

# PROBATE

# 1

## **Emergency Authority for Burial/Cremation Arrangements**

(Petition for Emergency Appointment  
of Special Administrator Without Notice)

(Forms)

# FORMAL PROBATE APPLICATION FOR EMERGENCY APPOINTMENT OF SPECIAL ADMINISTRATOR (for Funeral and Burial Arrangements)

## CHECKLIST

*You may use the forms and instructions in this packet if . . .*

- ✓ Someone has died and there is no living spouse, no court-appointed Personal Representative of the Estate (executor), or other person currently authorized or immediately available to make necessary funeral and burial or other arrangements for disposition of the remains, and
- ✓ You want to be appointed “Special Administrator” with authority to make urgent funeral and disposition arrangements ONLY, and
- ✓ You do not want to be appointed “Personal Representative” (commonly known as “executor”) of the Estate at this time.

**NOTE:** There is a filing fee for this request.

- You may apply to have this fee deferred (to pay later), or waived (to not pay at all).
- If appointed, you are entitled to reimbursement *from the estate* (if funds available) for reasonable expenses incurred in performing the duties of “Special Administrator”, including this filing fee.

**READ ME:** Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website.

## Petition for Emergency

### Appointment of Special Administrator Without Notice (for Disposition of Deceased Person's Remains)

This packet contains court forms and instructions to file an emergency request for appointment of a "Special Administrator" when there is no living spouse of the deceased or other person currently authorized or immediately available to make arrangement for the disposition of a deceased person's remains (e.g., burial or cremation). Items in **bold** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File Number	Title	# pages
1	PBESA1k	Checklist: <i>You may use these forms if . . .</i>	1
2	PBESA1t	Table of Contents (this page)	1
3	PBESA10i	Instructions: How to Complete All Forms	1
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5	PB10f	<b><i>Probate Cover Sheet</i></b>	2
6	PB11f	<b><i>Probate Information Form for Decedent's Estate</i></b>	2
7	PBESA11f	<b><i>Petition for Emergency Appointment of Special Administrator Without Notice</i></b>	1
8	PBESA17f	<b><i>Letters of Appointment and Acceptance of Appointment of Special Administrator</i></b>	1
9	PBESA81f	<b><i>Order for Emergency Appointment of Special Administrator Without Notice</i></b>	1

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

## Instructions: How to apply for emergency appointment as Special Administrator for funeral arrangements

These are the steps to ask the Court to make an emergency appointment of a “Special Administrator” with authority to make arrangements for handling the remains of a deceased person when no one has yet been appointed as “Personal Representative” (executor) of the estate.

This is an emergency request to be given authority to make decisions and arrangements without advance notice to other parties who would otherwise be entitled to know about it ahead of time. This is a serious matter and the Court will not grant this request unless it is satisfied this is an urgent situation.

1. Complete All Forms: Fill out all the forms completely and in black ink except for those portions for Court use. You will need to complete all or part of the following forms:

- Probate Cover Sheet.
- Application for Emergency Appointment of Special Administrator.
- Letters of Appointment and Acceptance of Appointment.
- Order Appointing Special Administrator.

### “Probate Cover Sheet”

- Leave “Case Number” blank. The Court will supply a case number when you file the papers.
- Write in the information requested about the person who died (the decedent), and the person who is applying to be appointed Special Administrator (called “Petitioner” on this form).
- Leave “Reason Fees Not Paid” and “Court Location Requested” blank for Court use.
- Under “Nature of Action”, under Section 200 for “Estates”, check the box next to 210 for “OTHER”, and write in “Emergency Special Administrator” (which you may abbreviate to “Emergency Special Admin”).
- Sign your name on page 2 (No other information is required on page 2 for this process).

### “Application for Emergency Appointment of Special Administrator”

Read this form and write in the information requested. Signing and filing this form is a statement to the Court that the information you have supplied is true and correct, under penalty of perjury.

### “Letters of Appointment” and “Acceptance of Appointment” (both on 1 page).

- Write in only the name of the person who died and the name of the person requesting appointment as Special Administrator.
- Leave the date and signature spaces under “Letters of Appointment” blank for Court use.
- You will later need to sign at the bottom of the form under “Acceptance of Appointment”.

