

APPLICATION FOR APPOINTMENT AS PERSONAL REPRESENTATIVE



PINAL COUNTY

**HOW TO APPLY TO BE THE PERSONAL
REPRESENTATIVE OF AN ESTATE**

INSTRUCTIONS AND FORMS

**Provided as a Public Service by
Amanda Stanford
Clerk of the Superior Court**

APPLICATION FOR APPOINTMENT AS PERSONAL REPRESENTATIVE

This packet contains general information and instructions to file and give notice of an Application for Appointment as Personal Representative, whether there was a Will nor not. Be sure this packet contains the following documents:

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You have permission to use these documents for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

NOTICE

Training Requirement for Customer(s) Filing Probate and Guardianship Matters

New requirements for probate and guardianship matters went into effect September 1, 2012. Non-licensed fiduciaries, typically family members, are to receive training. Specifically, Rule 27.1(A) of the Arizona Rules of Probate Procedure states: **“Any person who is neither a licensed fiduciary under A.R.S. § 14-5651 nor a financial institution shall complete a training program approved by the supreme court before letters to serve as a guardian, conservator, or personal representative....”**

The computer-based training modules include:

- An introduction to serving as a non-licensed fiduciary;
- Information on serving as a guardian;
- Information on serving as a conservator; and
- Information on serving as a personal representative.

The probate training modules provided by the Administrative Office of the Courts may be found on their new Probate resource webpage at <http://www.azcourts.gov/probate/Probate.aspx>. From this page you will find a link to the training modules as well as other probate-related resources such as the new forms and fee guidelines.

The training modules provide one set of slides with a narrator and one set in PDF (printable) format without narration (versions are approximately 30 to 45 minutes in length). At the end of each training module you will find a printable certificate of completion. Please print, sign, file a copy with the Clerk of Court and keep a copy for your records. The new rule does not require the person to file proof of completion of training with the court; however, the judge making the appointment may require filing of the certificate with the court.

PROCEDURES

HOW TO APPLY TO BE THE PERSONAL REPRESENTATIVE

USE THIS PACKET IF

- ✓ You want to apply to be the Personal Representative of the estate of a person who died without a Will **OR**
- ✓ You want to apply to be the Personal Representative of the estate of a person who died with a Will and you have the original Will or a certified copy of the original Will to give to the Probate Registrar.
- ✓ The death of the person occurred more than 120 hours ago. If the amount of time hasn't passed, you must wait until the 120 hours has passed.

WHAT TO DO BEFORE YOU COME TO COURT TO FILE ANYTHING:

1. Decide if you are asking for an appointment as Personal Representative when the person died with no Will, or with a Will. If the person died with a Will, you will also be asking for the Will to be admitted into informal probate.
2. Decide if you are an appropriate person to be the Personal Representative. Generally, to file the Application you must be:
 - Over 18 years of age
 - The surviving spouse of the person who died,
 - An adult child of the person who died,
 - A parent of the person who died,
 - A brother or sister of the person who died,
 - A person entitled to property of the person who died,
 - A person who was named as personal representative by Will, **OR**
 - You are a creditor and 45 days have gone by since the person died.

Read the Application and all the other papers in this packet so you have a good idea what kind of information you will need to file for the Appointment to be Personal Representative.

3. Decide who the other people are that are entitled to be Personal Representative and are the likely persons who will inherit property under the Will or to whom property will pass by law if there is no Will and who are creditors of the estate. If you are not sure about this, talk to an attorney who can help you decide.
4. Complete the Application, if you want to be appointed as Personal Representative.
5. Go to the people who could also be Personal Representatives. Ask them if they are willing to sign a Waiver of Appointment and will agree to the appointment. If they are willing to sign a Waiver, have them sign the Waiver in this packet. If the Waiver is signed, mail or deliver a copy of the Waiver to all interested persons.
6. Estimate what you think is the total value of the estate of the decedent. Go to the people who are entitled to inherit the property under a Will, or to whom property will pass by law if there is no Will, and ask them if they are willing to have you act as personal representative without a bond. If they are willing, ask them to sign the Waiver of Bond document. If all interested persons sign the Waiver of Bond, **mail or deliver** copies of the Waiver to all interested persons.

7. Fill out the Probate Cover Sheet, the Application, and Probate Information Sheet. Attach the original Will. Make enough copies for all interested persons. Decide in which court location you will file the Application. **Once you have completed your documents and they have been signed in front of a Notary Public (If Required) please make a set of copies for all interested parties and provide the Court with a Self-Addressed stamped envelope for the return of any Conformed/Certified copies of the Courts final ruling.** If you do not enclose the self-addressed stamped envelope for the Clerk's office to return your copies you will be assessed a \$7.00 shipping and handling fee.

Visit our website for office locations or feel free to give us a call.

Contact Information for all Offices

Toll Free: 888.431.1311 • Local: 520.509.3555 or 311 • Fax: 520.866.5320

www.coscpinalcountyaz.gov/office.html

File the original Application, Probate Cover Sheet, Probate Information Sheet, the original Will, all Waiver of Rights to Appointment (if needed), Waiver of Bond (if needed) and have the copies conformed by the Clerk and returned to you. (Conformed means that the original was filed with the court and you receive a stamped copy).

FILING FEE: There is a filing fee for filing this Application for Appointment of Personal Representative and well as other charges associated with this case. Inquire with the Clerk's office regarding the filing fee amount. Payment may be made by cash, Money Order, Visa, MasterCard debit or credit. If you cannot pay these fees, you may request the fee(s) be deferred or waived. The Clerk of the Superior Court has the necessary forms to ask for a deferral or waiver.

