

If the estate qualifies and there is an appropriate person to apply, the applicant needs the following:

1. A certified death certificate;
2. A list of known property of the deceased, with the estimated value of each item;
3. The name and address of all who owned property jointly with the deceased;
4. The name and address of all who would inherit if there were no will, (called 'heirs,') and, if there is a will, those who would inherit under the will ('legatees.')

If there is no will, Probate Form "CJ-P7-Voluntary Administration" should be completed, signed and sworn to before a notary and filed in the probate court.

If there is a will, file it in probate court with form "CJ-P7A-Voluntary Executor," signed and sworn to before a notary. In either case, file a certified death certificate with the form. Before filing, a copy of the form and certificate must be sent by certified mail to: Division of Medical Assistance, Box 86, Boston, MA 02112, whether or not the deceased received assistance. The filing fee for either form is \$40 plus \$10 for each certificate ordered. (Usually one certificate is sufficient.)

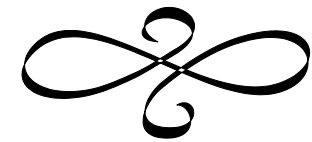
In some circumstances, additional forms may be required.

**The Probate & Family Court**  
Hon. Sean M. Dunphy, Chief Administrative  
Justice  
Richard Iannella, Register

**Richard Iannella, Register**  
Suffolk Probate & Family Court  
24 New Chardon Street, 3rd Floor,  
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# *Simple procedures to settle simple estates*



A PUBLICATION OF THE  
SUFFOLK PROBATE REGISTRY  
COMMUNITY OUTREACH PROGRAM  
**Richard Iannella, Register**



Often, someone dies owning an automobile, a bank account or other personal property to be dealt with, but, whether by plan or circumstance, with no major assets in their name and no reason for formal probate of their estate.

For such cases, the legislature has authorized very simple procedures to be used--often without an attorney--to distribute property. They're called 'Voluntary Executor' if there is a will, and 'Voluntary Administration' if there is no will.

This brochure has been produced to help determine if these simple procedures are appropriate for your use. Of course, this is not a substitute for legal advice which can only be given by an attorney.

If the estate does not qualify for Voluntary Executor or Administration, the probate court can provide you with forms for probate of a will or appointment of a person to administer the estate, as appropriate.

Trial Court employees are not allowed to recommend attorneys. If you don't know how to find a lawyer, we have printed material on contacting bar association programs and other organizations for help.

I hope this publication is useful. As your elected Register, I'm available to discuss any aspect of the Probate & Family Court. Feel free to call me at (617) 788-8304.

*Richard Iannella*

Register of Probate

Voluntary Administration, or Voluntary Executor, can be used if all of the following are true:

The person who died (called the *decedent*), was an inhabitant of Massachusetts at death.

The total value of everything the decedent owned was not more than fifteen thousand dollars.

*(In this total, do not include the value of an automobile. If bank accounts, stock, savings bonds, etc., were in joint names, with right of survivorship, do not include them. With any other form of ownership, they must be included.)*

At death, the decedent owned no real estate.

*(Real estate owned as **'tenants by the entirety'**, or as **'joint tenants'** does not count, but, if real estate is owned with another as **'tenants in common,'** the voluntary procedure can't be used.)*

If the decedent died owning any real estate, or if the total estate exceeds \$15,000 (not counting an automobile,) contact an attorney or the Probate Court for the county where the deceased last lived for instructions or assistance.

If the estate meets all of these conditions, the Voluntary procedure may be used provided:

Thirty days have passed since the death and no papers to begin administration or probate of the estate have been filed.

There is a person at least eighteen years of age, mentally competent and willing to serve.

If the deceased did not have a will, the person is an inhabitant of Massachusetts, and, is the surviving spouse, child, grandchild, parent, brother, sister, niece, nephew, aunt or uncle of the deceased.

If the deceased had a will, the person applying:

1. is named executor or executrix in the will or, if the executor declines to serve,
2. is named in the will as an alternate, or if no executor or alternate serves,
3. is someone who inherits under the will.

There are laws allowing others to be appointed if the person died while living in a facility operated by the Mass. Department of Mental Health or Mental Retardation, or while receiving assistance from the Division of Medical Assistance. An Assistant Register of Probate can provide further information.