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Checklist for Do-It-Yourself Forms

The following checklist may help *pro se* applicants to complete the do-it-yourself probate forms. In the following list, "you" means "the applicant."

- ☐ Have you inserted the name of the county where decedent is domiciled in the upper left corner of each form?
- ☐ Have you correctly spelled the name of decedent and given other names the decedent may be known by?
- ☐ Have you filled out the form stating your interest in the estate, i.e., your relationship to the decedent?
- ☐ Are both the date of decedent's death and decedent's age at death stated?
- ☐ Have you listed the decedent's spouse and all of his/her children, heirs and devisees? The application must list the decedent's spouse, children, heirs and all devisees (if there is a will), together with their complete address, city, state and zip. Ages of minor children should be listed but no other ages are required. If the personal representative is a spouse, child, heir or devisee of the decedent, then the personal representative should also list himself/herself. For example, if the decedent had no spouse, but had children, you should list the children (and children of any deceased children). If the decedent had no spouse or children, then you should list the parents, if any. If no parents, then you should list the next level of heirs, and so on. All devisees (people or entities named as beneficiaries in a will) must also be listed, but not alternate devisees.
- ☐ If there is a will, is the personal representative who is applying named as first choice? If not, have the proper renunciations/consents been filed?
- ☐ If there is no will, are there several people who have equal priority? If "yes," have they all signed proper renunciations and concurrences? If not, have they at least signed the "I consent to the appointment of the personal representative listed above" section of the do-it-yourself forms? If the personal representative with highest priority is not applying

to open the probate, then the case must be filed as a formal proceeding in the district court.

- ☐ Does the **original** will accompany the application? If so, you may proceed either in probate or district court. If not, you may only proceed in district court.
- ☐ Have you called the district court to see if any demands for notice of the probate have been filed with the court about the decedent? Usually, creditors or disgruntled heirs will file this demand so that they receive notice after the probate is opened. Probate courts cannot accept demands for notice until a case is opened. But the district court can accept a demand before a probate is filed. You should check with the district court before filing the initial application to ask whether any demands for notice have been filed concerning the decedent.
- ☐ Have 120 hours (5 days) passed since decedent's death? A judge cannot sign an order appointing a personal representative until 5 days after death.
- ☐ Have you signed the application and the Acceptance of Appointment as Personal Representative in the presence of a notary public? You must state, under oath, that the statements in the application are true to the best of your knowledge. The Verification must be signed by you in the presence of a notary public, who also signs and notarizes the Verification.

After you have completed the above tasks, you should submit to the court the following:

- ☐ notarized application for probate
- ☐ order for the judge to sign
- ☐ ~~notarized Acceptance of Appointment as Personal Representative~~ ^{Notarization removed Dec. 31, 2018}
- ☐ Letters Testamentary or Letters of Administration.

The court keeps the originals of these documents for the case file. Submit at least one extra copy of all pleadings, so the court can endorse them and return them to you for your records.

After the court appoints the personal representative, additional paperwork is required. Study the instructions in the forms packet to learn how to proceed.