NOTE: With the Application for Deferral, you must provide proof of income (2 copies of your most recent pay stubs)

8. Complete the Notice of Application. Mail or hand-deliver a copy of the Notice of Application and the Application for Informal Appointment of Personal Representative to everyone entitled to the notice. Read the Notice of Application in this packet to learn who must get notice.
9. If people are entitled to notice and you cannot find them even though you tried very hard to find them, you can publish the notice. Read the documents in this packet on how to serve papers when you don't know where the other party lives on how to do this. You must publish once a week for three weeks in a row. If you publish, be sure you complete the Affidavit of Circumstances about Publication. You will receive an Affidavit of Publication from the newspaper.
10. Complete the Proof of Delivery or Mailing of Notice of Application.
11. Complete the Training Requirements for Customers filing Probate and/or Guardianship matters. New requirements for probate and guardianship matters went into effect September 1, 2012. Non-licensed fiduciaries, typically family members, are to receive training. Specifically, Rule 27.1(A) of the Arizona Rules of Probate Procedure states: **"Any person who is neither a licensed fiduciary under A.R.S. § 14-5651 nor a financial institution shall complete a training program approved by the supreme court before letters to serve as a guardian, conservator, or personal representative are issued..."** The probate training modules provided by the Administrative Office of the Courts may be found on their new Probate resource webpage at <http://www.azcourts.gov/probate/Probate.aspx>. From this page you will find a link to the training modules as well as other probate-related resources such as the new forms and fee guidelines. Please refer to the **NOTICE** in this packet for more information on completing the training.

WHAT TO DO NEXT: See the Procedures for Appointment of Personal Representative **AFTER** You Have Filed the Application, in this packet.

INFORMATION ON LEGAL NOTICE FOR PROBATE OF ESTATES WHEN A PERSON HAS DIED AND WHAT TO DO AFTER YOU HAVE NOTIFIED ALL INTERESTED PERSONS

1. WHAT IS LEGAL NOTICE: After you have filled out AND filed the probate papers with the Court, you must tell all interested persons about the papers. There are some terms you must know to do this correctly.

A. WHAT COURT DOCUMENTS DO I NEED TO GIVE NOTICE ABOUT IMMEDIATELY AFTER I HAVE FILED APPLICATION? To give notice, you usually have to do this by giving copies of Court documents to those entitled to notice. Here are the documents you need to give the people who are entitled to notice at this time.

- ✓ **Application for Informal Appointment of Personal Representative when a person died with a Will or without a Will.**
- ✓ **Notice of Application in Informal Proceeding.**

A good rule to follow as your case continues is that you should give people copies of any documents you filed with the court. That way you know that you gave people copies of the right documents. You then must list in the Proof of Notice (see section C, below) the people you gave the documents to, their address and the date the documents were mailed or delivered.

B. WHAT ARE THE WAYS TO GIVE LEGAL NOTICE?

- ✓ **Personal Service** is the term used for giving formal notice required in some cases for some persons. It requires that a registered process server or the sheriff serve the documents on the interested persons or that a person accepts service of the papers. When personal service is required, it means the law is written to make sure that a person who needs notice of a case gets notice.
- ✓ **Mail or Hand Delivery** is less formal but an important way of giving notice to other persons in some cases. This type of service is permitted in most informal probate cases. When you are required to give notice by mail, 1st class postage-prepaid mail is usually okay. Certified or Registered mail is an extra step you can take to prove that the person you want to have notice received the notice.
- ✓ **Publication** of Notice is when you do not know the address of the persons to whom you need to give notice. For publication, you need to try to find the person who is supposed to get the notice, and prove to the Court everything you did to try to find the person or to get the address first. Then, you must publish the Notice of Application immediately after you file the Application at least three times in a newspaper in the county where the case was filed.

C. HOW DO I SHOW THAT I GAVE LEGAL NOTICE?

Proof of Notice is the document you sign and file with the Court to prove who you gave notice to, and how you did it. You must fill out this form after you have served the documents on all interested persons. If you do not know where the person lives that you need to mail or deliver the documents to, see the materials on publication in this packet.

2. **TIME FRAMES TO GIVE LEGAL NOTICE:** Generally, you must give all interested persons notice of the court papers immediately after you file the documents with the court. You must also notify any person who has filed a demand for notice with the court, and to any personal representative of the person who died whose appointment has not been terminated. If you do not know where the person lives and have tried to find them, you can give notice by publication. Keep in mind that the newspaper will not provide the Affidavit of Publication to you until all notices have been published once a week for three consecutive weeks (ARS § 14-3801).
3. **WHO IS ENTITLED TO LEGAL NOTICE:** Here is a guide to whom you must give notice. You must give notice to all interested persons. This includes, but is not limited to, any person that has filed a demand for notice with the court, any personal representative of the person who died, whose appointment has not ended, any spouse, any adult children, any parents, brothers and/or sisters of the person who died, any person named as an heir in the Will of the person who died.
4. **COMPLETE THE PROOF OF NOTICE:** After NOTICE is done, you must complete the PROOF OF NOTICE form. Be sure to list the names of the persons to whom you gave the copies. Also list the date you gave the person copies, his or her address, and the date you mailed or delivered the documents. If the person has an attorney, make sure you mail copies to the attorney, too. Then, make three copies of the Proof of Notice.
5. **FILE THE PROOF OF NOTICE AND OTHER COURT PAPERS:** File the PROOF OF NOTICE and other court papers with the Clerk of the Court/Probate Registrar.

Take the **original and two copies** of the **Proof of Notice and other court papers** to the Clerk of the Court / Probate Registrar who will file the original and stamp "copy" on each of the two copies and return them to you.

