

# GUIDELINES TO FILE FOR PROBATE OF WILL AND CODICIL

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

- 1) Original Will and Codicil
  - 2) Petition to Probate Will and Codicil
  - 3) Waivers from next of kin
  - 4) Certified copy of Death Certificate
  - 5) **\$141.00 Filing Fee** (If the Will and Codicil are 5 pages or less and you have all waivers)  
(We accept cash, money order and credit/debit cards.) **NO PERSONAL CHECKS ACCEPTED**
- ✓ Filing fee includes \$45.00 for Court Cost and \$96.00 for Notice to Creditors.
  - ✓ If the Will and Codicil are more than five (5) pages, please add an additional \$1.50 for each page of the Will and Codicil after the five.
  - ✓ In addition, if notice has to be given or a Guardian Ad Litem appointed, there will be additional costs that are assessed the day of the hearing to probate the Will and Codicil.

**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 Will and Codicils.

The Court may require you to hire an attorney in some cases. **Please contact this office for more information at (334) 832-1244 or (334) 832-7729.**

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**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](http://www.mc-ala.org/probate) .

# PETITION FOR PROBATE OF WILL AND CODICIL

STATE OF ALABAMA  
MONTGOMERY COUNTY

PROBATE COURT  
CASE NO. \_\_\_\_\_ - \_\_\_\_\_

To the Honorable Judge of Probate Court, Montgomery County:

PETITION OF \_\_\_\_\_ for the Probate of the Will and Codicil of the  
deceased, (Name as listed on Will and Codicil)  
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 and Codicil duly signed and published by him/her and witnessed by \_\_\_\_\_ and \_\_\_\_\_; and first codicil was witnessed by \_\_\_\_\_ and \_\_\_\_\_.

Your petitioners herewith propounds said Will and Codicil, in which they are named Personal Representatives. Petitioners represent 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 \_\_\_\_\_

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 \_\_\_\_\_

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 pray 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 and Codicil.

Petitioners further pray that Letters Testamentary issue forthwith to them with or without bond, as provided in said Will and  
Codicil.

**STATE OF** \_\_\_\_\_  
\_\_\_\_\_ **COUNTY**

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

Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

\_\_\_\_\_  
**PETITIONER**  
\_\_\_\_\_  
**PETITIONER**

