

### **File Formal Probate if:**

- The will is lost, destroyed or otherwise unavailable. The court will need the original Will/Written List/Codicil. (Question: how does one provide the original will if it is lost?)
- There are ambiguous provisions in a Will that could cause problems in carrying out the intent of a decedent and which require clarification.
- There are interpretation issues with the will. such as :
  - a. missing dates and/or signatures
  - b. a separate writing disposing of money
  - c. a coin collection or property used in trade or business
  - d. markings on the Will,
  - e. no residue clause in the Will
- The estate is insolvent.
- There are missing heirs or devisees (def?) who have a monetary interest in the estate. An affidavit is required regarding the search for these heirs.
- A spouse and/or children are omitted in a testate (def?) estate, causing a dispute.
- There is any reason a judge needs to sign an order or decree.
- A Special Needs Trust is named as devisee.
- A minor child or children are named as heirs in an intestate estate.
- A minor child or children are named as devisees in a Will if the distribution is over \$2,000.
- An attorney is named to serve as the personal representative and is not a family member.
- There is a Demand for Notice on file. (If a 14-day notice requirement or Withdrawal of Demand is filed, the court can accept proceeding informally.)
- There is a determination of Descent in which more than three years have passed from date of death.
- Distribution in Will does not equal 100%.
- Distribution deviates from terms of the Will, unless an Agreement is signed.
- There are complex determinations regarding heirs in estates without a Will.
- There are family disputes.
- The applicant is under 18 or has no priority (def?) .

Declination is at the discretion of the Registrar and can be denied for any reason.