- **KEEP COPIES:** Keep a copy of each document for your records.
 - These documents should be filed with the court immediately after you have notified all interested persons. See "***Procedures: How to Apply to be the Personal Representative***" to find out what documents you should complete and file with the Clerk of the Court/Probate Registrar. After you file the Proof of Notice and other court papers, mail or deliver a copy to all interested persons immediately.
6. **NEXT STEPS:** Now you are ready to get the rest of the paperwork in order. See packet concerning "The Appointment, Notice of Appointment, Inventory and Appraisement."
 7. **OTHER HELP:** If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under "attorneys". All forms referred to in these instructions are available in this packet.

PROCEDURES
HOW TO SERVE LEGAL PAPERS – BY PUBLICATION
PROBATE OF ESTATES CASES
(Arrange for service after you have filed your papers in court)

STEP 1: **HOW TO PUBLISH.** If you are publishing notice, you should complete the attached letter, describing the documents that need to be referenced by the newspaper for the publication.

A. **Publication – For Publication you may use:**

Casa Grande Dispatch
200 W 2nd Street
Casa Grande, AZ 85132

Or Any Other Newspaper within Pinal County

NOTICE: There is a filing fee for all petitions and there are service fees. At the time you file your papers with the Clerk of the Court you may request a Deferral and / or Waiver of the filing fees, and the Sheriff's or Publication service fees, if you intend to use the Sheriff's Office or Publication for service.

STEP 2: **WAIT for about five weeks for the newspaper to send you a copy of the document called Affidavit of Publication. If the newspaper sends you the original, file the original. Otherwise, make sure the newspaper files the original Affidavit of Publication with the Clerk of the Court.**

STEP 3: **GATHER THE PAPERWORK:**

- COMPLETE the original of the **AFFIDAVIT OF CIRCUMSTANCES AND SERVICE BY PUBLICATION** document, which is in the Form Packet.
- If the Affidavit of Publication has not been filed by the newspaper, make sure it gets filed by using the attached Affidavit of Publication form.
- Make a COPY for you of the **AFFIDAVIT OF CIRCUMSTANCES AND SERVICE BY PUBLICATION** and **AFFIDAVIT OF PUBLICATION**.

STEP 4: **FILE YOUR DOCUMENTS WITH THE COURT.**

Original of the ***Affidavit of Circumstances and Service by Publication*** and a copy of the ***Publication, AND,***

Original of the ***Affidavit of Publication*** you received from the newspaper unless newspaper filed it for you. Make sure you bring a copy of the Affidavit of Publication to the hearing.

Print Your Name: _____

Your Address: _____

Date: _____

Name of Newspaper

Address

Case Number: _____

To Whom It May Concern:

Enclosed is a court file-stamped copy of a Notice of Application in Informal Proceedings which I ask you to publish in your newspaper once a week for three weeks in a row. This Notice is about:

(CHECK ONE BOX)

(If no Will) An Application for Appointment of Personal Representative without a Will, **OR**

(If a Will) An Application for Informal Probate of a Will and for Appointment of a Personal Representative

Also enclosed is (CHECK ONE BOX)

A check or money order in the amount of \$_____ for the cost of the publication as requested, **OR,**

A certified copy of the Order from the court waiving/deferring the publication costs.

When you receive this letter, please call me at (_____) _____ to tell me when the first publication will occur. When all three weeks of publication have been completed, please mail the original to the Clerk of the Superior Court, PO Box 2730, Florence, AZ 85132-2730 and send me one copy of the Affidavit of Publication.

Thank you for your help in this matter.

Yours truly,

Sign your name

Enclosures

PROCEDURES FOR APPOINTMENT OF PERSONAL REPRESENTATIVE AFTER YOU HAVE FILED THE APPLICATION

USE THIS PACKET IF:

- ✓ You want to apply to be the personal representative of the estate of a person who died with or without a Will.
- ✓ You already completed and filed the Application for Appointment and gave notice to everyone who is entitled to notice by law.
- ✓ You filed or will file with the Clerk of the Superior Court/Probate Registrar the Proof of Mailing of Notice and also the Affidavit about Publication if you had to publish.

HOW TO GET APPOINTED AND HAVE THE WILL ADMITTED

- ✓ Bring the following documents with you to the office of the Clerk of the Superior Court, at the court location you choose. The Clerk will file the originals. Make sure you have made extra copies of all originals so that the Clerk can make conformed copies for you:
 - Application for Appointment (copy)
 - Will, if person who died had a Will (original Will or certified copy should be attached to the Application)
 - Certificate of Completion of Online Training
 - Signed Waiver of Right to Appointment and consent (if anyone signed) (original plus at least one copy)
 - Signed Waiver of Bond (if anyone signed) (original plus at least one copy)
 - Notice of Application (original plus at least one copy)
 - Proof of Notice of Delivery/Mailing of Application (original plus at least one copy)
 - Affidavit of Circumstances of Publication and Affidavit of Publication (if you published) (original, unless the newspaper mailed the Affidavit directly to the Clerk, plus at least one copy)
 - Statement of Informal Appointment (original plus at least one copy)
 - Signed Letters and Acceptance of Appointment (original plus at least one copy)
 - Signed Order to Personal Representative (original plus at least one copy)
- ✓ Before you make any copies, complete the **Statement of Informal Appointment** except for the amount of the bond and the signature of the Probate Registrar, complete the caption of the Letters, and the caption of the **Order to Personal Representative**. The caption includes the information about you, the name of the person who died, and the case number.
- ✓ The **Letter of Appointment of Personal Representative** and the **Acceptance of Appointment as Personal Representative** must be signed in front of a notary prior to filing. The **Order to Personal Representative and Acknowledgement and Information to Heirs** must also be signed by the petitioner prior to submitting.
- ✓ If all is in order, the Probate Registrar will sign the Statement, admit the Will (if there is one) and sign the **Order to Personal Representative**.
- ✓ If you are required to post a bond, the Deputy Clerk of the Superior Court will not sign the Letters until you have filed proof of the bond. After you file proof of the bond get the Letters issued.
- ✓ You will need to get a certified copy of the Letters, to prove you were appointed. The cost is \$27.00 per certified copy. Also ask the Clerk to court-stamp a copy of the **Statement of Informal Appointment** for you.

