

Alabama Probate Law (2018 edition) FORMS

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1. Style

IN THE PROBATE COURT OF _____ COUNTY, ALABAMA

THE ESTATE OF

}
}
}

CASE NO. _____

Deceased

This or similar "Style" goes before all these forms (except 39 and 40) but is omitted hereafter to conserve space

2. Petition to Probate Will by Consent, will self proving

PETITION FOR PROBATE OF WILL

TO THE HONORABLE _____, JUDGE OF PROBATE:

_____, herein referred to as the "Petitioner," herewith files for probate and record a certain written instrument which purports to be the Last Will and Testament of _____, herein referred to as the "Deceased." In support of this petition, Petitioner respectfully represents and shows to your Honor the following facts:

1. The Deceased died on _____, 2010.
2. The Deceased was a resident of _____ County, Alabama at the time of death.
3. The Deceased owned property in _____ County, Alabama.
4. The Deceased left a Last Will and Testament dated _____, herein referred to as the "Will."
5. The Will was duly signed and published by the Deceased before two unrelated and disinterested adult witnesses on _____.
6. The Deceased and these witnesses simultaneously signed sworn statements in the form prescribed by §43-8-132 of the Code of Alabama before a notary public and the notary public thereupon affixed an official acknowledgement of these facts to the Will thus proving the Will as the genuine last will and testament of the Deceased pursuant to the requirements of the aforesaid statute.
7. The heirs at law and next of kin of the Deceased which are known to the Petitioner are listed below and their respective relationships, and residence are indicated, all of whom are over the age of majority:

8. All of said heirs at law and next of kin are over the age of nineteen and are under no legal disability such as to require the appointment of a guardian *ad litem*.
9. Petitioner has filed with this petition verified statements executed by all of the heirs of law and next of kin as above said other than the petitioner, which waive notice of any proceeding held hereunder.
10. Petitioner is named as personal representatives in the Will.
11. The Will specifically relieves the personal representatives from the requirement of providing a bond.

WHEREFORE, Petitioner prays that the Court will consider this petition, the Will which Petitioner has filed with this petition, the proof of the due execution and attestation of the Will, all without a formal hearing. Petitioner prays that that upon the Court's consideration of same that the Court will:

A. Admit the Will to probate and record as and for the Last Will and Testament of the Deceased;

B. Appoint Petitioner as the personal representative of the estate of the Deceased without being required to make or execute any bond or other security as such personal representative;

C. Grant Letters Testamentary to the Petitioner; and

D. Issue such further orders and decrees as may be requisite and proper to effect the due probate and recording of the Will according to law.

Respectfully submitted, _____ 20__.

PETITIONER

Law firm name, address and telephone number

Attorney for Petitioner

STATE OF ALABAMA }
COUNTY OF _____ }

Before me, the undersigned authority, personally appeared _____ whose name as Petitioner is affixed to the foregoing petition, who is known to me and who being first duly sworn deposes and says that he/she is informed and believes and that upon such information and belief states that the facts set out in the foregoing petition are true and correct.

PETITIONER

Sworn to and subscribed before me on _____ 20__.

NOTARY PUBLIC
My Commission Expires:

Note: Some courts require two petitions. One asking for the will to be admitted to probate with another separate petition for letters testamentary. The order granting these separate petitions can be in separate orders.

3. Waiver of notice and consent to petition

WAIVER AND CONSENT

Comes now _____ and states to the Court as follows:

- 1. I am an heir at law to the Estate of _____, the "Deceased;"
- 2. I am over the age of nineteen years and I am under no legal disability such as to require the appointment of a guardian *ad litem* for me in these proceedings;
- 3. I have received a copy of the Last Will and Testament of the Deceased dated _____, the "Will;"
- 4. I hereby waive notice of the filing for Probate and Record of the Will in the Probate Court of _____ County, Alabama;
- 5. I hereby waive notice of the filing of a petition with this Court by _____ wherein he/she requests that he/she be granted Letters Testamentary in the Estate of the Deceased;
- 6. I hereby consent for the Will to be admitted to Probate Record in the Probate Court of _____ County, Alabama; and
- 7. I hereby consent for _____ to be granted Letter Testamentary so that he/she may serve as personal representative of the estate of the Deceased.

Respectfully submitted, _____ 20__.

PETITIONER

Law firm name, address and telephone number

Attorney for Petitioner

STATE OF ALABAMA }
COUNTY OF _____ }

Before me, the undersigned authority, personally appeared _____ whose name as Petitioner is affixed to the foregoing petition, who is known to me and who being first duly sworn deposes and says that he/she is informed and believes and that upon such information and belief states that the facts set out in the foregoing petition are true and correct.

PETITIONER

Sworn to and subscribed before me on _____ 20__.

NOTARY PUBLIC
My Commission Expires:

4. Order admitting will and granting letters testamentary

DECREE ADMITTING WILL TO PROBATE AND RECORD
ORDER GRANTING LETTERS TESTAMENTARY

This day, came _____, the "Petitioner" and presented a petition in writing, under oath, praying to have admitted to Probate and Record an instrument which purports to be the Last Will and Testament of _____, the "Deceased;" and praying that Letters Testamentary be granted to the Petitioner.

The Court having examined the Petition, filed and recorded same; and the Court having heard the evidence offered for and against the granting of the Petition, it appears to the satisfaction of the Court that:

1. The Petition was filed more than five days after the date of the Deceased's death;
2. The Will of the Deceased, expressly exempted the personal representative from giving bond as provided in §43-2-851 of the Code of Alabama, 1975;
3. The heirs of the Deceased have each filed their waiver of notice of hearing and consent to the granting of the petition;
4. The instrument which purports to be the Last Will and Testament of the Deceased, is the true, genuine and legal Last Will and Testament of the Deceased;
5. The allegations contained in the aid Petition are true and correct and that those statements are as follows:
 - 5.1. That the Deceased departed this life in _____ County, Alabama on _____;
 - 5.2. That the Deceased was a resident of _____ County at the time of death;
 - 5.3. That the Deceased left a Will dated _____;
 - 5.4. That the heirs at law and next of kin of the Deceased which are known to the Petitioner are listed below and their respective relationships, and residence are indicated, all of whom are over the age of majority:
 - 5.5. The Petitioner is named in the will as personal representative; is over the age of nineteen; and is in no respects disqualified under the law from serving as a personal representative.

