

DECREE AND ORDER ON PETITION FOR FORMAL ADJUDICATION	Docket No. _____	Commonwealth of Massachusetts The Trial Court Probate and Family Court
Estate of: _____ <div style="display: flex; justify-content: space-between; margin-top: 5px;"> _____ First Name _____ Middle Name _____ Last Name </div> Also Known As: _____ Date of Death: _____		<div style="display: flex; justify-content: space-between; margin-bottom: 10px;"> <u>Barnstable</u> Division </div>

After a hearing or on the uncontested Petition for Formal Adjudication dated: _____

THE COURT FINDS:

1. The Petitioner is an interested person and has filed a complete and verified Petition.
2. The Decedent died on _____

(date)

☐ domiciled in Massachusetts **OR** ☐ _____
3. The Petition was filed within the time period permitted by law.
4. Any required notices have been given to or waived by all interested persons and any guardian *ad litem* appointed has assented to the Petition and/or the report of the guardian *ad litem* has been considered by the court.
5. Venue is proper.
6. ☐ The Decedent did not leave a will.
7. ☐ The Decedent left a will.
 - A. ☐ The original will is filed. The will is dated _____

(date)

_____ date(s) . The dates of all codicils are _____
_____ date(s) . The will and any codicils are referred to as the will.

Based on a preponderance of credible evidence presented, the court is satisfied that:

The will is valid and unrevoked. There are no known prior wills that have not been expressly revoked by a later instrument. The will is the Decedent's last will.

--OR--

- B. ☐ The original will has been lost, destroyed, or is otherwise unavailable. The copy of the will or the statement of its contents is dated _____

(date)

_____ date(s) . The dates of all codicils are _____
_____ date(s) . The copy of the will, or the statement of its contents, and any codicils are referred to as the will.

Based on a preponderance of the credible evidence presented, the court is satisfied that:

- a. The contents of the will are as stated in the copy or statement filed with the court.
- b. The will is valid and unrevoked. There are no known prior wills that have not been expressly revoked by a later instrument. The will is the Decedent's last will.

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--OR--

- C) ☐ An authenticated copy of the will and of the decree admitting it to probate in the Decedent's state or county of domicile at the death is filed. The authenticated copy is dated _____. The dates of all codicils are _____. The authenticated copy of the will and any codicils are referred to as the will. _____ (date)

Based on a preponderance of credible evidence presented, the court is satisfied that:

The will was duly admitted to probate by the state or country of _____, the Decedent's domicile at death.

--OR--

- D) ☐ The will is not a valid will.

8. At the time of death, the Decedent's heirs at law were:

- ☐ identical to those persons stated in the ☐ original ☐ amended MPC 162 Surviving Spouse, Children, Heirs at Law dated: _____ (date)

--OR--

- ☐ the following named persons (each and every heir at law must be named):

NAME	RELATIONSHIP TO DECEDENT

9. ☐ The following person is qualified to serve as Personal Representative pursuant to G. L. c. 190B, § 3-203:

_____ First Name	_____ M.I.	_____ Last Name	_____ First Name	_____ M.I.	_____ Last Name
_____ (Address)			_____ (Address)		
_____ (City/Town) (State) (Zip)			_____ (City/Town) (State) (Zip)		
Primary Phone #: _____			Primary Phone #: _____		

Any will to which the requested appointment relates is being or has been probated.

THE COURT DECREES AND ORDERS (select only that requested on the Petition):

TESTACY DETERMINATION

1. ☐ The Decedent died intestate.
☒ The will has not previously been admitted to probate and is hereby admitted to formal probate.
☐ The will is not admitted to formal probate. The Petition is dismissed with prejudice as to that instrument.

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DETERMINATION OF HEIRS

2. The Decedent's heirs at law as of date of death are as found above.

APPOINTMENT OF PERSONAL REPRESENTATIVE

3. The aforementioned person is appointed or confirmed as Personal Representative.

4. The Personal Representative shall serve in a(n):

- ☐ Unsupervised Administration.
☐ Supervised Administration described as follows:

- ☐ without a surety on the bond because:

- ☐ The will waives the requirement of a surety bond.
☐ All of the heirs or all of the devisees have filed a written waiver of sureties on the bond.
☐ The Personal Representative is a bank or trust company.
☐ The court finds that sureties are not in the best interest of the estate.

- ☐ with ☐ personal ☐ corporate sureties on the bond in the penal sum amount of \$ _____

- ☐ A Demand for Sureties (MPC 360) has been filed.

- ☐ The Personal Representative's prior bond is re-examined and approved.

5. Letters of Authority shall issue; or

- ☐ previously issued Letters of Authority for the Personal Representative are confirmed.

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6. The court further orders:

Date _____

☐ Justice

☐ Magistrate