### “Order Appointing Special Administrator”

- Write in only the name of the person who died and the name of the person to be appointed as Special Administrator.
- Leave the date and signature spaces blank for Court use only.

What to do next, after you have completed all forms:  
Go to the “Procedures” page, the last document in this packet, and follow the steps listed concerning the number of copies to be made, filing your papers, and getting your Court Order.

## Procedures: What to do after completing all Forms To get an Emergency Court Order appointing a Special Administrator for Funeral Arrangements

Step 1: Make 2 copies of the following documents after you have filled them out.

- “Application for Emergency Appointment of Special Administrator” \*
- “Letters of Appointment and Acceptance of Appointment” \*

and: Make 1 copy of the “Order Appointing Special Administrator” \*

\* These documents are referred to below, respectively, as:

“The Application”, “Letters and Acceptance”, and “Order Appointing”

Step 2: Separate your documents into one set of originals, and two sets of copies:

<p>Set 1 - Originals for Clerk of Superior Court:</p> <ul style="list-style-type: none"><li>• “Probate Cover Sheet”</li><li>• “The Application”</li><li>• “Letters and Acceptance”</li><li>• “Order Appointing”</li></ul>	<p>Set 2 – Copies for you:</p> <ul style="list-style-type: none"><li>• “The Application”</li><li>• “Letters and Acceptance”</li><li>• “Order Appointing”</li></ul>
<p>Set 3 – Copies for judicial officer</p> <ul style="list-style-type: none"><li>• “The Application”</li><li>• “Letters and Acceptance”</li><li>• “Order Appointing”</li></ul>	

Step 3: File the papers at the court:

Go to the Clerk of Superior Court’s filing counter: The court is open from 8:00 a.m.-5:00 p.m., Monday-Friday. You may file your court papers at any of the following Superior Court locations:

Downtown Phoenix:  
Central Court Building, 1<sup>st</sup> Floor  
201 West Jefferson  
Phoenix, AZ 85003

Northeast Phoenix:  
Northeast Regional Court Facility  
18380 North 40<sup>th</sup> Street  
Phoenix, AZ 85032

Surprise:  
Northwest Regional Court Facility  
14264 West Tierra Buena Lane  
Surprise, AZ 85374

Mesa:  
Southeast Court Facility, 1<sup>st</sup> Floor  
222 East Javelina Avenue  
Mesa, AZ 85210

Present the originals and both sets of copies to the Clerk of Superior Court at the filing counter and pay the filing fee. Note that you are entitled to reimbursement from the estate of the deceased (if funds are available) for this and other reasonable expenses incurred in performing the duties of Special Administrator (Keep records and receipts). A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court's website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center.

The Clerk of Superior Court will keep the originals, stamp the extra copies to show that these are copies of papers you have filed with the court, and return the stamped copies to you. These stamped sets of copies are now called "conformed" copies.

Step 4: Take the conformed copies to Probate Court Administration, or

- Ask the Clerk of Superior Court at the Filing Counter to direct you to Probate Court Administration.
- If there is no Probate Court Administration office where you are filing these papers, ask to be directed to the appropriate location.
- Present the sets of stamped copies to Probate Court Administration or staff at appropriate location.
- If filing in downtown Phoenix at 201 West Jefferson, after filing, walk to East Court Building, 3<sup>rd</sup> Floor, to Probate Court Administration to immediately ask to schedule a hearing

What probate court administration (or other court staff) will do:

- Attempt to locate a Judicial Officer available to hear your request immediately.
- Take all sets of copies or direct you to take the copies with you into a courtroom.

Step 5: If the Court grants your request:

- Take the "Letters and Acceptance" to the filing counter and file it with the court.

Step 6: Purchase a certified copy of "the letters" to give to the funeral home.

- This is proof you have been appointed by the Court and that you have the legal authority to make arrangements as described in the "Letters of Appointment".
- There is a fee for the Certified Copy. A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court's website.

SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY

FOR CLERK'S USE ONLY

PROBATE COVER SHEET

Case Number: \_\_\_\_\_

A person needing a guardian or conservator is the “ward.” A person who died is the “decedent.”