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

In the Matter of the Estate of

_____ an Adult a Minor, deceased

CASE NUMBER: _____

APPLICATION FOR INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE [501] (Person Died without a Will "Intestate Estate")

OR

APPLICATION FOR INFORMAL PROBATE OF WILL AND FOR INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE [549] (Person Died with a Will "Testate Estate")

HONORABLE: _____

1. This is an application for: **(CHECK ONE BOX)**
 Informal Appointment of Personal Representative because the person died without a Will ("Intestate Estate") **OR**
 Informal Probate of Will and for Informal Appointment of Personal Representative because the person died with a Will ("Testate Estate").

2. I live in _____ (County) _____ (State), and I am entitled to file this Application under A.R.S. §14-3301 because I am: **(CHECK THE BOX THAT APPLIES)**
 The surviving spouse of the person who died;
 An adult child of the person who died;
 A parent of the person who died;
 A brother or sister of the person who died;
 (Check the box only if there is not a Will) A person entitled to property of the person who died under Arizona law;
 (Check the box only if there is a Will) A person who was nominated/named as Personal Representative by a Will;
 At least 45 days have passed since the person died, and I am a creditor.

3. The person _____ (name of the person who died) died on _____ (date of death) at the age of _____ years. At the time of death, the person who died lived in the following county and state: _____ Since the death, 120 hours have passed.

4. (Check the box only if there is a Will) The original of the Will of the person, who died, dated _____ is filed with this Application.

5. The person who died left behind the following persons who are the surviving spouse, children and others entitled to take property under Arizona law: (if you need more space, attach a separate page)

Name	Age	Relationship	Address

6. This is the correct county in which to file the probate because the person who died was a resident of this county or owned property in this county at the time of death.

7. To the best of my knowledge, (CHECK ONE BOX)
 no personal representative for the estate has been appointed in this state or elsewhere OR
 a personal representative for the estate has been appointed in this state or elsewhere:

_____ (name of the person)
 _____ (name of state)

8. I have OR I have not received a demand for notice from any interested person, and
 I am OR I am not aware of any demand for notice by any interested person or any proceedings concerning the person who died, in this state or elsewhere.

9. (Check the box only if there is not a Will) I believe that the person who died had no Will. I exercised reasonable diligence, and I am not aware of any unrevoked Will, amendment to a Will, or a trust signed by
OR
 (Check the box only if there is a Will) I believe that the Will dated _____ was validly executed and is the last Will of the person who died. I exercised reasonable diligence, and I am not aware of any document that revokes the Will, or any amendment to the Will signed by the person who died.

10. I have priority for appointment as Personal Representative because: (CHECK THE BOXES THAT APPLY)
 (Check the box only if there is a Will) I am named as personal representative in the Will of the person who died;
 (Check the box only if there is a Will) I am the surviving spouse of the person who died and am named in the Will;
 (Check the box only if there is a Will) I am another person named in the Will of the person who died;
 I am the surviving spouse of the person who died;
 I am another person entitled to inherit the property of the person who died because: (EXPLAIN)

11. The names, relationships and addresses of all parties who have a prior or equal right to appointment under A.R.S. §14-3203 are: (if you need more space, attach a separate page)

Name	Relationship	Address

12. BOND INFORMATION: (CHECK ONE BOX)

A bond is not required of the Personal Representative under A.R.S. §14-3603 because all the legal **heirs have filed** written waivers of bond. I request to be appointed Personal Representative to administer the estate without bond, **OR**

A bond is not required because the **Will waives** the bond for the Personal Representative. I request to be appointed Personal Representative to administer the estate without bond, **OR**

A bond is required of the Personal Representative under A.R.S. §14-3603 because all the legal **heirs have not filed** written waivers of bond and my best estimate of the fair market value of all the property owned by the person who died and subject to the probate jurisdiction of the Court is as follows:

Personal Property	\$ _____
Real Property (less encumbrances)	\$ _____
Expected annual income of Estate	\$ _____
TOTAL	\$ _____

I request to be appointed Personal Representative to administer the estate with a bond as might be required.

13. The time for informal appointment has not expired under
- Two years have not passed since the death of the person; **OR**
 - Other: **(EXPLAIN)** (See a lawyer to help with this, if more than 2 years have passed)

OATH OR AFFIRMATION AND VERIFICATION:

I swear or affirm that the information on this document is true and correct under penalty of perjury.

Date

Signature

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

Arizona Superior Court, Pinal County

Probate Cover Sheet

CASE NUMBER PB 2 JUDGE _____

<p style="text-align: center;">PETITIONER'S NAME and ADDRESS</p> <p>Name: _____</p> <p>Address: _____</p> <p>City/State/Zip: _____</p> <p>DOB: (Must Provide) _____</p>	<p style="text-align: center;">DECEDENT'S NAME</p> <p>Name: _____</p> <p>Social Security Number: _____</p> <p>DOB: _____</p>
<p style="text-align: center;">PETITIONER'S ATTORNEY NAME and ADDRESS:</p> <p>Name/State Bar #: _____</p> <p>Address: _____</p> <p>City/State/Zip: _____</p> <p>Telephone: _____</p>	<p style="text-align: center;">FEES:</p> <p><input type="checkbox"/> PAID <input type="checkbox"/> NOT PAID - REASON:</p> <p><input type="checkbox"/> Political Subdivision/Government Agency</p> <p><input type="checkbox"/> Deferred</p> <p><input type="checkbox"/> Waived</p>

NATURE OF ACTION

Place an "X" next to the description below which describes the nature of the case.

