

IF THE ESTATE QUALIFIES AND THERE IS AN APPROPRIATE PERSON TO SERVE, APPLICANTS NEED THE FOLLOWING:

- ◆ A certified death certificate;
- ◆ A list of known property of the deceased including the estimated value of each item;
- ◆ The names and addresses of all who owned property jointly with the deceased;
- ◆ If there is no will, the names and addresses of those who would inherit under the law (called 'heirs');
- ◆ If there is a will, the names and addresses of those who would inherit under the will (called 'legatees').

If there is no will, form "CJ-P7- Voluntary Administration" should be completed, signed and notarized before filing with the Probate Court. If there is a will, form "CJ-P7A - Voluntary Executor" should be used. A certified death certificate must be filed in either case. Additional forms may also be required.

Before filing with the court, a copy of the completed form and a copy of the death certificate must be sent by certified mail to:

The Division of Medical Assistance
PO Box 15205
Worcester, MA 01615-9906



There are laws allowing others to be appointed if the person died while living in a facility operated by the state Department of Mental Health or Mental Retardation, or while receiving aid from the Division of Medical Assistance. A member of the Registry staff can provide further information and assistance.

Richard Iannella, Register
24 New Chardon Street, 3rd Floor
Boston, MA 02114


Suffolk County Probate
& Family Court Registry

SIMPLE
PROCEDURES
TO SETTLE
SIMPLE ESTATES


*THE KEY
TO SETTLING
SMALL ESTATES
IN
MASSACHUSETTS*



SUFFOLK COUNTY PROBATE
& FAMILY COURT REGISTRY
RICHARD IANNELLA, REGISTER

A Message from Register Richard Iannella



**Register
of Probate
Richard Iannella**

On occasion, an individual will pass away while holding a small amount of money or property in their name — a bank account, automobile, or other items that needs to be dealt with and distributed following their death. With no major assets in their name, there is no reason for formal probate of their estate.

For these types of cases, the Massachusetts Legislature has authorized some very simple procedures that can be used to distribute this property. In many instances, this work can be done without retaining the services of a lawyer, although proper legal advice can only be given by a qualified attorney.

This brochure has been produced to help determine if these simple procedures are appropriate for your use. If the estate does not qualify for a 'Voluntary Executor' or 'Voluntary Administration,' our office can provide you with forms for 'Probate of a Will' or appointment of a person to administer the estate as appropriate and required by law.

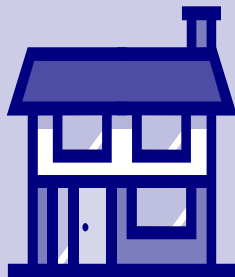
As always, if you have any questions about this or any other Registry issue, feel free to contact me at: (617) 788-8300, or visit us on the Internet at:

www.probatecourtianella.com

Richard Iannella

'VOLUNTARY ADMINISTRATION' OR 'VOLUNTARY EXECUTOR' CAN BE USED IF ALL OF THE FOLLOWING ARE TRUE:

- ◆ The person who died / decedent was a Massachusetts resident at the time of death;
- ◆ The total value of everything the person who died / decedent owned and now leaves behind is not more than \$15,000. (In this total, do not include the value of an automobile. Also, if bank accounts, stock, savings bonds, etc. were in joint names with right of survivorship, do not include them in this total, either);
- ◆ At the time of death, the decedent owned no real estate. If real estate is owned with another person as 'tenants in common,' the procedures outlined in this brochure cannot be used. (Real estate owned as 'tenants by the entirety' or as 'joint tenants' is not considered as being owned by the decedent.)



If the decedent died while owning any real estate, or if the total of all property owned (not counting an automobile) exceeds \$15,000, consult an attorney or a

member of the staff of the Probate Court Registry for instructions and further assistance.

IF ALL CONDITIONS ARE MET, 'VOLUNTARY ADMINISTRATION' OR 'VOLUNTARY EXECUTOR' PROCEDURES CAN BE USED IF:

- ◆ Thirty days have passed since the death and no papers to begin the administration or probate of the estate have already been filed with the court;
- ◆ There is a person who is at least 18 years old, mentally competent and willing to serve as administrator or executor / executrix.

IF THE DECEDENT DID NOT HAVE A WILL:

- ◆ The person serving as administrator is the spouse, child, grandchild, parent, brother, sister, niece, nephew, aunt or uncle of the decedent, and is a Massachusetts resident.

IF THE DECEDENT DID HAVE A WILL:

- ◆ The person applying to serve is named as executor / executrix in the will, or is named in the will as an alternate and the person named first declines or is unable to serve;
- ◆ If no executor or alternate serves, the person applying inherits under the will.