Name(s) of the Ward(s), Decedent(s), Trust(s), or Individual(s):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

The person who is filing this case is the “petitioner.”

Name(s), Address(es), Telephone Number(s), and Email Address(es) of the Petitioner(s):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Information About Petitioner’s Attorney:  Petitioner is not represented by an attorney, or

Name: \_\_\_\_\_ BAR #: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

An Interpreter is needed for this language: \_\_\_\_\_  
(List Name(s) of) Person(s) who need interpreter:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

STAFF USE ONLY: REASON FEES NOT PAID:  Government Charge  Deferred  Waived

NATURE OF ACTION: Place an "X" next to number which describes the nature of the case. Check only one.

**200 ESTATE**

- 201 Formal Appointment of Personal Representative
- 202 Informal Appointment of Personal Representative
- 203 Ancillary Administration
- 204 Affidavit of Succession to Realty
- 205 Trust Administration
- 206 Formal Probate of Will
- 207 Informal Probate of Will
- 208 Proof of Authority
- 210 Other \_\_\_\_\_  
Specify
- 211 Single Transaction/Limited Conservatorship
- 213 Request for Death Certificate

**220 CONSERVATOR**

- 221 Minor
- 222 Adult Incapacitated Person

**230 GUARDIANSHIP**

- 231 Minor
- 232 Adult (including those with Dementia, Alzheimer's)
- 233 Adult Requiring Inpatient Psychiatric Treatment

**240 GUARDIANSHIP-CONSERVATOR COMBINATION**

- 241 Minor
- 242 Adult (including those with Dementia, Alzheimer's)
- 243 Adult Requiring Inpatient Psychiatric Treatment

Today's Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner or Petitioner's Attorney

Notice: Submit this form with new cases only. If there is already a (Maricopa County) Probate Court case number and you are filing in an existing Superior Court case in Maricopa County, do not submit this form.



Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_  
Licensed Fiduciary Number: \_\_\_\_\_

FOR CLERK'S USE ONLY

Representing  Self, without a Lawyer or  Attorney for \_\_\_\_\_

## SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

In the Matter of:

Case Number: \_\_\_\_\_

\_\_\_\_\_  
Deceased.

### PROBATE INFORMATION FORM FOR DECEDENT'S ESTATE

**Updated** (Check this box if this is an updated form.)

#### Instructions:

1. Complete this form to the best of your knowledge and ability and then file it with your application or petition.
2. If you later learn of additional information that you omitted or if you later learn that any information in this form is incorrect, you must file an updated probate information form.
3. For purposes of this form, "Financial Institution" means a national banking association, a holder of a banking permit under Arizona law, a savings and loan association authorized to conduct trust business in Arizona, a title insurance company qualified to do business in Arizona, or a trust company holding a certificate to engage in trust business from the superintendent of financial institutions.
4. Items designated with an asterisk (\*) constitute "contact information" under Rule 13, Arizona Rules of Probate Procedure. If contact information changes, you must file a notice of change of contact information.
5. This form is filed as a confidential document, so it is not available to the general public. In addition, you are not required to provide anyone with this form, other than the court.

A. Information about the Nominated Personal Representative / Special Administrator:

Name: \_\_\_\_\_

Is this person or entity an Arizona Licensed Fiduciary?  Yes  No

If Yes, write that person or entity's Licensed Fiduciary Number on the line below:

Mailing Address:\* \_\_\_\_\_

Physical Address:\* \_\_\_\_\_

Work Telephone Number:\* \_\_\_\_\_

Email Address:\* \_\_\_\_\_

If the nominated personal representative/special administrator is an Arizona Licensed Fiduciary or a Financial Institution, proceed to section B below. Otherwise, complete the remainder of section A.