ESTATE & TRUST

- _____ Ancillary Administration
- _____ Affidavit of Succession to Realty
- _____ Trust Administration
- _____ Formal Probate of Will
- _____ Informal Probate of Will
- _____ Supervised Administration
- _____ Unsupervised Administration
- _____ Other _____
(Specify)

ADULT ADOPTION

- _____ Adult Adoption

To the best of my knowledge, all information is true and correct.

Signature of Person Filing Documents

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

In the Matter of the Estate of

CASE NUMBER: _____

WAIVER OF BOND

_____ an Adult a Minor, deceased

HONORABLE: _____

THE UNDERSIGNED PERSON STATES AS FOLLOWS:

1. I am a (CHECK ONE BOX)
 - (only if there is no Will) heir of the decedent's estate without a Will or
 - (only if there is a Will) person named in the decedent's Will.
2. The person who is applying to be the Personal Representative of the estate (name) _____ has estimated that the total value of the estate of the person who died is \$ _____
3. I waive any and all bond in connection with his or her appointment as Personal Representative. I ask that the court not require any bond in this proceeding.

_____ Date

_____ Signature

State of Arizona)
)
 County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____
 by _____
 Name of Signer

_____ Commission Expires

_____ Notary Public

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

In the Matter of the Estate of

CASE NUMBER: _____

**WAIVER OF RIGHT TO APPOINTMENT AS
 PERSONAL REPRESENTATIVE AND CONSENT
 TO APPOINTMENT OF PERSONAL
 REPRESENTATIVE**

_____ an Adult a Minor, deceased

HONORABLE: _____

THE UNDERSIGNED PERSON STATES AS FOLLOWS:

1. I am the (CHECK ONE BOX)
 - (Check only if there is no Will) heir of the decedent's estate without a Will or
 - (Check only if there is a Will) a person named in the decedent's Will.

2. I have priority for appointment as Personal Representative of this estate under A.R.S. § 14-3203 because: (CHECK WHICH BOX APPLIES)
 - (Check only if there is a Will) I am named as Personal Representative in the Will of the person who died;
 - (Check only if there is a Will) I am the surviving spouse of the person who died and I am named in the Will;
 - (Check only if there is a Will) I am another person named in the Will of the person who died;
 - I am the surviving spouse of the person who died;
 - I am another person entitled to inherit the property of the person who died because (EXPLAIN)

3. I waive and want to give up any right I have to appointment as the Personal Representative of this estate.

4. I consent to the appointment of (name) _____
 as Personal Representative of the estate.

OATH OR AFFIRMATION AND VERIFICATION:

I swear or affirm that the information on this document is true and correct under penalty of perjury.

Date

Signature

State of Arizona)
)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or **Represented by Attorney**
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of the Estate of

CASE NUMBER: _____

**PROOF OF DELIVERY OR MAILING OF
APPLICATION IN INFORMAL PROCEEDING**

_____ **an Adult** **a Minor, deceased**

HONORABLE: _____

1. I delivered or mailed by first class mail, postage prepaid, a copy of the Notice of Application in Informal Proceeding on _____ (date) according to the requirements of law as follows:
 - A. To any person who filed a written demand for notice with the court as required by A.R.S. §14-3306.
 - B. To any person who has a prior or equal right to appointment, unless he or she waived notice in writing and it is filed with this court.
2. I delivered or mailed the Notice of Application in Informal Proceedings to the following people on the following dates:

Name	Address	Date Mailed or Delivered
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Date

Signature

State of Arizona)
)
County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of the Estate of

CASE NUMBER: _____

**NOTICE OF APPLICATION IN INFORMAL
PROCEEDING**

_____ an Adult a Minor, deceased

HONORABLE: _____

NOTICE IS GIVEN that _____ (Name of Personal Representative)
has filed an informal proceeding relating to this Estate as follows: **(CHECK ONE BOX)**

- (Check the box only if there is no Will)** An Application for Appointment of Personal Representative without a Will, **OR**
 (Check the box only if there is a Will) An Application for Informal Probate of a Will **and** for Appointment of Personal Representative.

The Probate Registrar will consider the Application on _____ (date and time Personal Representative will go to court to file the Application) at the office of the Clerk of the Superior Court/Probate Registrar, Superior Court of Arizona in Pinal County, at:

FLORENCE:
Clerk of the Superior Court
971 Jason Lopez Circle Building A
Florence AZ 85132

Date: _____

Signature: _____

Print Name: _____

SUPERIOR COURT OF ARIZONA IN PINAL COUNTY
Probate / Guardian / Conservator Information Sheet

IN THE MATTER OF: _____
(Please Print)

Case Number: _____ Date: _____

Description of Proposed Fiduciary / Guardian / Conservator (The person to be appointed Guardian / Conservator OR person seeking appointment as Personal Representative of the estate of someone who died)

Name: (First / Middle / Last)	Date of Birth:
Mailing Address:	Social Security Number:
Physical Address:	Race:
Home telephone:	Height: Weight:
Work Telephone:	Hair Color: Eye Color:
Relationship to Proposed Ward or Deceased:	
Fiduciary Certification No.	

Information about the Person Needing Protection (Minor or Incapacitated Adult)

Name of Person Needing Protection: (First / Middle / Last)	Date of Birth:
Mailing Address:	Social Security Number:
Physical Address:	Home Telephone:

If concerning an Estate matter (Information of the Decedent, Person Who Died)

Decedent's Name: (First / Middle / Last)	Decedent's Date of Birth:
--	---------------------------

I state to the court that the information I have provided is true and correct, under penalty of perjury.

