

Procedures: How to apply to be the Personal Representative

What to do before you come to court to file anything:

1. Decide if you are asking for an appointment as personal representative for the person who died with no will, or with a will. If the person died with a will, you will also be asking for the will to be admitted into informal probate.
2. Decide if you are an appropriate person to be the personal representative. Generally, to file the application you must be:
 - Over 18 years of age and
 - The surviving spouse of the decedent,
 - An adult 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
 - You are a creditor and 45 days have gone by since the person died.

Read the application and all the other papers in this packet so you know what kind of information you will need to file to be appointed personal representative.

3. Determine who all the other people are that may be entitled to be the personal representative. Also, you will need to determine who the likely persons are who will inherit property under the will or, to whom property will pass by law if there is no will, and who are creditors of the estate. If you are not sure about this, talk to a lawyer who can help you decide.
4. Complete the application if you want to be appointed as personal representative. Use black ink only.
5. Go to the people who could also be personal representatives.
 - Ask them 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 a waiver, have them sign the waiver in this packet.
 - If the waiver is signed, mail or deliver the waiver to all interested persons. Interested persons are individuals who are heirs, devisees, children, spouse, creditors and others having a property right in or claim against the estate and persons having a priority for appointment as personal representative

6. Estimate what you think is the total value of the estate of the decedent. Go to the people who are entitled to inherit the property under a will, or to whom property will pass by law if there is no will, and ask them 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 if the waiver of bond is signed by all interested persons, mail or deliver the waiver to all interested persons.

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

7. Fill out the probate information cover sheet, informal checklist, the application, and attach the original will. Make enough copies for all interested persons. Decide in which court location you will file the application. The locations are:

Downtown Phoenix:
Central Court Building, 1st Floor
201 West Jefferson
Phoenix, AZ 85003

Northeast Phoenix:
Northeast Regional Court Facility
18380 North 40th Street
Phoenix, AZ 85032

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

Mesa:
Southeast Court Facility, 1st Floor
222 East Javelina Avenue
Mesa, AZ 85210

Filing your papers with the court:

1. File the original application and the original will and have the copies conformed (stamped) by the clerk of superior court and returned to you. (Conformed means that the original document was filed with the court and date-stamped.) 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) when you file your papers with the clerk of superior court. Deferral applications are available at no charge from the law library resource center.

2. Complete the notice of application. Mail or hand-deliver a copy of the notice of application and the application for informal appointment of personal representative to everyone entitled to notice. Read the notice of application in this packet to learn who must get notice.

If people are entitled to notice and you cannot find them even though you tried very hard to find them, you can publish notice. Read the documents in this packet on how to serve papers when you don't know where the other party lives. You must publish once a week for 3 consecutive weeks. If you publish, be sure you complete the affidavit of circumstances, and make sure the affidavit of publication that you will get back from the newspaper is filed with the court.

3. Complete the proof of delivery or mailing of notice application. Use black ink only.

What to do next: see the Procedures for appointment of personal representative in this packet.