Home Telephone Number:\* \_\_\_\_\_

Cellular Phone Number:\* \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Race: \_\_\_\_\_

Height: \_\_\_\_\_

Weight: \_\_\_\_\_

Eye Color: \_\_\_\_\_

Hair Color: \_\_\_\_\_

Sex: \_\_\_\_\_

B. Information about the Decedent:

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Date of Death: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

I, \_\_\_\_\_ (your name), under the penalty of perjury, do hereby swear that the foregoing information is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Person Filing: \_\_\_\_\_  
Address (if not protected): \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Lawyer's Bar Number: \_\_\_\_\_  
Licensed Fiduciary Number: \_\_\_\_\_

FOR CLERK'S USE ONLY

Representing  Self, without a Lawyer or  Attorney for  Petitioner OR  Respondent

## SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of the Estate of

Case No. PB \_\_\_\_\_

\_\_\_\_\_  
Deceased

### APPLICATION FOR EMERGENCY APPOINTMENT OF SPECIAL ADMINISTRATOR (for Funeral Arrangements) A.R.S. § 14-3614

1. My name is \_\_\_\_\_, and I hereby apply to the Court for emergency formal appointment of a Special Administrator for the estate of the above-named deceased for the express limited purpose of making funeral and disposition arrangements.
2. My relationship to the deceased is: \_\_\_\_\_
3. The deceased died on this date: (Month, Date, Year) \_\_\_\_\_
4. VENUE: The deceased was domiciled in Maricopa County in the State of Arizona, at the time of death, making this the proper venue for this request.
5. There is no Personal Representative presently qualified and acting for this Estate.
6. It is necessary that a Special Administrator be appointed to act on behalf of the Estate for the express limited purpose of making any and all funeral and burial or other disposition arrangements for the decedent's remains because there is no other authorized person who is presently willing or able to perform these duties.
7. The estimated value of decedent's property over which the Special Administrator will have control is \$ [NONE].
8. Bond is not required because the Applicant will only be authorized for the limited purpose of making funeral and disposition arrangements for the decedent.
9. I am a proper person qualified to act as Special Administrator, and I request that I, or the following named qualified person (if applicable) \_\_\_\_\_ be appointed as Special Administrator for this Estate pending the appointment of a general Personal Representative for the express and limited purpose of being granted full authority to make any and all funeral and disposition arrangements for the decedent's remains with a local funeral home, cemetery or other facility.

**The information I have provided on this document is true and correct, under penalty of perjury.**

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Name of Applicant

**SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY**

FOR CLERK'S USE ONLY

In the Matter of the Estate of:

Case No. \_\_\_\_\_

**LETTERS OF APPOINTMENT and  
ACCEPTANCE OF APPOINTMENT OF  
SPECIAL ADMINISTRATOR**

\_\_\_\_\_  
Deceased

**ISSUANCE OF LETTERS**

\_\_\_\_\_ is hereby appointed as Special  
Administrator of this estate.

The Special Administrator shall only be permitted to exercise the following powers:

- The Special Administrator is expressly authorized to make all funeral arrangements for the decedent at a local funeral home and cemetery or other facility for the disposition of remains.

The appointment shall terminate upon the earlier of the appointment of a general Personal Representative for the Estate or the completion of funeral and burial or other disposition arrangements.

Dated this \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
Deputy Clerk of Court

**ACCEPTANCE OF APPOINTMENT**

I accept the duties of Special Administrator of the Estate of the above-named person who has died and affirm or swear that I will perform the duties assigned.

\_\_\_\_\_  
Signature of Special Administrator

\_\_\_\_\_  
Printed Name

**SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY**

FOR CLERK'S USE ONLY

In the Matter of the Estate of:

Case No. PB \_\_\_\_\_

\_\_\_\_\_  
Deceased.

**ORDER FOR  
EMERGENCY APPOINTMENT OF  
SPECIAL ADMINISTRATOR  
(for FUNERAL ARRANGEMENTS)**

An Emergency Application for formal Appointment of Special Administrator has been submitted by \_\_\_\_\_ ("the Applicant") requesting appointment as the Special Administrator.

The undersigned is satisfied that the Applicant is a proper person qualified to act as Special Administrator pursuant to all applicable provisions of A.R.S. Title 14, Chapter 3, Article 6.

THEREFORE, \_\_\_\_\_ is appointed as Special Administrator of decedent's Estate, without bond, for the express limited purpose of authorizing any and all funeral and burial or other disposition arrangements for the decedent's remains with a local funeral home and cemetery or other facility.

The appointment shall terminate, in accordance with A.R.S. §14-3618, upon the earlier of the appointment of a general Personal Representative or the completion of all funeral arrangements for the decedent.

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_  
Judicial Officer