(Petitioner or Attorney Signature)

NOTICE: This document is used by the Court for administrative purposes only and may be maintained in electronic form. **It is not part of the public record.**

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of the Estate of

CASE NUMBER: _____

AFFIDAVIT OF PUBLICATION

 an Adult a Minor, deceased

HONORABLE: _____

1. Attached to this page is the original Affidavit of Publication from the newspaper.

(Date)

(Signature of Person Filing Document)

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

_____ CASE NUMBER: DO2
 Name of Petitioner

**AFFIDAVIT SUPPORTING PUBLICATION
 A.R.C.P. 4.1, 4.2 - A.R.F.L.P. 41, 42**

_____ HONORABLE: _____
 Name of Respondent

1. I make this Affidavit to tell the Court why service by publication was used and to show how service by publication was done.
2. Pursuant to Arizona Rules of Civil Procedure, Rules 4.1(e) and 4.2(e), service by publication is the best way to notify the other party of this court case because the other party is:

Avoiding service of process. I have mailed, postage prepaid, a copy of the following legal documents:

to the last known address of the other party on or before the first date of publication, OR

The other party's residence is unknown. I have not mailed copies of the proceedings to the other party.

3. The residence and whereabouts of the other party is unknown to me, even though I have made a diligent search to find out. My search failed to reveal any information that might lead to knowledge about the other party's residence or whereabouts. This is what I did to try to find the other party. (Explain in detail here everything you did to try to find the other party.)

4. To the best of my knowledge, information and belief, the other party is not in the military service of the United States.
5. **The following documents were published in a newspaper in the county where my case is pending.**
 (List title/name of each document. Example: Petition, Summons)

The documents above were published on the following dates:

A. _____ B. _____ C. _____ D. _____

AND/OR

The following documents were published in a newspaper in the Arizona County of the other party's last known address, or in an adjoining county if no newspaper is published in that county, and neither is the county in which my case is pending.

The documents above were published on the following dates:

A. _____ B. _____ C. _____ D. _____

6. An Affidavit of Publication for each newspaper has been filed into court record.
7. I have read this statement and know of my own knowledge that the facts stated herein are true and correct.

Date

Signature

State of Arizona)
)
County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____
by _____
 Name of Signer

Commission Expires

Notary Public

INSTRUCTIONS: ATTACH the original of the Affidavit of Publication from the Newspaper(s) to this page.

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of the Estate of

CASE NUMBER: _____

**AFFIDAVIT SHOWING CIRCUMSTANCES WHY
NOTICE BY PUBLICATION WAS USED AND
ABOUT THE PUBLICATION**

_____ an Adult a Minor, deceased

HONORABLE: _____

1. I _____, am the Petitioner or Applicant and make this Affidavit to show the circumstances why notice by publication was used, and to show how service by publication was done.

2. Here are the names of people entitled to notice of this matter to who I gave notice by publication:

Name: _____

Last Known Address: _____

Last Date I tried to Find Person: _____

Relationship of Person to this Case: _____

Name: _____

Last Known Address: _____

Last Date I tried to Find Person: _____

Relationship of Person to this Case: _____

Name: _____

Last Known Address: _____

Last Date I tried to Find Person: _____

Relationship of Person to this Case: _____

Name: _____

Last Known Address: _____

Last Date I tried to Find Person: _____

Relationship of Person to this Case: _____

3. I made a diligent search to find out the residence and whereabouts of the people entitled to notice, but the search has failed to reveal any information concerning their residence or whereabouts.
4. I contacted the persons listed below to find out the location of the following people entitled to notice:

Name of Person I am Looking for: _____

Name of Person I am Looking for: _____

Address of Person I Contacted: _____

Name of Person I am Looking for: _____

Name of Person I am Looking for: _____

Address of Person I Contacted: _____

Name of Person I am Looking for: _____

Name of Person I am Looking for: _____

Address of Person I Contacted: _____

Name of Person I am Looking for: _____

Name of Person I am Looking for: _____

Address of Person I Contacted: _____

5. NOTICE OF HEARING or [] NOTICE TO CREDITORS was published in a newspaper in this County on the following dates.

A. ____ / ____ / ____

B. ____ / ____ / ____

C. ____ / ____ / ____

6. I have read this statement and know of my own knowledge that the facts stated herein are true and correct.

Date

Signature

State of Arizona)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of the Estate of

CASE NUMBER: _____

**LETTER OF APPOINTMENT OF PERSONAL
REPRESENTATIVE AND ACCEPTANCE OF
APPOINTMENT AS PERSONAL
REPRESENTATIVE**

_____ an Adult a Minor, deceased

HONORABLE: _____

LETTERS OF PERSONAL REPRESENTATIVE

_____ (name) is appointed as Personal Representative of
this Estate without restrictions except as follows: _____

Witness my hand and seal this _____ day of _____ 20 _____

**Amanda Stanford
Clerk of the Superior Court**

By _____
(Deputy Clerk)

ACCEPTANCE OF APPOINTMENT

I accept the duties of Personal Representative of the Estate of the above-named person who has died and do solemnly swear that I will perform the duties as Personal Representative according to law.

Date

Signature

State of Arizona)

)

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

by _____
Name of Signer

Commission Expires

Notary Public

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 ATLAS Number (if applicable) _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

In the Matter of the Estate of

CASE NUMBER: _____

STATEMENT OF INFORMAL APPOINTMENT
 OF PERSONAL REPRESENTATIVE [471]
 (Person Died without a Will – “Intestate”)
 OR
 STATEMENT OF INFORMAL PROBATE OF
 A WILL AND INFORMAL APPOINTMENT OF A
 PERSONAL REPRESENTATIVE
 (Person Died with a Will – “Testate Estate”)

_____ an Adult a Minor, deceased

HONORABLE: _____

THE PROBATE REGISTRAR FINDS:

1. An Application for Informal Appointment of a Personal Representative has been submitted by _____, requesting the following:

(Check the box only if there is no Will) The appointment of _____ as the Personal Representative to administer the estate of the person who died without a Will,

(Check the box only if there is a Will) The admission to probate of the Will of the person who died dated,

(Check the box only if there is a Will) The appointment of _____ as the Personal Representative to administer the estate of the person who died with a Will.

