

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

In the Matter of the Estate of: _____)
_____)
Decedent (Person Who Died) _____)
Date of Birth: _____)
_____) CASE NO. _____

**REQUEST TO START FORMAL PROBATE AND
APPOINT A PERSONAL REPRESENTATIVE WHEN THERE IS NO WILL**

(Petition for Adjudication of Intestacy, Determination of Heirs, and
Appointment of Personal Representative in a Formal Proceeding)

1. Interest. I, _____, have an interest in this estate, because:

2. Decedent (Person Who Died). The decedent died on _____ [date] at the age of _____. At least five full days have passed since the death. The decedent lived in _____ [city and state] at the time of death and considered this location to be a permanent home.

3. Need for Formal Probate. This estate needs to be formally probated, because

- I do not have the original will or any copies of it.
- I do not have the original will, but I do have a copy of the last known will.
- there is a dispute about the will.
- there is a dispute about who should be appointed as personal representative, or I am otherwise unable to get consent from every person with greater or equal priority (see section 9 below). Briefly describe the issue:

- I want to change from informal probate to formal probate.
- _____

4. Filing Location. This is the correct court to file in, because the decedent
 lived in this judicial district at the time of death.
 did not live in Alaska at the time of death; however, the person had property located in this judicial district at the time of death.

5. Time. I am filing this probate case within the required time period, because
 three years or less have passed since the person died, OR
 more than three years have passed. **STOP.** Under Alaska law, you cannot open an estate case more than three years after the person died except in very limited circumstances. You should talk to a lawyer about your options and whether you can open a probate case. If you file this form, be aware that the court may dismiss the case unless you show a basis for filing this action under AS 13.16.040. A waiver of the 3-year time limit under AS 13.16.040 is legally permitted, because:

- 6. Will.** I exercised reasonable diligence to find out if the decedent had a valid will, and
- I could not find any unrevoked will made by the decedent.
 - I found an unrevoked will made by the decedent, but I do not think that this will should be used, because:

7. Current Personal Representative.

- No court has appointed a personal representative of the estate.
- A court appointed a personal representative, but later ended the appointment.
- There is currently a personal representative of the estate. A court appointed _____ *[name]* as personal representative, who lives at _____ *[address]*.

8. Right to be Appointed as Personal Representative. The court should appoint me as personal representative. I am 19 years or older and have priority to serve, because

- I am the surviving spouse.
- I am an heir (someone with the right to inherit property from the decedent if no will has been made).
- I am a creditor, and at least 45 days have passed since the person died.
- Other: _____

9. Persons with a Greater or Equal Right to Appointment. *[Priority is determined in the following order: (1) surviving spouse, (2) someone with the right to inherit property from the decedent if no will was made, (3) 45 days after the death of the decedent, any creditor.]*

The following persons have a greater or equal right than I do to be appointed as the personal representative:

[IMPORTANT: Every person who has a greater or equal priority over you must consent by completing the "Nomination for Appointment of Personal Representative with Lower Priority" (form [P-306](#)). If you are using the formal probate process because not all of these people consent to your appointment, you should still file all of the completed nominations that you have.]

10. Bond. *[A bond is a cash payment or pledge of property that guarantees the personal representative will fulfill the person's duties. However, the requirement is commonly waived by the heirs.]*

- No bond is required, because all known interested persons to receive property waived the bond requirement. **[Important:** Each interested person must file a separate "Waiver of Bond Requirement" (form [P-334](#)) or must have requested a waiver of the bond requirement in the "Nomination for Appointment of Personal Representative with Lower Priority" (form [P-306](#)).]
- I request the court set a bond amount of \$_____, because this amount covers the estimated value of the estate's property and income for the next year.

- 11. Survivors of the Decedent.** The decedent is survived by the persons listed below.
[Include all biological and adopted children of the person who died, unless an adoption decree terminated the child's inheritance rights.]

Relationship to Decedent	Name <i>[If a minor, provide the minor's age and the name of the minor's legal guardian]</i>	Address
Spouse		
Child 1		
Child 2		
Child 3		
Parent		
Heir (person entitled to inherit property if no will has been made)		
Heir		

[Attach extra pages if necessary.]

- 12. Demand for Notice.** *[Any interested person may file a document called a "demand for notice" that tells the personal representative and the court to send a copy of every document filed with the court to the person who filed the notice.]*

- I have not received a demand for notice concerning the decedent and do not know of any demand for notice that may have been filed in Alaska or elsewhere.
- I received or am aware of a demand for notice concerning the decedent from the following persons:

- 13. Notice.** I gave notice of this application to
- 1) the surviving spouse, children, and other heirs
 - 2) any current personal representative whose position has not been ended
 - 3) all persons with a greater or equal right to appointment as personal representative of the estate
 - 4) all known persons who may have an interest in the estate, but whose addresses are unknown, by publishing in a newspaper as required by AS 13.06.110(a)(3)
 - 5) unknown persons who may have an interest in the estate, by publishing in a newspaper as required by AS 13.06.110(a)(3)
 - 6) all persons who filed a Demand for Notice

Therefore, I request an order that the decedent left no will; an order determining heirs; an order appointing me as personal representative of the decedent's estate; and that letters of administration be issued.

Date

Signature of Petitioner

Printed Name

Address Line 1

Phone Number

Address Line 2

Email address

Verification

I swear or affirm that I read this entire document and believe that all of the statements made in the document are true.

Applicant's Signature

Subscribed and sworn to or affirmed before me at _____, Alaska
on _____.

(SEAL)

Court clerk, notary public, or other person
authorized to administer oaths.
My commission expires: _____

Certificate of Service

[You must give notice of this application to all persons listed in Section 13 whose addresses are known.]

I certify that on _____ *[date]*, a copy of this application was mailed hand-delivered to:
[List everyone served and attach extra pages if necessary.]

- | | | | |
|--------------------------|-------|--------------------------|-------|
| <input type="checkbox"/> | _____ | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | _____ | <input type="checkbox"/> | _____ |
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| <input type="checkbox"/> | _____ | <input type="checkbox"/> | _____ |

Your signature: _____