

# The Decoder

## Important Reminder: Don't Miss the Deadline to Probate an Estate



### What You Should Do Now

Estates of decedents who died **on or after March 31, 2012** will be impacted by the three (3) year time limit **beginning March 31, 2015**. Therefore, if you are planning to file an original informal or a formal proceeding to probate a will or appoint a personal representative, you need to do so **before the three (3) year time limit expires**. Forms, checklists and filing fees may be found on the "[MUPC Hub](#)" or at each Probate and Family Court registry.

The Massachusetts Uniform Probate Code (Chapter 190B) requires that an original informal or formal proceeding to probate a will or appoint a personal representative must be filed **within three (3) years** of a decedent's date of death. See G. L. c. 190B, § 3-108. This three (3) year time limit **does not** apply to bar the following proceedings, which may be filed at **anytime**:

- Voluntary Administrations
- Actions by Foreign Fiduciaries
- Appointment of a Successor PR
- Determination of Heirs
- Actions to Construe a Probated Will

### Do You Need to Comply With the Deadline?

Yes, if the decedent died **on or after March 31, 2012**. If the decedent died prior to March 31, 2012, prior time limits control. See G. L. c. 193, § 4.

### What if You Miss the Deadline?

If you miss the deadline to file an **original** proceeding to probate a will or appoint a personal representative, you may be able to file a proceeding under the fourth or fifth exception provided in section 3-108. See G. L. c. 190B, § 3-108.

### Coming Soon....

The MUPC Procedures Committee is the process of finalizing new forms and procedure for an action filed under the fourth exception to section 3-108. The "3-108(4)" exception permits an interested person to file an informal appointment or a formal testacy or appointment proceeding if no proceedings concerning the estate has occurred within the three (3) year time limit. The authority of any appointed personal representative under this exception is limited to possession of specified property (real or personal) as necessary to confirm title to it in successors, and to the payment of expenses of estate administration, if any. See G. L. c. 190B, § 3-108(4), as amended.



#### THE MUPC PROCEDURES COMMITTEE:

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