It is therefore, ORDERED, ADJUDGED AND DECREED that:

A. The said instrument which purports to be the Last Will and Testament of the Deceased, was duly and legally executed by the Deceased;

B. The said instrument is the true, genuine and legal Last Will and Testament of the Deceased;

C. The said Last Will and Testament is admitted to Probate and Record in this Court;

D. The said Last Will and Testament of the Deceased, together with the evidence and testimony of the subscribing witnesses, shall be recorded in the Probate Records of _____ County, Alabama;

E. Letters Testamentary are hereby granted to the Petitioner; and

F. Petitioner is hereby authorized to administer the Estate of the Deceased.

Done _____ 20_____.

Probate Judge

_____ County, Alabama

5. Letters Testamentary

LETTERS TESTAMENTARY

The Will of _____ having been duly proved and admitted to record, in _____ County, LETTERS TESTAMENTARY are hereby granted to _____, the personal representative named in said WILL, who has complied with all requirements of the law, and is authorized to take upon himself/herself the execution of such Will.

Dated _____, 20__.

Probate Judge
_____ County, Alabama

STATE OF ALABAMA }
COUNTY OF _____ }

I, _____, Probate Judge of _____ County, Alabama, hereby certify that the foregoing is a true and correct copy of the Letters Testamentary issued out of the Probate Court of _____ County, Alabama, on the Last Will and Testament of _____, to _____ as personal representative thereof, as the same appears on file and of record in my office.

Given under my hand and official seal on _____, 20__.

Probate Judge
_____ County, Alabama

6. Notice to creditors

NOTICE OF APPOINTMENT OF PERSONAL REPRESENTATIVE

Letters Testamentary (*Letters of Administration*) of said deceased having been granted to _____ on _____ 2010, by the _____, Probate Judge of _____ County, Alabama, notice is hereby given that all persons having claims against said Estate are hereby required to present same within the time allowed by law or the same will be barred.

Attorney's name and address

To: The Editor and Publisher of the _____
Please publish the above notice for three successive weeks in your newspaper.

7. Petition to probate will without consent

PETITION FOR PROBATE OF WILL

TO THE HONORABLE _____, JUDGE OF PROBATE:

_____ "Petitioner" herewith files for probate and record a certain written instrument which purports to be the Last Will and Testament of _____, the "Deceased." In support of this petition, Petitioner respectfully represents and shows to your Honor the following facts:

1. The Deceased died on _____, 20__.
2. The Deceased was a resident of _____ County, Alabama at the time of death.
3. The Deceased owned property in _____ County, Alabama.
4. The Deceased left a Last Will and Testament dated _____, the "Will."
5. The Will was duly signed and published by the Deceased before two unrelated and disinterested adult witnesses on _____.

6. The Deceased and these witnesses simultaneously signed sworn statements in the form prescribed by §43-8-132 of the Code of Alabama before a notary public and the Notary Public thereupon affixed an official acknowledgement of these facts to the Will thus proving the Will as the genuine last will and testament of the Deceased pursuant to the requirements of the aforesaid statute.

7. The Deceased left surviving, so far as your Petitioner knows, the following heirs at law and next of kin:

8. All the above named are over the age of nineteen and are under no legal disability such as to require the appointment of a guardian *ad litem*.

9. Your Petitioner is named as personal representative in the Will.

10. The will specifically relieves the personal representative from the requirement of providing a bond.

WHEREFORE, Petitioner prays that the Court will:

A. Set a date and time for the hearing of this Petition and cause due and legal notice of said hearing to be given to the heirs at law and next of kin of the Deceased;

B. Upon such hearing, admit the Will to probate and record as and for the Last Will and Testament of said Deceased;

C. Appoint the Petitioner as the personal representative of said Will and the estate of the Deceased without being required to make or execute any bond or other security as such personal representative;

D. Grant Letters Testamentary to the Petitioner; and

E. Issue such further orders and decrees as may be requisite and proper to effect the due probate and recording of the Will according to law.

Respectfully submitted, _____ 20__.

Respectfully submitted, _____ 20__.

PETITIONER

Law firm name, address and telephone number

Attorney for Petitioner

STATE OF ALABAMA }
COUNTY OF _____ }

Before me, the undersigned authority, personally appeared _____ whose name as Petitioner is affixed to the foregoing petition, who is known to me and who being first duly sworn deposes and says that he/she is informed and believes and that upon such information and belief states that the facts set out in the foregoing petition are true and correct.

PETITIONER

Sworn to and subscribed before me on _____ 20__.

NOTARY PUBLIC

My Commission Expires:

8. Petition to probate will minors, incompetents or unknown heirs

PETITION FOR PROBATE OF WILL

TO THE HONORABLE _____, JUDGE OF PROBATE:

_____, as "Petitioner," herewith files for probate and record a certain written instrument which purports to be the Last Will and Testament of _____, the "Deceased." In support of this petition, Petitioner respectfully represents and shows to your Honor the following facts:

1. The Deceased died on _____, 20__.
2. The Deceased was a resident of _____ County, Alabama at the time of death.
3. The Deceased owned property in _____ County, Alabama.
4. The Deceased left a Last Will and Testament dated _____, the "Will."
5. The Will was duly signed and published by the Deceased before two unrelated and disinterested adult witnesses on _____.
6. The Deceased and these witnesses simultaneously signed sworn statements in the form prescribed by §43-8-132 of the Code of Alabama before a notary public and the Notary Public thereupon affixed an official acknowledgement of these facts to the Will thus proving the Will as the genuine last will and testament of the Deceased pursuant to the requirements of the aforesaid statute.
7. The Deceased left surviving, so far as your Petitioner knows, the following heirs at law and next of kin (*list those that are minors or incompetent*). (*OR in the case of no known heirs*) The Deceased left no surviving children; left no surviving spouse; left no surviving parents or siblings and the identity and whereabouts of the heirs at law and next of kin of the Deceased are not known to Petitioner.
8. Your Petitioner is named as personal representative in the Will.
9. The will specifically relieves the personal representative from the requirement of providing a bond.

