

GUIDELINES TO FILE FOR PETITION FOR PROBATE OF WILL AND LETTERS OF ADMINISTRATION WITH WILL ANNEXED

IN ORDER TO FILE FOR PROBATE OF WILL ANNEXED, THE COURT NEEDS THE FOLLOWING:

- 1) Original Will
- 2) Petition to Probate Will and Letters of Administration with the Will Annexed
- 3) * Bond **(For more information, see below.)**
- 4) Waivers from next of kin for will annexed
- 5) Certified copy of Death Certificate
- 6) **\$146.00 Filing Fee** (If the will is 5 pages or less and you have all waivers)
(We accept cash, money order, most major credit cards.)

NO PERSONAL CHECKS ACCEPTED

- ✓ Filing fee includes \$45.00 for Court Cost, \$96.00 for Notice to Creditors and \$5.00 for bond.
- ✓ If the Will is more than five (5) pages, please add an additional \$1.50 for each page of the Will after the five.
- ✓ In addition, if notice has to be given or a Guardian Ad Litem appointed, there will be additional costs that are due the day of the hearing to probate the Will.

NOTE: There may be other documents or additional costs that are required depending on the situation, such as renunciation, bond, etc.

These forms are not always appropriate for **ALL** Probate of Wills.
It may become necessary to seek legal advice/assistance from an attorney.

REQUIREMENTS:

- 1) PETITIONERS MUST BE AN ALABAMA RESIDENT
- 2) PERSONAL ESTATE MUST BE ITEMIZED, SEE FOLLOWING EXAMPLE:
Regions Bank \$0.00, 1940 Chevrolet Silverado \$0.00, furniture \$0.00, Jewelry \$0.00.
- 3) **BOND** - CONTACT INSURANCE COMPANY AND THEY WILL ISSUE THE BOND.
* **(Note: A minimum bond of \$10,000 is required.)**
 1. **The name of the deceased and the administrators on the bond must agree with the names on the Petition for Letters of Administration.**
 2. Amount of bond is the **Total of Rental Income and Personal Estate** figured as follows:
 - One year's estimated rental income on real property
 - One year's estimated income from investments (stocks, bonds)
 - Total value of personal property (vehicles, cash/investments, household Items, stocks/bonds, etc.)

-Important: Do not include property in the bond amount (such as real estate) that cannot be disposed of without court order or securities deposited under arrangements requiring an order of the court.

**Probate Judge
P. O. Box 223
Montgomery, AL 36101-0223**

(334) 832-1244

If you wish to download our forms go to www.mc-ala.org/probate

REV. 8/24

PETITION FOR PROBATE OF WILL AND LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED

STATE OF ALABAMA
MONTGOMERY COUNTY

PROBATE COURT
CASE NO. _____ - _____

To the Honorable Probate Judge, Montgomery County:

PETITION OF _____ for the Probate of the
Will of the deceased, (Name as listed on will) _____ and
(Name listed on death certificate, if different) _____.

The petitioners respectfully represents unto your Honor that the deceased, who was at the time of his/her death, an inhabitant of this County, departed this life on or about the _____ day of _____, leaving assets in this State, and leaving a Last Will and Testament duly signed and published by him/her and witnessed by _____ and died seized and possessed of real and personal estate in this State consisting chiefly of:

REAL ESTATE (Address or Legal Description): _____
Estimated value \$ _____ Amount of Yearly Rental Income 1. \$ _____

PERSONAL ESTATE (If additional space is needed, please attach separate sheet):	<u>Total Approximate Value</u>
a. Cash/Bank Accounts/Certificates of Deposit/Stocks/Bonds/Brokerage Accounts (Value of each) _____	2. \$ _____
b. One year estimated income from investments, cash and bank accounts	3. \$ _____
c. List other assets of significant value (Examples: car, jewelry, household items) (Value of each) _____	4. \$ _____
Grand Total (1, 2, 3, 4)	\$ _____

Your petitioners herewith propound said will, in which _____ is/are named Personal Representative(s) and that he/she has not filed a petition for the following reason (**check one**):
1) _____ deceased; 2) _____ incompetent; 3) _____ they have filed a renunciation which is attached hereto, or 4) _____ failed or refused to file their petition. Your petitioners further represents that the name(s), age(s), relationship(s) and address(es) of the widow(er) and next of kin of the decedent so far as your petitioners knows or believes, are as follows, to-wit: (If additional space is needed, please attach separate sheet)

Marital Status of Decedent (CHECK ONE) Single _____ Married _____ Widow(er) _____ Divorced _____ Common Law _____

Widow(er) If not applicable, please state N/A

Widow(er) Name _____ **Age** _____
(Please check one) Competent _____ Incompetent _____ Competency Unknown _____
Address _____

Other next of kin:

Name _____ Age _____ Relationship _____
(Please check one) Competent _____ Incompetent _____ Competency Unknown _____
Address _____

Name _____ Age _____ Relationship _____
(Please check one) Competent _____ Incompetent _____ Competency Unknown _____
Address _____

Name _____ Age _____ Relationship _____
(Please check one) Competent _____ Incompetent _____ Competency Unknown _____
Address _____

Name _____ Age _____ Relationship _____
(Please check one) Competent _____ Incompetent _____ Competency Unknown _____
Address _____

That said widow(er) and all of the next of kin are of sound mind and over the age of 19 years unless otherwise stated above. If waivers for the above are not included with this petition, your petitioners prays that a date be set for the hearing of this application, that due notice thereof may be given to said persons, that a guardian ad litem may be appointed to represent any minors or incompetent persons, and that said attesting witnesses may be subpoenaed to appear and testify on said appointed day; and that such other proceedings, orders and decrees may be had and made in the premises as necessary, to affect the due probate and record of said will.

Petitioners further pray that Letters of Administration with the Will Annexed issue forthwith to them with bond, as provided by law.

STATE OF ALABAMA
_____ **COUNTY**

_____, the **Petitioners**, being duly sworn deposes and says that the facts averred in the above petition are true, according to the best of my knowledge, information and belief.

Address: _____

Phone: _____

Petitioner

Address: _____

Phone: _____

Petitioner

Subscribed and sworn before me, this _____ day of _____, _____.

(SEAL)

Notary Public

Attorney for Petitioner(s): _____, Phone: _____

Address: _____