees due upon filing:

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

¹ 18-C.M.R.S. § 1-201(26).
² 18-C.M.R.S. § 1-201(23).
³ 18-C.M.R.S. § 3-402(1).
⁴ 18-C.M.R.S. § 1-201(14).
⁵ 18-C.M.R.S. § 3-201.
⁶ 18-C.M.R.S. § 3-108.
⁷ 18-C.M.R.S. § 3-204.
⁸ 18-C.M.R.S. § 3-501 *et seq.*
⁹ 18-C.M.R.S. §§ 3-204, 3-403, 3-414(2) and 3-414.
¹⁰ 18-C.M.R.S. § 3-801.
¹¹ 18-C.M.R.S. § 3-402.
¹² 18-C.M.R.S. § 3-203.
¹³ 18-C.M.R.S. § 3-414. If none, state “None.”
¹⁴ 18-C.M.R.S. § 3-603 *et seq.*
¹⁵ 36 M.R.S. § 4079
¹⁶ Attorney signature required, pursuant to Rule 11.