WHEREFORE, Petitioner prays that the Court will:

- A. Set a date and time for the hearing of this Petition and cause due and legal notice of said hearing to be given to the heirs at law and next of kin of the Deceased;
- B. Appoint a guardian *ad litem* to represent and protect the interest of the (*minors or incompetents or unknown heirs at law and next of kin of the Deceased*), and that such guardian *ad litem* be given notice of this appointment as required by law
- C. Upon such hearing, admit the Will to probate and record as and for the Last Will and Testament of the Deceased;

D. Appoint the Petitioner as the personal representative of said Will and the estate of the Deceased without being required to make or execute any bond or other security as such personal representative;

E. Grant Letters Testamentary to the Petitioner; and

F. Issue such further orders and decrees as may be requisite and proper to effect the due probate and recording of the Will according to law.

Respectfully submitted, _____ 20__.

Signed and acknowledged

9. Order on Filing Petition

ORDER ON FILING PETITION TO PROBATE WILL
AND FOR LETTERS TESTAMENTARY

_____ presented a Petition in writing, under oath, praying to have admitted to Probate and Record an instrument which purports to be the Last Will and Testament of _____, deceased and praying that Letters Testamentary be granted to the Petitioner. The _____ day of _____, 20__ at _____ o'clock __.m. is set and appointed as the day for the hearing of said petition, and the taking of testimony in support thereof. Petitioner is ordered to give notice of same to all the heirs at law and next of kin of the deceased listed in the petition. Petitioner further ordered to give due and proper notice of the filing of said petition and of the date set for the hearing of the same to those heirs of the deceased whose whereabouts are unknown by publication, as provided by law,

Done _____, 20__.

Probate Judge
_____ County, Alabama

10. Order Appointing Guardian *ad litem*

ORDER APPOINTING GUARDIAN AD LITEM

_____ presented a Petition in writing, under oath, praying to have admitted to Probate and Record an instrument which purports to be the Last Will and Testament of _____, deceased and praying that Letters Testamentary be granted to the Petitioner. The _____ day of _____, 20__ at _____ o'clock __.m. is set and appointed as the day for the hearing of said petition, and the taking of testimony in support thereof.

It appearing to the Court that it is necessary for a guardian *ad litem* to be appointed to represent and protect the interest of the heirs at law who are under age, (*incompetent or unknown*) it is therefore, ordered by the Court that _____, who is an attorney at law practicing in the City of _____, Alabama, and who is deemed by the Court to be a fit and proper person, who is not related by blood or marriage within any prohibited degree to the decedent or to the attorney for the Petitioner, or to the Judge of Probate of this Court, and who is not in any way connected with the Petitioner, or its attorney, may be and hereby is appointed guardian *ad litem* for the heirs at law and next of kin of the deceased who are under age (*incompetent or unknown*) to represent and protect their interest on the hearing of this proceeding, and that said the guardian *ad litem* herein appointed, have notice of this appointment.

Done _____, 20__.

Probate Judge
_____ County, Alabama

11. GAL acceptance

ACCEPTANCE OF GUARDIAN AD LITEM

Comes now the undersigned _____ as duly appointed guardian *ad litem* in the above styled matter and accepts appointment of said guardianship, accepts notice of the hearing on the admission of the Last Will and Testament of the deceased and petition for Letters Testamentary and denies all allegations contained in said petition heretofore filed and demands strict proof thereof.

This the ___ day of _____, 20__

GUARDIAN AD LITEM

12. Notice to heirs

NOTICE OF PETITION TO PROBATE WILL

TO:

You are hereby notified that on _____, 20____, _____
filed in the Probate Court of _____ County, Alabama a petition for the probate of
record in this Court of a certain paper writing, purporting to be the Last Will and
Testament of _____, deceased, and on that day, said Will was filed in said
Probate Court. Said petition states that you are an heir at law and next of kin of the
deceased. The _____ day of _____, 20__ at _____ o'clock __.m. has
been set and appointed as the day for the hearing of said petition, and the taking of
testimony in support thereof, at which time you can appear and contest the same if you
see proper.

Given under my hand on _____, 20__.

Probate Judge

_____ County, Alabama

13. Proof of will

PROOF OF WILL

_____ personally appeared before me and having been first duly sworn and examined, did depose and say on oath, that:

1. He/She is a subscribing witness to the instrument of writing now shown to him/her and which purports to be the Last Will and Testament of _____, deceased, the "Deceased";

2. The Deceased signed said instrument on _____ and declared it to be his/her Last Will and Testament;

3. He/She signed said instrument as a subscribing witness in the presence of the Deceased and _____ signed his/her name as a witness in his/her presence and the presence of the Deceased;

4. The Deceased was over the age of nineteen years, of sound mind and disposing memory, and in the opinion of the deponent fully capable of making his/her will at the time the instrument was signed.

STATE OF ALABAMA }
COUNTY OF _____ }

Sworn to and subscribed before on _____, 20__.

Probate Judge
_____ County, Alabama

14. Request for deposition of subscribing witness

REQUEST FOR DEPOSITION OF SUBSCRIBING WITNESS TO WILL

TO THE HONORABLE _____, JUDGE OF PROBATE:

Comes now your Petitioner, _____, and pursuant to §43-8-168 of the Code of Alabama requests the Court issue a commission to take the testimony of one of the subscribing witnesses to the will of _____.

1. Petitioner has this day filed for probate and record a certain written instrument, dated the ___ day of _____, _____, which purports to be the Last Will and Testament of _____.

2. The subscribing witnesses to said will are _____ and _____. After a diligent search, Petitioner has not located _____. Petitioner has located _____ who now resides in _____.

3. The Code of Alabama, §43-8-168 provides that when a subscribing witness resides out of the State of Alabama, the judge of probate may issue a commission to take the testimony of such witness in proof of the will offered for probate.

4. Petitioner has determined that _____ a notary public in and for the State of _____ is a fit and proper person to take the testimony of _____.

WHEREFORE, the premises considered, your Petitioner prays that the Court will consider this request to issue a commission to take the written testimony of _____ and upon the return of said testimony, will take said testimony as the proof of the due execution and attestation of the last will and testament of _____.

