

GENERAL REQUIREMENTS FOR ALL NEW ESTATE CASES

1. A copy of the decedent's obituary, or a statement of the applicant that decedent had no obituary is required in all estate cases.
2. A copy of the decedent's death certificate is required in all estate cases.
3. A copy of the decedent's funeral bill and proof of payment of that bill, including the identity of the payor, must be filed in all relief from administration and summary release estate cases.
4. Evidence of valuation of tangible assets and real estate is required in all estate cases and that evidence must be filed with any document identifying the asset (i.e. an inventory, Form 5.1 or Form 5.10).
5. When listing assets on any document filed with the Court, sufficient identifying information must be used to distinguish assets from each other (for instance, real estate should be identified by permanent parcel number; bank accounts and investment accounts should be identified by the last four digits of the account number, etc.)
6. Account receipts must list either: (1) all assets listed on the inventory; or (2) all assets listed as remaining after the prior account. If the fiduciary determines that an asset was incorrectly included on the inventory, Form 5.1 or Form 5.10, the fiduciary must file a written explanation of why that is the case. It is unacceptable to list as receipts on any account the words "Balance from Inventory" or "Balance from Assets Remaining."
7. The Court requires that notice of hearing on the inventory be given to ALL PERSONS listed on Form 1.0 and proof of service of that notice must be filed with the Court prior to the inventory hearing. If the fiduciary is unable to effectuate service by the inventory hearing date, the fiduciary may request an additional hearing date for purposes of effectuating service.
8. This Court requires that Form 7.0A be served on the Administrator of Medicaid Estate Recovery Program in all estates where the decedent was age 55 or older, or which otherwise fall within the requirements of law. That notice must be given within thirty (30) days of filing the estate with the Court. The notice must be given by a means permitted in Civil Rule 73. After the notice is given, the fiduciary must file Form 7.0 with the Court certifying the notice together with proof of service of the notice.
9. Before filing documents with the Court, please make sure that all appropriate boxes have been selected on the form. The Court will require the filing party to re-file pleadings if a portions of a form are not completed.

10. The Court requires that the applicant prepare and submit a proposed Form 4.5 in all full administration estate cases.
11. If the applicant for appointment as fiduciary is the surviving spouse, and decedent had a will, please consider filing the appropriate forms from Forms 8.0 through 8.6, with the initial filings. This will save time and expense. If the forms are not filed, the Court will have to issue the citation and the costs of doing so will be charged to the case.
12. Public access to estate cases is available on the Court's website. Please check that online before calling the Court with questions about the status of the case. Due dates for inventory, account, status report and reports of distribution may be available on the docket for a case. While the Court tries to keep these dates accurate, you should rely upon your calculation of these dates under law and not the dates listed on the docket.