

# Voluntary Administration

Use this packet **ONLY** if:

- ✓ The person who died lived in Massachusetts at the time of their death.
- ✓ Not counting the value of the person's automobile, and not counting the value of bank or stock accounts which were in joint names with rights of survivorship; the total value of everything owned by the person who died is not more than \$15,000.
- ✓ The person who died did not own real estate only in their own name at the time of their death.
- ✓ You are at least 18 years old and a resident of Massachusetts.
- ✓ The person died without a will.
- ✗ If one or more of the above does not apply to your situation, you cannot use the forms and instructions in this packet.
- ✗ If all of the above are true, but the person who died had a will, you need to use the packet for Voluntary Executor/Executrix.

Produced by the Suffolk Probate & Family Court Community Outreach Program—Richard Iannella, Register

## **READ THIS:**

Information provided in this packet **IS NOT LEGAL ADVICE**, It is information. This information not a substitute for a competent lawyer.

When you sign a legal document or file any papers in court, it can seriously affect you in the future. You should always try to get legal advice before filing documents.

Bar Association lawyer referral services are listed in our brochure "Legal Resources in and around Suffolk County." Also listed are free legal service providers. You may be eligible for help.

**Read This Carefully.**

**If You Do Not Understand The Information Provided Ask for Help in the Resource Center**

**HOW TO ASK THE COURT TO  
APPOINT YOU TO BE THE VOLUNTARY ADMINISTRATOR OF AN ESTATE**

**USE THIS PACKET** to ask the Court to appoint you as a voluntary administrator. **These materials DO NOT help you with the following processes:**

- X** Becoming executor of an estate when the deceased had a will
- X** Becoming executor or administrator of an estate where the value of everything owned by the person who died was **more than \$15,000**; not including the value of an automobile.

Take each step in order. Most of the steps require you to use specific forms, and there are instruction sheets to help you. **There are parts of each step that YOU must do.**

**STEP INSTRUCTION**

- 1.** See the Checklist on the cover of this packet. Make sure that you can use this packet.
- 2. COMPLETE AND COPY THE FORM IN THIS PACKET:** Fill out the form completely and in black ink. **There are detailed instructions for the form in this packet. Complete the following form:**
  - ✓ **VOLUNTARY ADMINISTRATION FORM**
- 3. You must obtain a certified copy of the death certificate and file it with the voluntary administration form.**
- 4. COPIES:** Make two (2) copies of all the completed forms. Assemble the copies so that you have 3 COMPLETE PACKETS OF THE FORMS-- the originals and 2 sets of copies. Keep one copy for yourself.
- 5. *Before you file the Voluntary Administration form at the Register's Office, you must send by Certified Mail, a copy of the Voluntary Administration form, and a copy of the death certificate to the Division of Medical Assistance, P.O. Box 86, Essex Station, Boston, Massachusetts 02112.***

**TO FILE THE PAPERS AT THE COURT:**

- 6. TAKE OR MAIL THE ORIGINALS AND COPIES TO THE CLERK TO BE FILED:** Take the **originals** of the documents to the **Office of the Register of Probate, Richard Iannella**, on the third floor of the Edward Brooke Courthouse, for processing. If you wish to mail the papers, send them to:  
Register of Probate, Richard Iannella  
Suffolk Registry of Probate  
24 New Chardon Street  
Boston, MA 02114-4703
- 7.** The filing fee is \$135. Once you have filed the petition you may obtain certificates of Voluntary Administration. There is a charge of \$20 for each certificate you order.

**Please print or type all information.**

Line numbers of these instructions match the numbers on the sample form on the opposite page. Be sure to read the Voluntary Administration form completely—front and back.

1. Print Suffolk.
2. The docket number, when assigned by the court, goes here.
3. Print the name of the person who has died.
4. Print the *legal home address* of the person at the time of their death. (This may not be the same as the address on the death certificate.)
5. Print the date of death.
6. Print your name and address and the name and address of anyone else applying with you to become voluntary administrator.
7. Print your relationship to the person who died. For example, spouse, daughter, son, sister, brother.
8. List the items in the estate and their estimated value. *Leave out jointly-owned property.* You should list any motor vehicle owned by the deceased, even though its value doesn't count toward the \$15000 maximum.
9. You cannot file unless it is more than 30 days after the person died, and, no one else has filed papers in court to represent the estate.
10. Fill in the space to read 'has' if one is applying, 'have' if more than one apply.
11. List the name and address of persons who were *joint owners* of property with the person who died and name and address of all heirs-at-law. Some potential heirs-at-law are listed below.
12. Before filing this form with the court, you must mail a copy of the completed and notarized form, along with a copy of the death certificate, to the Division of Medical Assistance and put a check mark in the box.
13. Print the date and sign the form.
14. You must have this form notarized. Many banks have notaries on their staff.
15. Put your mailing address on the back of the form under the words "For Petitioner."

**Potential Heirs-at-law are:\***

Spouse and children, if any: (If a child is deceased, their children, if any, are heirs-at-law.)

Parents: If there is no child, or descendants of a child.

Brothers and Sisters: If no child, descendants of child, or parent.

Brothers and Sisters' Children and Descendants: If no child, descendants of a child, parent, brother or sister.

\* The above information about possible heirs is meant to cover the most common family situations. It is not a complete definition or explanation of possible heirs under Massachusetts law.

Every time a case is filed in court, a *DOCKET NUMBER* is assigned. This is the number the court uses to identify your case and find your case file.

Write this number on *all* papers you file in Court. Have the Docket Number handy when you come to the courthouse or call on the telephone to ask about your case.