

UUPC Form 10 -- Application for Informal Appointment of Personal Representative (U.C.A. 75-3-301)

\_\_\_\_\_  
Attorney's name and Utah Bar No.

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Telephone

IN THE \_\_\_\_\_ JUDICIAL DISTRICT COURT OF \_\_\_\_\_ COUNTY  
STATE OF UTAH

\_\_\_\_\_  
IN THE MATTER OF THE ESTATE OF )  
 ) ) APPLICATION FOR INFORMAL  
 ) ) APPOINTMENT OF PERSONAL  
 ) ) REPRESENTATIVE  
 ) )  
 ) )  
 ) )  
 Deceased. ) Probate No. \_\_\_\_\_

\_\_\_\_\_  
APPLICANT, \_\_\_\_\_, STATES AND REPRESENTS TO THE  
REGISTRAR THAT:

1. Applicant's interest in this matter is that of:
  - (a)  an heir of the decedent.
  - (b)  a child of the decedent.
  - (c)  a devisee under the decedent's will.
  - (d)  the spouse of the decedent.
  - (e)  a creditor of the decedent.
  - (f)  a person having priority for appointment as personal representative.
  - (g)  a person having a property right in or a claim against the decedent's estate.
  - (h)  a fiduciary representing an interested person.
  
2. The decedent, \_\_\_\_\_, died on \_\_\_\_\_,  
19\_\_\_\_, at the age of \_\_\_\_\_ years.

3. Venue is proper because at the time of death the decedent was:

(a)  domiciled in this county.

(b)  domiciled in \_\_\_\_\_ County, \_\_\_\_\_, but owned property located in this county.

4. The names and addresses of the spouse, children, heirs, and devisees of the decedent, and the ages of those who are minors so far as known or ascertainable with reasonable diligence by applicant are:

(a)  set forth in Schedule A attached hereto and incorporated herein by reference.

(b)  as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>AGE</u> (If Minor)	<u>RELATIONSHIP</u>
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5. (a)  No personal representative has been appointed in this state or elsewhere whose appointment has not been terminated.

(b)  No personal representative has been appointed in this state, but a personal representative has been appointed in the state of the decedent's domicile.

(1)  Applicant is the decedent's domiciliary personal representative.

(2)  Applicant is the nominee of \_\_\_\_\_, the decedent's domiciliary personal representative, whose address is \_\_\_\_\_.

(c)  No personal representative has been appointed outside this county. However, on \_\_\_\_\_, 19\_\_\_\_, the Registrar of this county, acting on an

erroneous assumption that the decedent died intestate, informally appointed \_\_\_\_\_, whose address is \_\_\_\_\_ as personal representative of the estate of the decedent.

6. (a)  Applicant has neither received nor is 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.
- (b)  Applicant has neither received nor is aware of any demand for notice of any probate or appointment proceeding concerning the decedent, other than the demand(s) received by and on file with the Court.
7. The time limit for informal appointment has not expired because:
- (a)  Not more than three years have passed since the decedent's death.
- (b)  more than three years have passed since the decedent's death, but tardy appointment is authorized because:
- (1)  a previous proceeding, initiated within such three-year period, was dismissed because of doubt about the decedent's death, the decedent died prior to the initiation of the previous proceeding, and the applicant has not delayed unduly in initiating this proceeding.
- (2)  not more than three years have passed since the duly appointed conservator of the decedent's estate became able to establish the decedent's death.
- (3)  the decedent was not a resident of this state, and a prior appointment of a personal representative has been made in the state of the decedent's domicile.
8. Administration of the estate will be:
- (a)  under the will of the decedent dated \_\_\_\_\_, 19\_\_\_\_. Such will was probated on \_\_\_\_\_, 19\_\_\_\_, in \_\_\_\_\_.  
The statements in the petition or application for probate of such will are incorporated and adopted herein by reference.

- (b)  under the will of the decedent dated \_\_\_\_\_, 19\_\_\_\_. Such will is the subject of a pending application or petition for probate filed on \_\_\_\_\_, 19\_\_\_\_, in \_\_\_\_\_ . The statements in such petition or application for probate are incorporated and adopted herein by reference.
- (c)  in intestacy. After the exercise of reasonable diligence, applicant is unaware of any unrevoked testamentary instrument which may relate to property subject to the laws of this state.

9. (a) The person whose appointment as personal representative is sought is:

- (1)  applicant;
- (2)  \_\_\_\_\_ (name of proposed personal representative if other than applicant), whose address is \_\_\_\_\_;

and is qualified to act as such and has priority because:

- (1)  there is no other person with a higher or equal priority for appointment.
- (2)  each person with a higher or equal priority for appointment has renounced the same in a writing filed with the Court, or has concurred in nominating or applying for appointment of the person whose appointment is sought herein.

(b) The person whose appointment as personal representative is sought has priority as:

- (1)  the person nominated in, or pursuant to the exercise of a power conferred by, the decedent's will.
- (2)  the personal representative appointed by the Court of the decedent's domicile.
- (3)  the surviving spouse and a devisee of the decedent.
- (4)  a devisee of the decedent.

- (5)  the surviving spouse of the decedent.
- (6)  an heir of the decedent.
- (7)  a creditor of the decedent.
- (8)  a nominee of a person named in (2) through (7) above.

10. (a)  Bond is not required under U.C.A. §75-3-603.

(b)  Bond is required because:

- (1)  the decedent's will contains an express requirement of bond.
- (2)  bond has been requested prior to appointment, by an interested party.
- (3)  a written demand for bond has been filed in accordance with U.C.A. §75-3-605.

(c)  Character and estimated value of the decedent's property (complete only if bond is required, and the bond amount is not specified in the will):

Real property	\$ _____
Personal property	_____
Annual income from real and personal property	_____
SUBTOTAL	\$ _____
Secured claims	( _____ )
Assets deposited in domestic financial institutions, with restrictions on withdrawal	( _____ )
TOTAL	\$ _____

(d)  The amount of bond specified under the will is \$ \_\_\_\_\_.

WHEREFORE, APPLICANT REQUESTS THAT:

- 1. Notice be given as required by law.
- 2. \_\_\_\_\_ be informally appointed personal representative of the estate of the decedent, to act:
  - (a)  without bond.
  - (b)  with bond in the amount of \$\_\_\_\_\_.
- 3. Upon qualification and acceptance, letters:
  - (a)  of administration
  - (b)  testamentary
 be issued.

DATED: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Typed or printed name, address, and telephone number of applicant, and applicant's signature, or the signature of a duly authorized officer if applicant is an entity

DATED: \_\_\_\_\_

\_\_\_\_\_  
Attorney for applicant

VERIFICATION

STATE OF \_\_\_\_\_ )  
 : ss  
 COUNTY OF \_\_\_\_\_ )

If Applicant is Individual

Applicant, being sworn, says that the facts set forth in the foregoing application are true, accurate, and complete to the

best of applicant's knowledge and belief.

\_\_\_\_\_  
Applicant

If Applicant is Entity

The undersigned, \_\_\_\_\_, being sworn, says that the undersigned is an officer of \_\_\_\_\_, applicant herein, that the undersigned is duly authorized to act in behalf of applicant, and that the facts set forth in the foregoing application are true, accurate, and complete to the best of the undersigned's knowledge and belief.

Applicant:

By \_\_\_\_\_  
Title: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
Residing at: \_\_\_\_\_

My Commission Expires:

\_\_\_\_\_