Your Petitioner further prays that in order to prove the will of _____, that the Court will:

A. Issue a commission to _____ to take the testimony of _____,

B. Certify a copy of the will sought to be provided so that said copy can be exhibited to _____ as a part of his/her testimony so that he/she can examine same,

C. Approve the written interrogatories to be used to take the testimony of _____, attached hereto and made a part hereof by reference,

D. Direct that the answers to said interrogatories be written and taken under oath by _____, and

E. Direct that upon completion of the testimony of _____, that his/her testimony be returned to this court and the same be admitted as proof of the Last Will and Testament of _____.

Respectfully submitted, _____ 20__.

PETITIONER

Law firm name, address and telephone

Attorney for Petitioner

STATE OF ALABAMA }
COUNTY OF _____ }

Before me, the undersigned authority, personally appeared _____ whose name as Petitioner is affixed to the foregoing petition, who is known to me and who being first duly sworn deposes and says that he/she is informed and believes and that upon such information and belief states that the facts set out in the foregoing petition are true and correct.

PETITIONER

Sworn to and subscribed before me this the _____ day of _____
20__.

NOTARY PUBLIC

My Commission Expires:

15. Commission to take testimony

COMMISSION TO TAKE TESTIMONY

TO: _____

Whereas, by order of this Court, you have been appointed as commissioner to take the testimony of _____ for the purpose of proofing an instrument which purports to be the Last Will and Testament of _____,

Now therefore, you are hereby authorized and given your commission to perform your duty as such commissioner in the manner stated herein.

You are hereby directed by this commission to place _____ under oath and to propound to her the interrogatories attached hereto. You are to exhibit to _____ the copy of the purported Will which is attached to the interrogatories. You are to cause the answers to the interrogatories to be written on the interrogatories and to have _____ sign the answered interrogatories certifying that his/her answers are true and complete. You are to certify on the interrogatories that they were answered in your presence by _____ while under oath. You are to return the answered interrogatories with your certification and copy of the purported Will to this Court as soon as practicable following the completion of the testimony.

ORDERED this the ___ day of _____, 20__.

Judge of Probate

County, Alabama

16. Interrogatories to out of state witness

INTERROGATORIES

Pursuant to a commission issued by _____, Probate Judge of _____ County, Alabama I, _____ hereby propound to _____ the following interrogatories. Your answer to each question should be given before me, and under oath as to the truthfulness of your answers with each answer written hereon.

1. State your name, age and current address:
2. Were you a resident of _____ County, Alabama on the ___ day of _____ *(being the date the will was signed)*?
3. Are you now or have you ever been related by blood or marriage to _____ *(name of the testator)*?
4. Are you now or have you ever been related by blood or marriage to _____ *(name of the commissioner, i.e. notary asking the questions)*?
5. What was your occupation on the ___ day of _____ *(the date the will was signed)*?
6. What was your age on the that date?
7. Attached to these interrogatories is a certified copy of an instrument which has been filed for probate as the last will and testament of _____ in the Probate Court of _____ County, Alabama. Please review the copy of this instrument and answer the following questions:
 - 7.1. Were you a subscribing witness to this instrument?
 - 7.2. Did _____ sign this instrument on the ___ day of _____?
 - 7.3. Did _____ declared this instrument to be his/her Last Will and Testament?
 - 7.4. Did you sign this instrument on the ___ day of _____ as a subscribing witness in the presence of _____?
 - 7.5. Did the other witness subscribe their name as a witness in your presence and the presence of _____?
 - 7.6. In your opinion, was _____ of sound mind and disposing memory, and fully capable of making his/her Will on the ___ day of _____?
 - 7.7. Was _____ of the full age of nineteen years and upwards on the ___ day of _____?

Before me, _____, personally appeared _____, who is known to me and who being first duly sworn deposes and says that he/she has

answered the forgoing interrogatories under oath before me, that his/her answers are true and complete and were answered on the ___ day of _____, 20__.

Name of witness

STATE OF _____ }
COUNTY OF _____ }

Sworn to and subscribed before me this _____ day of _____,
20__.

NOTARY PUBLIC
My Commission Expires:

REPORT OF COMMISSIONER

I, _____ who was appointed by the Probate Court of
_____ County, Alabama, to take the testimony of _____, do
hereby certify that the forgoing interrogatories were propounded to _____,
on the ___ day of _____, 20__ under oath and that the answers she gave are
recorded above. I am not related by blood or marriage to _____ (*witness*) or
_____ (*testator*).

17. Proof of a lost will where copy is found

PROOF OF LOST WILL

Before me, the undersigned authority personally appeared _____, who having been by me first duly sworn, did depose and say on oath, that:

1. The instrument attached hereto and made a part hereof by reference is a true, accurate and complete photocopy of the Last Will and Testament of _____ which contains the contents, substance and effect of the Last Will and Testament of _____;

2. _____ signed the original instrument from which the attached photocopy was and same was attested by at least two witnesses, who subscribed their names thereto in the presence of _____ as reflected by the attached photocopy;

3. A diligent search for the original instrument from which the attached photocopy was made has been made and same cannot be found; and

4. _____ did not revoke the original instrument from which the attached photocopy was made either by destroying same or making a new will.

STATE OF ALABAMA }
COUNTY OF _____ }

Sworn to and subscribed before me this _____ day of _____, 20__.

Notary Public
My Commission expires:

18. Proof of handwriting

PROOF OF LOST WILL

Before me, the undersigned authority personally appeared _____, who having been by me first duly sworn, did depose and say on oath, that:

1. Attached is a photo copy of an instrument dated _____, which I have examined which purports to be the Last Will and Testament of _____, deceased, hereinafter referred to as the "Will;"

2. _____ was my _____ and I am familiar with her signature;

3. Having examined the Will and the signature of _____, I believe that it is the signature of _____;

4. The instrument attached hereto and made a part hereof by reference is a true, accurate and complete photocopy of the Last Will and Testament of _____ which contains the contents, substance and effect of the Last Will and Testament of _____;

5. _____ signed the original instrument from which the attached photocopy was made and same was attested by two witnesses, who subscribed their names thereto in the presence of _____ as reflected by the attached photocopy;

6. _____ and the witnesses simultaneously signed sworn statements in the form prescribed by §43-8-132 of the Code of Alabama before a notary public and the notary public thereupon affixed an official acknowledgement of these facts to the original instrument from which the attached photocopy was made;

7. I have made a diligent search for the original instrument from which the attached photocopy was made and same cannot be found after exhausting every effort to locate the original; and

8. I have made a diligent search for the witnesses to the Will and they are either deceased or cannot be found after exhausting every effort to locate them; and

9. _____ did not revoke the original instrument from which the attached photocopy was made either by destroying same or making a new will.