2. The Probate Registrar has found compliance with A.R.S. §14-3303 and is satisfied that the Will is entitled to probate.

The Probate Registrar has found compliance with A.R.S. §14-3308 and is satisfied that the person named below is entitled to appointment as Personal Representative under Arizona law.

THEREFORE:

1. (Name) _____, is appointed as Personal Representative of the estate of the person who died.
2. **(Check the box only if there is a Will)** The Will of the person who died, dated _____ is admitted to informal probate.
3. No bond is required OR the Personal Representative shall post a bond in the amount of \$_____ with this Court. Letters will be issued to the Personal Representative upon accepting and posting a bond (if required).
4. The Personal Representative shall immediately notify the Court in these proceedings of any change in his or her address and shall be responsible for the costs resulting from his or her failure to do so.

DATE: _____

(Probate Registrar)

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of the Estate of

CASE NUMBER: _____

**ORDER TO PERSONAL REPRESENTATIVE
AND ACKNOWLEDGMENT AND INFORMATION
TO HEIRS**

_____ an Adult a Minor, deceased

HONORABLE: _____

WARNING: This appointment is not effective until the letters of appointment have been issued by the Clerk of the Superior Court.

The best interest of this estate is of great concern to this Court. As Personal Representative, you are subject to the power of the Court. Therefore, to help avoid problems and to assist you in your duties, this Order is entered. You are required to be guided by this Order and to obey it.

Unless an interested party files a written request to the Court, this Court will not review or supervise your actions as Personal Representative. In Arizona, if you are a beneficiary of an estate, you are expected to protect your own interests in the estate. The Personal Representative is required to provide sufficient information to the beneficiary to permit the beneficiary to protect his or her interests. The Court may hold a Personal Representative personally liable and responsible for any damage or loss to the estate resulting from a violation of the Personal Representative's duties. The following is an outline of some of your duties as Personal Representative:

DUTIES OF THE PERSONAL REPRESENTATIVE: The duties of the Personal Representative are found in Chapter 3, Title 14 of the Arizona Revised Statutes (from now on called "A.R.S."). You are responsible for knowing and doing your duties according to these statutes. Some of the duties are:

1. **GATHER, CONTROL AND MANAGE ESTATE ASSETS.** As Personal Representative you have the duty to gather and control all assets which belonged to the decedent (the person who has died) at the time of his or her death. After the valid debts and expenses are paid, you have the duty to distribute any remaining assets according to the decedent's Will or, if there is no Will, to the intestate heirs of the decedent. As Personal Representative, you have the authority to manage the estate assets, but you must manage the estate assets for the benefit of those interested in the estate.
2. **FIDUCIARY DUTIES.** As Personal Representative you are a fiduciary. This means you have a legal duty of undivided loyalty to the beneficiaries and the creditors of the estate. You must be cautious and prudent in dealing with estate assets. As Personal Representative, the estate assets do not belong to you and must never be used for your benefit or mixed with your assets or anyone else's assets. Arizona law prohibits a Personal Representative from participating in transactions that are a conflict of interest between you, as Personal Representative, and you as an individual. Other than receiving reasonable compensation for your services as Personal Representative, you may not profit from dealing with estate assets.

- 3. PROVIDE NOTICE OF APPOINTMENT.** Within **30 (thirty)** days after your Appointment as Personal Representative, you must mail notice of your appointment to the heirs and devisees whose addresses are reasonably available to you. If your appointment is made in a formal proceeding, you need not give notice to those persons previously noticed of a formal appointment proceeding. See A.R.S. §14-3705.
- 4. PROVIDE NOTICE OF ADMISSION OF WILL TO PROBATE.** Within 30 days of the Admission of the Will to informal probate, you must give written notice to all heirs and devisees of the Admission of the Will to probate, together with a copy of the Will. You must notify the heirs that they have 4 (four) months to contest the probate. See A.R.S. §14-3306.
- 5. MAIL COPIES OF THIS ORDER TO PERSONAL REPRESENTATIVE.** Within 30 days of your appointment, you must mail a copy of this order to personal representative and acknowledgment and information to heirs, to all the heirs and devisees of the estate, and to any other persons who have filed a demand for notice. See A.R.S. §14-3705.
- 6. FILE PROOF OF COMPLIANCE.** Within **45 days** of your appointment as Personal Representative, you must file with the Court a notarized statement swearing that a copy of this Order was mailed to each devisee, to each heir in intestate (no will) estates and to any other persons who have filed a demand for notice.
- 7. PUBLISH NOTICE.** After your appointment as Personal Representative, you must publish a notice once a week for 3 consecutive weeks in Pinal County newspaper of general circulation that announces your appointment as Personal Representative and tells creditors of the estate that unless they present their claims against the estate within the prescribed time limit, the claims will not be paid. In addition, you must mail a similar notice to all persons you know are creditors and to all persons you can reasonably find out are creditors of the estate. See A.R.S. §14-3801.
- 8. PROTECT ASSETS.** You must immediately find, identify, and take possession of the estate assets and make proper arrangements to protect them. See A.R.S. §14-3709. All property must be re-titled to show ownership in the name of the estate --such as "Estate of (decedent's name), your name, as Personal Representative." **Do not** put the estate assets into your name, anyone else's name, joint accounts, trust accounts ("in trust for"), or payable on death ("POD") accounts. Do not list yourself or any other person as joint owner or beneficiary on any bank accounts or other assets belonging to the estate. Do not mix any estate assets with your own assets or anyone else's assets.

