

UUPC Form 6 -- Application for Informal Probate and 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 Deceased. APPLICATION FOR INFORMAL PROBATE OF WILL AND FOR INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE 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.
- (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 of this county. However, on \_\_\_\_\_, 19\_\_\_\_, the Registrar of this county, acting on the 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 probate and 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 probate and appointment are 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 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 the will to which this application relates has been previously probated, and a prior appointment of a personal representative has been made in the state of the decedent's domicile.
8. (a)  The original of the decedent's will, dated \_\_\_\_\_, 19\_\_\_\_, is in the possession of the \_\_\_\_\_

Court. To the best of applicant's knowledge, neither that will nor any other will of the decedent has been the subject of a previous probate order.

(b)  The original of the decedent's will, dated \_\_\_\_\_, 19\_\_\_\_, accompanies this application. To the best of applicant's knowledge, neither that will nor any other will of the decedent has been the subject of a previous probate order.

(c)  An authenticated copy of the will of the decedent, dated \_\_\_\_\_, 19\_\_\_\_, and of the statement or order probating it in the State of \_\_\_\_\_ accompany this application.

9. Applicant believes that the will which is the subject of this application was validly executed.
10. Having exercised reasonable diligence, applicant is unaware of any instrument revoking the will which is the subject of this application and believes that such will is the decedent's last will.
11. To the best of applicant's knowledge, the will to which this application relates is not part of a known series of testamentary instruments (other than wills or codicils), the latest of which does not expressly revoke the former.
12. (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 person with a higher or equal priority for appointment.
  - (2)  each person with 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 for appointment 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.

13. (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. The decedent's will, dated \_\_\_\_\_, 19\_\_\_\_, be  
informally probated.
3. \_\_\_\_\_ be informally appointed per-  
sonal representative of the estate of the decedent, to act:
  - (a)  without bond
  - (b)  without bond in the amount of \$\_\_\_\_\_.
4. Upon qualification and acceptance, letters testamentary be  
issued.

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

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

Typed or printed name, address,  
and telephone number of appli-  
cant, and applicant's signa-  
ture, 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:  
\_\_\_\_\_