STATE OF ALABAMA }
COUNTY OF _____ }

Sworn to and subscribed before me this ____ day of _____, 20__.

Notary Public
My Commission expires:

19. Petition for Letters of Administration

PETITION FOR LETTERS OF ADMINISTRATION

TO THE HONORABLE _____, JUDGE OF PROBATE:

Comes now _____ the "Petitioner" and petitions the Court to grant Letters of Administration to the Petitioner and as a basis for this petition sets for the following facts:

- 1. _____ the "Deceased," died on _____, 20__.
- 2. The Deceased was a resident of _____ County, Alabama at the time of death.
- 3. The Deceased left no Last Will or Testament, so far as your Petitioner knows or believes.
- 4. The Deceased left real property of an estimated value of \$ _____ and personal property of an estimated value of \$ _____.
- 5. The Deceased left surviving, so far as your Petitioner knows, the following heirs at law and next of kin:

- 6. Petitioner is the _____ of the Deceased and is a resident of the State of Alabama and is over the age of nineteen years. Petitioner is in no respects disqualified under the law from serving as the Personal Representative in this matter.

WHEREFORE, the premises considered, Petitioner prays that this Honorable Court will enter such orders and decrees as may be necessary to appoint the Petitioner as Personal Representative of the Estate of the Deceased and issue to Petitioner, Letters of Administration upon the Estate of the Deceased, subject to the filing and approval of such bond as may be required by law.

Respectfully submitted, _____ 20__.

PETITIONER

Firm name, address and telephone

Attorney for Petitioner

STATE OF ALABAMA }
COUNTY OF _____ }

Before me, the undersigned authority, personally appeared _____ whose name as Petitioner is affixed to the foregoing petition, who is known to me and who being first duly sworn deposes and says that he/she is informed and believes and that upon such information and belief states that the facts set out in the foregoing petition are true and correct.

PETITIONER

Sworn to and subscribed before me on _____ 20__.

NOTARY PUBLIC
My Commission Expires:

20. Order granting Letters of Administration

ORDER GRANTING LETTERS OF ADMINISTRATION

On this day came _____ and presented a petition in writing, under oath, praying that Letters of Administration be granted to Petitioner in the above referenced matter. This petition was examined by the Court and it was filed and recorded. It appears to the Court that the allegations contained in said petition are true and correct and that those statements are as follows:

1. The Deceased departed this life in _____ County on the ___ day of _____, 20__.
2. At the time of death, the Deceased was a resident of _____ County, Alabama.
3. The Deceased left no Last Will or Testament.
4. The Deceased left real property of an estimated value of \$ _____ and personal property of an estimated value of \$ _____.
5. The following constitute all the heirs at law and next of kin of the Deceased:

- 6. The Petitioner is the _____ of the Deceased and is a resident of the State of Alabama. The Petitioner and is over the age of Nineteen and is in no respects disqualified under the law from serving as personal representative of this estate.

It further appears to the satisfaction of the Court that the Petition was filed more than five days after the date of the Decedent's death.

It further appears that the Petitioner has filed for approval, a bond as required by §43-2-851 of the Code of Alabama in the penal sum of \$ _____. It appears to the Court, having examined the bond, that it is in order, with sufficient sureties thereon and that the bond should be approved.

It is therefore ORDERED, ADJUDGED AND DECREED by the Court that Letters of Administration be granted to _____ and that _____ be and hereby is authorized to administer the Estate of _____.

It is further ORDERED, that the petition heretofore filed be recorded, and that the Administrator's bond heretofore filed is hereby approved and taken and is to be recorded.

Done this the _____ day of _____, 20__.

Judge of Probate
_____ County, Alabama

21. Signature Bond

PERSONAL REPRESENTATIVE’S BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned are held and firmly bound unto _____, Judge of Probate of _____ County, and his successors in office in the penal sum of \$_____ for the payment of which we bind ourselves, and each of us, our and each of our heirs and personal representatives, jointly and severally, firmly by these presents. The condition of this obligation is that _____ has been appointed personal representative of above styled estate.

NOW THEREFORE, if the said _____ shall well and truly perform all the duties which are or may be by law required of her as such personal representative then this obligation to be null and void, otherwise to remain in full force and effect. And we, and each of us hereby waive all rights of claim of exemption as to personal property we or either of us have now or may hereafter have, under the Constitution and Laws of Alabama, and we hereby severally certify that we have property free from all encumbrances, to the full amount of the above bond.

Witness our hands and seals, this _____ day of _____, 20__.

(Surety)

(Personal Representative)

(Surety)

Taken and approved _____, 20__.

Probate Judge
_____ County, Alabama

22. Letters of Administration

LETTERS OF ADMINISTRATION

Letters of Administration in the Estate of _____, deceased, are hereby granted to _____ who has duly qualified and given bond as such personal representative; and is authorized to administer such estate.

Witness my hand, and dated on this the ___ day of _____, 20__.

Judge of Probate
_____ County, Alabama

STATE OF ALABAMA }
COUNTY OF _____}

I, _____, Probate Judge in and for _____ County, Alabama, hereby certify that the foregoing is a true and correct copy of Letters of Administration granted to _____ as the personal representative of the Estate of _____, deceased as same appears of record in my office.

Given under my hand and official seal on this the ___ day of _____, 20__.

Probate Judge
_____ County, Alabama

23. Personal representative's inventory

PERSONAL REPRESENTATIVE'S INVENTORY

TO THE HONORABLE _____, JUDGE OF PROBATE:

Comes now _____, the personal representative in the above styled estate and submits to the Court a complete inventory of the assets of said estate so far as the personal representative has been able to determine. Said inventory is attached hereto and made a part hereof by reference.

Respectfully Submitted, this the ____ day of _____, 20__.

Personal Representative of the
Estate of _____

STATE OF ALABAMA }
COUNTY OF _____}

Before me, the undersigned authority, personally appeared,
_____ who is known to me and who after having been by
me first duly sworn, deposes and says that he/she has read the foregoing and has personal
knowledge that the statements therein are true and correct.