If your authority as Personal Representative has been limited by the Court, you must promptly protect the estate assets as ordered, and file a Proof of Restricted Assets with the Court. You may not sell, encumber, distribute, withdraw or otherwise transfer restricted assets without first obtaining permission from the Court.
- 9. DETERMINE STATUTORY ALLOWANCES.** It is your responsibility to determine whether any individuals are entitled to statutory allowances under A.R.S. §14-2402, 2403, and 2404. Statutory allowances include a homestead allowance, exempt property allowance, and a family allowance.
- 10. INVENTORY ASSETS.** Within 90 days after your appointment as Personal Representative, you must prepare an inventory or list of the decedent's probate assets and their values as of the date of death. See A.R.S. §14-3706. The inventory must be either (1) filed with the Court and mailed to all interested persons who request it, or (2) not filed with the court, but mailed to all heirs, devisees, and other interested persons who request a copy of the inventory.
- 11. STANDARD OF CARE.** In administering estate assets, you must observe the standards of care applicable to a trustee, including the prudent investor act. See A.R.S. §§14-7301 et. seq. and 14-7601 et seq. Also §§14-10801 et. seq. and 14-10901 et seq.

- 12. KEEP DETAILED RECORDS.** You must keep detailed records of all receipts and expenses of the estate. You are required to provide an accounting of your administration of the estate to all persons affected by the administration. See A.R.S. §14-3933.
- 13. PAY VALID DEBTS AND EXPENSES.** You must determine which claims and expenses of the estate are valid and should be paid. You must provide to any creditor whose claims are not allowed prompt written notification that they will not be paid or will not be paid in full. See A.R.S. §14-3806. To the extent there are enough assets in the estate, you are responsible for the payment of any estate debts and/or expenses you know about or can find out about. If there are not enough estate assets to pay all debts and expenses, you must determine which debts and expenses should be paid according to the law. See A.R.S. §14-3805. You may be personally liable if you pay a debt or expense that should not be paid.
- 14. PAY TAXES.** It is your responsibility to determine that all taxes are paid and that all tax returns for the decedent and the estate are prepared and filed.
- 15. DISTRIBUTE REMAINING ASSETS.** After payment of all debts and expenses of the estate, you must distribute estate assets as directed in the Will or, if there is not a Will, to the intestate heirs. If there are not enough assets in the estate to make the gifts as set forth in the Will, it is your responsibility to determine how the distributions should be made as required by law. See A.R.S. §§14-3902 and 14-3907. You may be personally liable if you make an improper distribution of estate assets.
- 16. CHANGE OF ADDRESS.** Until the probate is closed and you are discharged as Personal Representative, you must notify the Court in writing if you change your home or mailing address.
- 17. PAYMENT AS PERSONAL REPRESENTATIVE.** As Personal Representative, you are entitled to reasonable compensation. See A.R.S. §14-3719. Arizona statutes do not designate percentage fees for your work or say how much a Personal Representative should be paid. You must keep receipts to prove out-of-pocket expenses. In determining whether a fee is reasonable, the following factors will be considered:
- a. The time required (as supported by detailed time records), the novelty and difficulty of the issues involved, and the skill required to do the service properly;
 - b. The likelihood that your acceptance as Personal Representative will preclude other employment;
 - c. The fee normally charged in the area for similar services;
 - d. The nature and value of estate assets, the income earned by the estate, and the responsibilities and potential liability assumed by you as Personal Representative;
 - e. The results obtained for the estate;
 - f. The time limitations imposed by the circumstances;
 - g. The experience, reputation, diligence and ability of the person performing the services;
 - h. The reasonableness of the time spent and service performed under the circumstances; and,
 - i. Any other relevant factors.
- 18. COURT INVOLVEMENT.** Usually, to reduce estate expenses, estates are administered and estate claims and expenses are paid, including the fees to the attorney and Personal Representative, with little Court involvement. The Court does not supervise informal probates or the conduct of a Personal Representative. However, if any interested party believes that the estate has not been properly handled or that the fees charged by the attorney or Personal Representative are not reasonable under the circumstances, that party may request that the Court review the accounting for the Personal Representative's administration of the estate. Any additional Court involvement may result in additional delay and expenses. If appropriate, the Court may assess the additional expense against the estate or the non-prevailing party.

19. CLOSE THE ESTATE. After distribution of the estate has been completed, the estate must be closed, either formally or informally. In an informal closing, a copy of the Closing Statement is filed with the Court and must be sent to all persons receiving a distribution from the estate. See A.R.S. §14-3933. For a formal closing, see A.R.S. §§14-3931 and 14-3932. **Usually, the Court expects the estate to be completely administered and closed within six (6) months to one (1) year of the initial appointment of the Personal Representative.**

WARNING. This is only an outline of some of your duties as Personal Representative. This Order does not describe all of your duties and is not a substitute for obtaining professional legal advice. If you have any questions as Personal Representative, before taking any action you should contact an attorney who handles probate estates to find out what to do.

Failure to obey a Court Order and the statutory provisions relating to this estate may result in your removal as Personal Representative and other penalties. In some circumstances, you may be held in contempt of court, punished by confinement in jail, fine or both. In addition, if you violate any of your fiduciary duties, you could be held personally liable for any losses for which you are responsible.

DATE: _____

Judge or Special Commissioner or Probate Registrar

ACKNOWLEDGMENT

The undersigned acknowledges receiving a copy of this order and agrees to be bound by its provisions, whether or not he or she read it before signing, as long as he or she is Personal Representative.

(Signature of Personal Representative)

(Date)

(Signature of Personal Representative)

(Date)