

# Voluntary Executor/Executrix

## 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.
- ✓ The person who died had a will.
- ✓ You are named as executor in the will or if the executor declines to serve, you are named as an alternate, or if no executor or alternate serves, then, if you are someone who lives in Massachusetts and who inherits under the will.
- ✗ If one or more of the above does not apply to your situation, you cannot use the form and instructions in this packet.
- ✗ If all of the above are true, but the person died without a will, you need to use the packet for Voluntary Administration.

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 is 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.

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

### **Read This Carefully.**

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

Use this packet to ask the Court to appoint you as a voluntary executor. These materials **DO NOT** help you with the following processes:

- x**      Becoming administrator of an estate when the deceased had a no 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 front cover. Make sure that you can use this form.
- 2.**            **COMPLETE AND COPY THE FORM IN THIS PACKET:** Fill out the form completely and in black ink. Please print or type in the form.
- 3.**            You must obtain a certified copy of the death certificate and the original will and file them with the Voluntary Executor Form. The death certificate and will become part of the case and are not returned to you.
- 4.**            **COPIES:** Make two (2) copies of the completed form. Keep one copy for yourself.
- 5.**            **Before you file the papers in court, you must send *by certified mail*, one copy of the Voluntary Executor Form, and a copy of the death certificate to the Division of Medical Assistance, P.O. Box 86, Essex Station, Boston, Massachusetts 02112.**
- 6.**            **FILE THE PAPERS AT THE COURT**  
Take or mail the originals and copies to the clerk to be filed: Take 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 \$65 which includes one certificate. There is a charge of \$20 for each additional certificate of Voluntary Executor that 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 Executor form completely—front and back.

1. Print Suffolk.
2. Print the name of the person who has died.
3. 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.)
4. Print the date of death.
5. Print your name and address and the name and address of anyone else applying with you to become voluntary executor.
6. If you are related to the person who died, list your relationship. For example, spouse, daughter, son, sister, brother.
7. 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.
8. 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.
9. Fill in the space to read 'has' if one is applying, 'have' if more than one apply.
10. List the names and addresses of all persons who were *joint owners* of property with the person who has died, also list the names and addresses of all heirs-at-law. Some potential heirs-at-law are listed below.
11. 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.
12. Print the date and sign the form.
13. You must have this form notarized. Many banks have notaries on their staff.

Put your mailing address on the back of the form under the words "For petitioner."

***If you don't live in Massachusetts, you must also file form #CJP17 naming someone who lives in Massachusetts as your agent to receive legal notices, etc., if there are any.***

**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.