Subscribed and sworn to before me this the _____ day of _____ 20__.

NOTARY PUBLIC
My Commission Expires:

24. Petition for final settlement by consent

PETITION FOR FINAL SETTLEMENT BY CONSENT

TO THE JUDGE OF SAID COURT, THE HONORABLE [_____]:

Comes your petitioner, [Petitioner], and respectfully shows unto Your Honor the following facts:

1. [Decedent], died on or about [Date of Death], and was a resident of [_____] County, Alabama, at the time of his/her death.

2. By letters testamentary [administration] granted on [Date], your petitioner was appointed as personal representative of the estate of the decedent. Notice of said appointment has been given as required by law.

3. More than six months have elapsed since said appointment. All debts of the decedent and all legal charges against the estate have been paid in full. Notice was provided pursuant to Ala. Code § 43-2-61.

4. The following is a true, correct and complete list of names, ages, conditions, relationships and addresses of the beneficiaries of the decedent's estate [decedent's heirs and next of kin if intestate]; namely,

| <u>NAME, AGE, CONDITION, RELATIONSHIP</u> | <u>ADDRESS</u> |
|--|---------------------------------------|
| [name], over 19, of sound mind, [relationship]. | [Street Address] [City, State Zip] |
| [name], over 19, of sound mind, [relationship]. | [Street Address] [City, State Zip] |
| [name], over 19, of sound mind, [relationship]. | [Street Address] [City, State Zip] |

5. [If testate] Item __ of the decedent's Will gives, devises and bequeaths [will provisions]. Your petitioner has duly delivered [asset(s) or applicable will provisions] described in Item __ of the decedent's Will to [beneficiary]. A separate Consent to Settlement is filed contemporaneously herewith on behalf of [beneficiary]. [Continue with paragraph for each separate bequest, legacy, devise and residuary devisees].

6. Each of the devisees and legatees [intestate heirs and next-of-kin] is over the age of majority and competent to act, and each has executed a separate verified Consent to Settlement that is filed contemporaneously with this petition.

7. [If intestate or if bond required of PR] The surety's waiver of notice is filed contemporaneously herewith.

WHEREFORE, your petitioner prays that this petition and the contemporaneously filed Consent(s) to Settlement be taken and accepted as, for an in lieu of a formal account or report of final settlement, that this court will approve this consent settlement without notice or publication or posting, as provided for in Ala. Code § 43-2-506, and that your petitioner be henceforth discharged as personal representative of said

estate and from all other and further liability for or on account of the administration of said Will and said estate.

[PETITIONER], as personal representative of the
Estate of [Decedent], deceased
[Street Address]
[City, State Zip]

Firm name, address and telephone number

Attorney for Petitioner

STATE OF ALABAMA)
 :
_____ COUNTY)

Before me, _____, a Notary Public for said County in said State, personally appeared [PETITIONER], who, being first duly sworn, makes oath that he/she has read the foregoing Petition and knows the contents thereof and is informed and believes, and upon such information and belief avers, that the facts alleged therein are true and correct.

[PETITIONER]

Sworn to and subscribed before me this the ____ day of _____, 2018.

[SEAL]

NOTARY PUBLIC
My Commission Expires:

PETITIONER'S ATTORNEY:

25. Consent to final settlement

CONSENT TO FINAL SETTLEMENT

Comes now _____, and hereby accepts notice of the filing of a Petition for Settlement by Consent Without Notice in the Probate Court of _____ County, Alabama, of the above styled estate. I acknowledge receipt of all distributions due to me under the Last Will and Testament of _____ (*as an heir at law and next of kin of* _____). I am over the age of nineteen and I am of sound mind. I hereby consent to the filing of the Petition for Settlement by Consent Without Notice in the above styled cause.

_____, 20__.

STATE OF _____ }
COUNTY OF _____ }

I, the undersigned authority, a Notary Public in and for said County and State do hereby certify that _____, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that being informed of the contents of the instrument, he/ she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on _____, 200__.

NOTARY PUBLIC
My Commission Expires:

DECREE OF FINAL SETTLEMENT

The personal representative in the above styled matter, _____, having filed a verified Petition for Settlement by Consent Without Notice in accordance with §43-2-506, Code of Alabama 1975, and the Court having reviewed same and found that the representations made in said petition are correct,

It is therefore, ORDERED, ADJUDGED and DECREED that the administration of this Estate is hereby closed and that the personal representative and its sureties, if any, are hereby and forever discharged.

_____, 20__.

Probate Judge
_____ County, Alabama

PETITION FOR FINAL SETTLEMENT

TO THE JUDGE OF SAID COURT, THE HONORABLE [_____]:

Comes your petitioner, [Petitioner], and respectfully shows unto Your Honor the following facts:

- 1. [Decedent], died on or about [Date of Death], and was a resident of [_____] County, Alabama, at the time of his/her death.
- 2. By letters testamentary [administration] granted on [Date], your petitioner was appointed as personal representative of the estate of the decedent. Notice of said appointment has been given as required by law.
- 3. More than six months have elapsed since said appointment. All debts of the decedent and all legal charges against the estate have been paid in full. Notice was provided pursuant to Ala. Code § 43-2-61.
- 4. Petitioner submits an accounting of the assets of the estate of the Deceased and the expenditures paid by Petitioner as of the dates stated in said accounting, which is attached hereto and made a part hereof by reference.
- 5. The following is a true, correct and complete list of names, ages, conditions, relationships and addresses of the beneficiaries of the decedent's estate [decedent's heirs and next of kin if intestate]; namely,

| NAME, AGE, CONDITION, RELATIONSHIP | ADDRESS |
|--|---------------------------------------|
| [name], over 19, of sound mind, [relationship]. | [Street Address] [City, State Zip] |
| [name], over 19, of sound mind, [relationship]. | [Street Address] [City, State Zip] |
| [name], over 19, of sound mind, [relationship]. | [Street Address] [City, State Zip] |

6. Each of the devisees and legatees [intestate heirs and next-of-kin] is over the age of majority and competent to act.

7. [If intestate or if bond required of PR] The surety's waiver of notice is filed contemporaneously herewith.

