

# STATE OF MAINE

\_\_\_\_\_ COUNTY PROBATE COURT

DOCKET NO. \_\_\_\_\_

Estate of \_\_\_\_\_  
Decedent

PETITION FOR FORMAL PROBATE  
OF WILL OR APPOINTMENT OF  
PERSONAL REPRESENTATIVE OR  
BOTH

PETITION TO JUDGE:  
FORMAL PROBATE   
FORMAL APPOINTMENT

1. Full legal name of Petitioner:
  
2. Address and telephone number of Petitioner:
  
3. Legal interest of Petitioner in Estate<sup>1</sup> (Check all that apply)
  - Personal Representative named in the Will
  - Surviving spouse
  - Domestic partner
  - Devisee
  - Heir
  - 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 is unknown):
  
7. Domicile of Decedent at date of death (i.e. address of permanent residence):
  
- 8a. Names and addresses of spouse, registered domestic partner, children and other heirs (attach additional sheet(s) if necessary):<sup>2</sup>

Name	Address	Date of Birth (if Under 18) <sup>3</sup>	Relationship to Decedent

8a. Continued:

Name	Address	Date of Birth (if Under 18) <sup>3</sup>	Relationship to Decedent

8b. Is there a domestic partner (non-registered):<sup>3</sup> YES  NO  If yes, provide name and address below:

9. Names and addresses of devisees (attach additional sheet(s) if necessary):

Name	Address

10a. Does the probate estate contain real estate located in Maine? YES  NO  If yes, list each municipality and county in which such real estate is located below (Note: Do not list jointly held property which passes by survivorship).

10b. Does the residuary estate contain real estate? YES  NO

11. Was Decedent domiciled outside of Maine at date of death? YES  NO  If yes, identify below Decedent's property that 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.<sup>4</sup>
12. Has a Personal Representative of the Decedent's Estate 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 below.
13. Does the Petition involve a Will? YES  NO   
If yes, has the Will been probated informally? YES  NO  If yes, state where and when below.
14. Did Decedent die more than three years before the date of this Petition? YES  NO  If yes, state below the circumstances that authorize commencing this proceeding.<sup>5</sup>
15. 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?<sup>6</sup> YES  NO  If yes, include name and address of person demanding notice below.
16. Is Petitioner seeking Supervised Administration of this Estate? YES  NO . If yes, state below the circumstances that require establishing Supervised Administration of this Estate.<sup>7</sup>
17. Upon receiving notice of the time and place for the formal testacy proceeding, I will give notice to the heirs listed in subparts 8a, 8b, and 9 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:<sup>8</sup>

Name	Address

I will furnish proof of notice to the Court by affidavit.

17. Check if desired:  Pursuant to Rule 80B(a), I request the Register to publish notice to creditors.<sup>9</sup>
18. Does Petitioner (in addition to the notice mentioned in item 17), wish the Court to publish notice as required by law? YES  NO  If no, explain why not below.
19. The Decedent's Last Will and Testament dated \_\_\_\_\_ and Codicils dated \_\_\_\_\_ are filed herewith and to the best of my knowledge, I believe the Will was validly executed, and, after the exercise of reasonable diligence, I am unaware of any instrument revoking the Will, and I believe the instrument which is the subject of this petition is the Decedent's Last Will and Testament.<sup>10</sup>

20. Name and address of Personal Representative whose appointment is sought. (Designate mailing and legal addresses if they are different.)
21. Is the person described in subpart 20 designated as the Personal Representative in the Will? YES  NO   
 If no, state the basis of the individual's priority below.<sup>11</sup>
22. Are there any questions relating to priority or qualification of the Personal Representative to be resolved? YES  NO  If yes, describe them below.<sup>12</sup>
23. Check all that apply:
- No bond is required.<sup>13</sup>
  - A bond is required and attached.<sup>14</sup>
  - A bond may be required. The Court is asked to decide if a bond is necessary and in what amount.
  - An estate tax bond is required and is attached.<sup>15</sup>
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.

**REQUEST FOR ORDER OR ORDERS:**

25. Check applicable box or boxes.
- I request an order of the Court that the Will identified by this Petition is the Will of the Decedent and that the heirs are as set forth in item 8a.
  - I request an order of Court appointing the Personal Representative listed in item 20 or some other suitable person.
  - I request an order of Court establishing Supervised Administration.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Petitioner or Attorney<sup>17</sup>

Attorney for Petitioner, if any:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Maine Bar Number

\_\_\_\_\_  
Email Address

Fees due upon filing:

Filing Fee \$ \_\_\_\_\_ Mailing Notices \$ \_\_\_\_\_ Publication \$ \_\_\_\_\_

Surcharge \$ 10.00 Abstracts \$ \_\_\_\_\_ Other \$ \_\_\_\_\_

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<sup>1</sup> 18-C M.R.S. See § 1-201(26)

<sup>2</sup> 18-C M.R.S. §1-201(23)

<sup>3</sup> 18-C M.R.S. § 3-402(1)

<sup>4</sup> 18-C M.R.S. § 1-201(14)

<sup>5</sup> 18-C M.R.S. §§ 1-201(10) and 1-201(11)

<sup>6</sup> 18-C M.R.S. § 3-201

<sup>7</sup> 18-C M.R.S. § 3-108.

<sup>8</sup> 18-C M.R.S. § 3-402(1)(B)

<sup>9</sup> 18-C M.R.S. § 3-501 *et seq.*

<sup>10</sup> 18-C M.R.S. §§ 3-204, 3-403 and 3-414

<sup>11</sup> 18-C M.R.S. § 3-801

<sup>12</sup> 18-C M.R.S. § 3-402

<sup>13</sup> 18-C M.R.S. § 3-203

<sup>14</sup> 18-C M.R.S. § 3-414

<sup>15</sup> 18-C M.R.S. § 3-603 *et seq.*

<sup>16</sup> 36 M.R.S. § 4079.

<sup>17</sup> See Rule 11.

MARP