

<b>DECREE AND ORDER ON          PETITION FOR LATE AND LIMITED          FORMAL TESTACY and/or APPOINTMENT          Pursuant to G. L. c. 190B, § 3-108(4)</b>	Docket No. _____	<b>Commonwealth of Massachusetts          The Trial Court          Probate and Family Court</b>
<b>Estate of:</b> _____ First Name                      Middle Name                      Last Name <b>Also Known As:</b> _____ <b>Date of Death:</b> _____	_____ <b>Division</b>	

After a hearing or on the uncontested Petition for Late and Limited Formal Testacy and/or Appointment dated:

\_\_\_\_\_

**THE COURT FINDS:**

1. The Petitioner is an interested person and has filed a complete and verified Petition.
2. The Decedent died on \_\_\_\_\_ (date)  
 domiciled in Massachusetts      **OR**       \_\_\_\_\_ .
3. No original proceeding relative to the estate has occurred within the three (3) year period after the Decedent's death.
4. Any required notices have been given to or waived by all interested persons and any guardian *ad litem* appointed has assented to the Petition or the report of the guardian *ad litem* has been considered by the court.
5. Venue is proper.
6.  The Decedent did not leave a will.
7.  The Decedent left a will.
  - A.  The original will is filed. The will is dated \_\_\_\_\_ (date) . The dates of all codicils are \_\_\_\_\_ date(s) . The will and any codicils are referred to as the will.

**Based on a preponderance of credible evidence presented, the court is satisfied that:**

The will is valid and unrevoked. There are no known prior wills that have not been expressly revoked by a later instrument. The will is the Decedent's last will.

**--OR--**

- B.  The original will has been lost, destroyed, or is otherwise unavailable. The copy of the will or the statement of its contents is dated \_\_\_\_\_ (date) . The dates of all codicils are \_\_\_\_\_ date(s) . The copy of the will, or the statement of its contents, and any codicils are referred to as the will.

**Based on a preponderance of the credible evidence presented, the court is satisfied that:**

- a. The contents of the will are as stated in the copy or statement filed with the court.
- b. The will is valid and unrevoked. There are no known prior wills that have not been expressly revoked by a later instrument. The will is the Decedent's last will.



Estate of: \_\_\_\_\_

First Name

Middle Name

Last Name

Docket No.

**THE COURT DECREES AND ORDERS** (select only that requested in the Petition):

**TESTACY DETERMINATION**

- The Decedent died intestate.  
 The will has not previously been admitted to formal probate and is hereby so admitted.  
 The will is not admitted to formal probate. The Petition is dismissed with prejudice as to that instrument.

**DETERMINATION OF HEIRS/DEVISEES**

- The Decedent's heirs at law as of date of death are as found above.
- The Decedent's devisees, if any, are as found above.

**APPOINTMENT OF PERSONAL REPRESENTATIVE**

- The aforementioned person is appointed as Personal Representative of the estate. Pursuant to G. L. c. 190B, § 3-108(4), the Personal Representative shall have no right to possess estate assets as provided in § 3-709 beyond that necessary to confirm title thereto in the successors to the estate and claims, other than expenses of administration, if any, shall not be paid.
- The Personal Representative shall serve in a(n):  
 Unsupervised Administration.  
 Supervised Administration described as follows:  
  
 without surety on the bond.  
 with  personal  corporate sureties on the bond in the penal sum amount of \$ \_\_\_\_\_ .  
 A Demand for Sureties (MPC 360) has been filed.
- Letters of Authority shall issue that limit the authority of the Personal Representative as provided herein.

**7. The court further orders:**

Date \_\_\_\_\_

Justice

Magistrate