WHEREFORE, Petitioner prays that this Honorable Court will:

A. Set a date for a hearing of this Petition for Final Settlement and give notice thereof as required by law;

B. Upon hearing this Petition for Final Settlement and examining the accounting attached hereto, approve the final settlement and accounting;

C. Approve the amounts and manner of distributions from the estate herein requested;

D. Appoint a Guardian *ad litem* for the legatees and distributees named in the Will, *heirs at law and next of kin* who are *minors or incompetent, unknown*.

E. Enter such orders as the Court finds proper to effectuate the final distribution of the assets of the estate of the Deceased and the payment of any fees or costs incurred by the hearing of this petition or other expenses of the estate; and

F. Enter a Decree of Final Settlement which discharges the Petitioner and its sureties if any from their duties and liabilities in the above styled matter.

[PETITIONER], as personal representative of the
Estate of [Decedent], deceased
[Street Address]
[City, State Zip]

Firm name, address and telephone number

Attorney for Petitioner

STATE OF ALABAMA)
:
_____ COUNTY)

Before me, _____, a Notary Public for said County in said State, personally appeared [PETITIONER], who, being first duly sworn, makes oath that he/she has read the foregoing Petition and knows the contents thereof and is informed and believes, and upon such information and belief avers, that the facts alleged therein are true and correct.

[PETITIONER]

Sworn to and subscribed before me this the ____ day of _____, 2018.

[SEAL]

NOTARY PUBLIC
My Commission Expires:

PETITIONER'S ATTORNEY:

28. Order on filing settlement petition

ORDER ON FILING PETITION FOR FINAL SETTLEMENT

_____ having presented a Petition for final settlement of the above styled estate, the _____ day of _____, 20__ at _____ o'clock __.m. is hereby appointed as the day for the hearing of said petition, and the taking of testimony in support thereof. Petitioner is hereby ordered to give notice of same as provided by law.

Done _____, 20__.

Probate Judge
_____ County, Alabama

29. Publication notice of settlement

NOTICE OF HEARING ON FINAL SETTLEMENT

_____ has filed a Petition for Final Settlement of his/her administration of the above styled estate and filed with his/her petition an accounting. The ___ day of _____, 20__ at _____ o'clock ____. m. is hereby set as the day and time for the hearing of said Petition.

Probate Judge
_____ County, Alabama

To: The Editor and Publisher of the _____
Please publish the above notice for three successive weeks in your newspaper.

30. Notice to distributee/heir

NOTICE OF PETITION FOR FINAL SETTLEMENT

TO:

You are hereby notified that on the ___ day of _____, 20__
_____ filed in the Probate Court of _____ County, Alabama a
petition for a final settlement of the estate of _____. Said petition states
that you are a legatee, devisee or distributee under the Last Will and Testament (*heir at
law and next of kin*) of _____. The ___ day of _____ 20__ at
_____ o'clock __.m. has been set and appointed as the day for the hearing of said
petition, and the taking of testimony in support thereof, at which time you can appear and
contest the same if you see proper.

Given under my hand this the ___ day of _____, 20__.

Probate Judge
_____ County, Alabama

31. Petition for summary distribution

PETITION FOR SUMMARY DISTRIBUTION

TO THE HONORABLE _____, JUDGE OF PROBATE:

_____, herein referred to as the "Petitioner," herewith files this petition for Summary Distribution pursuant to § 43-2-691 et seq. of the Code of Alabama and respectfully represents and shows to your Honor the following facts:

1. _____, herein referred to as the "Deceased," died on _____, 20__ in _____ County, Alabama. Attached hereto is a copy of the death certificate of the Deceased and a copy of the Last Will and Testament of the Deceased. The Deceased left no Last Will and Testament.

2. Petitioner is the _____ of the Deceased. The next of kin of the Deceased are:

3. The Deceased left an estate consisting solely of personal property, that being:

4. No petition for the appointment of a personal representative is pending or has been granted on the estate of the Deceased.

5. All of the funeral expenses of the Deceased have been paid and there are no known claims against the estate of the Deceased.

WHEREFORE, Petitioner prays that the Court will give notice of the filing of this petition and, upon the lapse of thirty (30) days from the filing of this petition and from the publication of such filing, will enter an order directing summary distribution of all assets of the estate of the Deceased which are the subject of this proceeding and grant such other, further and different relief to which Petitioner may be entitled.

Respectfully submitted, _____ 20__.

PETITIONER

Firm name, address and telephone

Attorney for Petitioner

STATE OF ALABAMA }
COUNTY OF _____ }

Before me, the undersigned authority, personally appeared _____ whose name as Petitioner is affixed to the foregoing petition, who is known to me and who

being first duly sworn deposes and says that he/she is informed and believes and that upon such information and belief states that the facts set out in the foregoing petition are true and correct.

PETITIONER

Sworn to and subscribed before me on _____ 20__.

NOTARY PUBLIC
My Commission Expires:

32. Order on filing summary distribution

ORDER ON FILING PETITION FOR SUMMARY DISTRIBUTION

This day, came _____, the "Petitioner" and presented a petition in writing and under oath, alleging that Petitioner is the _____ of _____ who died in _____ County, Alabama on _____ 2010 leaving personal property valued at \$_____.

It is therefore, ORDERED, that notice of the filing of said petition be published once in a newspaper of general circulation in _____ County, Alabama; and that an order be entered after the interval prescribed by law, directing the Summary Distribution of the assets of said decedent to the distributees entitled to the decedent's property.

Done _____ 20__.

Probate Judge
_____ County, Alabama

33. Publication notice for summary distribution

NOTICE OF PETITION FOR SUMMARY DISTRIBUTION

Notice is hereby given that a Petition for Summary Distribution has been filed by _____ on _____, 20____, and that 30 days after the publication hereof and pursuant to law, the Court shall enter an order directing summary distribution of the estate of said decedent.

Probate Judge, _____ County, Alabama

=====

To: The Editor and Publisher of the _____

Please publish the above notice once in your newspaper.

34. Order directing summary distribution

ORDER DIRECTING SUMMARY DISTRIBUTION

_____ having filed a petition for Summary Distribution of the personal property of _____ ; notice thereof having been published in _____ on _____ 20__ ; and for cause shown, the Court is of the opinion that said petition is due to be and the same is hereby GRANTED.

