

How to apply to be the personal representative

Procedures Part 1: Before you file

1. Decide if you are an appropriate person to be the personal representative. Generally, to apply, you must be over the age of eighteen (18) and be;
 - The spouse of the decedent,
 - A child of the decedent,
 - A parent of the decedent,
 - A brother or sister of the decedent,
 - A person entitled to property of the decedent,
 - A person who was named as personal representative by will, or
 - A creditor and forty-five (45) days have gone by since the person died.
2. View the required training information so that you may turn in the Certificates (or Declarations) of Completion of Training at the same time you file your Application and other papers for appointment as personal representative of the estate of the person who died ("the decedent"). See the "Notice Regarding Training Requirements" in this packet for more detailed information, but note that you may access and complete the training FREE online at:

<http://www.azcourts.gov/probate/Training.aspx>
3. Determine others who could be appointed personal representative, and if there is a will:
 - Identify others who meet the personal representative criteria described above.
 - Find out whether the decedent left a will. If there is a will, obtain the original will.

Note: If you are not sure about this, you may want to see a lawyer for assistance.
4. Ask for a Waiver:
 - Ask everyone entitled to be personal representative if they are willing to sign a waiver of appointment and will agree to your appointment as personal representative. If they are willing to sign, have them sign the waiver in this packet:
 - Waiver of Right to Appointment as Personal Representative
 - Estimate the total value of the decedent's estate. Ask people named in the will (if there is a will), or people who are heirs to the decedent's estate (if there is not a will), if they are willing to have you act as personal representative without a bond. If they are willing, ask them to sign the waiver of bond in this packet
 - Waiver of Bond

Note: a bond will be required unless it is waived by the will, in writing by all devisees/beneficiaries, or in writing by all heirs if there is no will.

5. Fill out the following forms in this packet IN FULL (black ink only):

- Probate Cover Sheet
- Probate Information Form
- Informal Checklist
- Declaration of Completion of Training
- Waiver of Right to Appointment as Personal Representative (filled out by person(s) waiving rights, if applicable)
- Waiver of Bond (filled out by person(s) waiving bond, if applicable)
- Application for Appointment of Personal Representative

Fill out the following forms in the packet AS DESCRIBED below (black ink only):

- Statement of Informal Appointment
 - Fill out in full EXCEPT leave the bond portion and the Probate Registrar's signature blank
- Letters of Appointment and Acceptance of Appointment
 - Fill out the Filing Person's information in the top left corner
 - Below that, fill in the Decedent's name
 - Sign at the end of the document, leave the signature line for the Deputy Clerk of the Superior Court blank
- Order to Personal Representative
 - Fill out the Filing Person's information in the top left corner
 - Below that, fill in the Decedent's name
 - Sign at the end of the document

6. Make Copies.

Use the chart below to see how many copies of each document you need to make and who to provide copies to. Bring all sets of copies with you when you file.

Procedures Part 2: Filing your documents

Set 1 - Originals for Clerk of Superior Court:	Set 2 - Copies for you:
<ul style="list-style-type: none"> • Probate Cover Sheet • Probate Information Form • Informal Checklist • Declaration of Completion of Training • <u>All</u> Waivers of Right to Appointment as Personal Representative (if applicable) • <u>All</u> Waivers of Bond (if applicable) • Application for Appointment as Personal Representative • Statement of Informal Appointment • Letters and Acceptance of Appointment • Order to Personal Representative • Will (if applicable) 	<ul style="list-style-type: none"> • Declaration of Completion of Training • <u>All</u> Waivers of Right to Appointment as Personal Representative (if applicable) • <u>All</u> Waivers of Bond (if applicable) • Application for Appointment as Personal Representative • Statement of Informal Appointment • Letters and Acceptance of Appointment • Order to Personal Representative • Will (if applicable)

1. Bring all sets of copies to the filing counter at any Superior Court location in Maricopa County.

<p>Downtown Phoenix: Old Courthouse Filing Counter 125 W. Washington, 1st floor Phoenix, AZ 85003</p>	<p>Downtown Phoenix: Central Court Building 201 West Jefferson, 1st floor Phoenix, AZ 85003</p>
<p>Northeast Phoenix: Northeast Regional Court Facility 18380 North 40th Street Phoenix, AZ 85032</p>	<p>Surprise: Northwest Regional Court Facility 14264 West Tierra Buena Lane Surprise, AZ 85374</p>
<p>Mesa: Southeast Court Facility 222 East Javelina Avenue, 1st floor Mesa, AZ 85210</p>	

Note on fees: 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) or waiver when you file your papers with the Clerk of Superior Court. Waiver and Deferral applications are available at no charge from the Law Library Resource Center.

Procedures Part 3: The appointment and proof of appointment

1. The Probate Registrar will either notify you that your documents are ready for pickup or, if there are problems, how to resubmit to correct those problems.
2. Pick up your documents once contacted by the Probate Registrar. Return to the location where you filed and visit the file counter where you submitted your application. Documents must be picked up within five (5) business days of notification.
3. There are two documents you must receive from the Probate Registrar:
 - (1) Statement of Informal Appointment
 - (2) Letters of Appointment and Acceptance of Appointment (certified copy)*
 - * Sometimes, you may not receive the Letters of Appointment until additional tasks are completed, such as posting a bond or completing training. The Probate Registrar will tell you what needs to be done.

<p>If you receive BOTH (1) and (2): (1) Statement of Informal Appointment (2) Letters of Appointment</p> <p>You do <u>NOT</u> need to complete the following documents in this packet:</p> <ul style="list-style-type: none">• Notice of Application in Informal Proceeding• Proof of Delivery or Mailing Notice of Application in Informal Proceeding	<p>If you receive ONLY (1): (1) Statement of Informal Appointment</p> <p>You must also complete and file the following documents in this packet:</p> <ul style="list-style-type: none">• Notice of Application in Informal Proceeding<ul style="list-style-type: none">○ You must send copies of this to all heirs or devisees within 30 days.• Proof of Delivery or Mailing Notice of Application in Informal Proceeding
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4. Continue to Packet 2 – The Appointment, Notice of Appointment, Inventory and Appraisement for the next steps you must take as the newly-appointed personal representative.
 - You must provide notice of your appointment to anyone who is entitled to inherit from the estate. (All heirs or devisees.)