It is accordingly, ORDERED, that _____ is/are entitled to receive the personal property of _____. It is further ORDERED that any person, firm, corporation, or agency making payment, delivery, transfer or issuance of the personal property of _____ or evidence thereof to _____ pursuant to this order, shall be discharged and released.

Done _____ 20__.

Probate Judge
_____ County, Alabama

35. Filing foreign will

PRESENTATION OF FOREIGN WILL

TO THE HONORABLE _____, JUDGE OF PROBATE:

Pursuant to *Alabama Code* (1975) §43-8-175, the attached exemplified copy of the last will and testament of _____ is hereby presented for probate and recording. _____ was at the time of his/her death an inhabitant of the State of _____. The attached copy of his/her will was duly proved in the State of _____. The copy of said will hereby presented has be certified and authenticated as provided in Title 28, §1738 of the *United States Code Annotated*. Pursuant to *Alabama Code* (1975) §43-8-175 a decree admitting said will shall be issued without notice or further proceedings.

Respectfully submitted, _____ 20____.

36. Decree admitting foreign will

DECREE ADMITTING WILL TO PROBATE AND RECORD

This day an exemplified copy of the last will and testament of _____ was presented for probate and recording. The Court having examined the said exemplified copy and having found that the will of _____ was duly proved in the Probate Court of _____, _____ and that the copy of said will presented to this Court was properly certified and authenticated as provided by Title 28, §1738 of the *United States Code Annotated*,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by this Court that the said Last Will and Testament of _____, is admitted to Probate and Record in this Court.

Done this the ____ day of _____ 20__.

Judge of Probate
_____ County, Alabama

37. Claim against estate

CLAIM AGAINST ESTATE

The undersigned, _____ as "Claimant," herewith presents and files a claim against the Estate of _____, deceased, for and on account of the following described indebtedness owing by said Estate to Claimant, viz:

STATE OF ALABAMA }
COUNTY OF _____}

Before me, the undersigned authority, personally appeared _____, who, being first duly sworn, says that he has full and complete knowledge of the correctness of the forgoing claim against the Estate of _____, deceased, and that the amount claimed is justly due (or to become due), after allowing all proper credits.

Sworn to and subscribed before me this the _____ day of _____, 20__.

NOTARY PUBLIC
My Commission Expires:

38. Disclaimer

QUALIFIED DISCLAIMER

I, _____, do hereby disclaim my right to succeed to the following property, located in _____ County, Alabama, to wit:

I disclaim any right to receive property of any kind under the Last Will and Testament of _____ or any right to inherit any property as an heir at law or next of kin of _____. This Qualified Disclaimer is filed pursuant to the Alabama Uniform Disclaimer of Property Interests Act, Code of Alabama §43-8-290 *et al.* and is intended as a Qualified Disclaimer pursuant to the Internal Revenue Code.

Given under my hand and seal this ___ day of _____, 20__.

STATE OF ALABAMA }
COUNTY OF _____ }

Before me, the undersigned authority, personally appeared _____, whose name is affixed to the foregoing instrument, who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand this ___ day of _____, 20__.

NOTARY PUBLIC
My Commission Expires:

ACKNOWLEDGEMENT OF RECEIPT OF QUALIFIED DISCLAIMER

I, the undersigned as the personal representative of the estate of _____ hereby acknowledge receipt of a Qualified Disclaimer from _____ disclaiming the right to succession in the property described therein.

_____, 20__.

As personal representative of the Estate of _____

39. Petition to remove to Circuit Court

IN THE CIRCUIT COURT FOR _____ COUNTY, ALABAMA

THE ESTATE OF }
DECEASED } CASE NO. CV _____

PETITION FOR THE REMOVAL OF AN ESTATE

Comes now _____, who was appointed as Personal Representative of the above styled estate by the Probate Court for _____ County on _____, (Probate Court Case Number _____), and respectfully represents that:

1. There has been no final settlement of the Estate of _____, in the Probate Court for _____ County, Alabama, and that no proceedings have been taken in said Probate Court looking to a final settlement of said estate.

2. That in the opinion of the Petitioner, the said Estate can be better administered in the Circuit Court than in the Probate Court.

3. That § 12-11-41 of the Code of Alabama requires an order of removal from the Probate Court to the Circuit Court of any estate at any time before a final settlement, upon the filing of a sworn petition reciting that, in the opinion of the petitioner, the estate can be better administered in the Circuit Court, without assigning any special equity.

WHEREFORE, Petitioner respectfully requests that the Circuit Court grant this Petition as provided under § 12-11-41 of the Code of Alabama, and make and enter an ORDER of this Court removing the Probate of the Estate of _____, Deceased, from the Probate Court of _____ County, Alabama in to this Honorable Court; and Petitioner prays for any and all other Orders and Decrees as may be necessary and appropriate in the Premises.

_____ 20__.

Firm name, address and telephone number

Attorney for

STATE OF ALABAMA }
COUNTY OF _____ }

Before me, the undersigned authority, personally appeared _____, who is known to me, and who after having been by me first duly sworn, deposed and says that she has read the foregoing Petition and has personal

knowledge that the statements in the above Petition are true and correct as therein written.

Subscribed and sworn to before me on _____, 20__.

NOTARY PUBLIC

My Commission Expires:

40. Order removing estate to Circuit Court

IN THE CIRCUIT COURT FOR _____ COUNTY, ALABAMA

THE ESTATE OF

}

CASE NO. CV _____

}

DECEASED

}

ORDER REMOVING ESTATE FROM PROBATE COURT

_____ having filed a sworn petition praying for the removal of the Probate of the Estate of _____, Deceased from the Probate Court of _____ County, Alabama, into the Circuit Court of _____ County, Alabama, and the Court finding that all the allegations of said petition are true, that it is in due form, and that the prayer of said petition should be granted, it is therefore,

ORDERED by this Court the said Petition is hereby granted and the Probate of the Estate of _____, Deceased, be and it is hereby removed from the Probate Court of _____ County, Alabama, and transferred to the Circuit Court of _____ County, Alabama, to proceed according to rules and practices of this Court.

It is further ORDERED, that the Probate Judge of _____ County, Alabama shall forthwith transmit to this court the file and all papers in connection with the Probate of said Estate.

Done _____, 20__.

Circuit Judge