

# **INSTRUCTIONS: HOW TO APPLY TO BE THE PERSONAL REPRESENTATIVE**

## **WHAT TO DO BEFORE YOU COME TO COURT TO FILE ANYTHING:**

1. Decide if you are asking for an appointment as Personal Representative for the person who died with no Will, or with a Will. If the person died with a Will, you will also be asking for the Will to be admitted into informal probate.
2. Decide if you are an appropriate person to be the Personal Representative. Generally to file the Application you must be:
  - Over 18 years of age **AND**
  - The surviving spouse of the decedent,
  - An adult child of the decedent,
  - A parent of the decedent,
  - A brother or sister of the decedent
  - A person entitled to property of the decedent,
  - A person who was named as Personal Representative by Will, **OR**
  - You are a creditor and 45 days have gone by since the person died.

Read the application and all the other papers in this packet so you know what kind of information you will need to file to be appointed Personal Representative.

3. Determine who are all the other people who are entitled to be the Personal Representative. Also, you will need to determine who are the likely persons who will inherit property under the Will or to whom property will pass by law if there is no Will and who are creditors of the estate. If you are not sure about this, talk to a lawyer who can help you decide.
4. Complete the Application if you want to be appointed as Personal representative. **Use Black Ink Only.**
5. Go to the people who could also be Personal Representatives. Ask them if they are willing to sign a WAIVER OF APPOINTMENT and will agree to your appointment as Personal Representative. If they are willing to sign a Waiver, have them sign the Waiver in this packet.
  - If the Waiver is signed, **mail or deliver** the Waiver **to all interested persons**. Interested persons are individuals who are heirs, devisees, children, spouse, creditors and others having a property right in or claim against the estate and persons having a priority for appointment as Personal Representative.
6. Estimate what you think is the total value of the estate of the decedent. Go to the people who are entitled to inherit the property under a Will, or to whom property will pass by law if there is no Will, and ask them if they are willing to have you act as Personal Representative without a bond. If they are willing, ask them to sign the WAIVER OF BOND. If the WAIVER OF BOND is signed by all interested persons, **mail or deliver** the Waiver to all interested persons.

NOTE: A bond will be required unless it is waived by the Will, in writing by all heirs if there is no Will or by all devisees/beneficiaries if there is a Will.

7. Fill out the Probate Cover Sheet, the Probate Information Sheet, the Application, and attach the original Will. Make enough copies for all interested persons. The Application can be filed in one of the Locations listed on the next page:

**Mohave County Courthouse**  
**Clerk of Superior Court**  
**401 E. Spring Street**  
**Kingman, AZ 86401**  
**928-753-0713**  
Monday-Friday  
8:00a-5:00p

**Mohave County Courthouse**  
**Clerk of Superior Court**  
**2225 Trane Road**  
**Bullhead City, AZ 86442**  
**928-758-0730**  
Monday-Friday  
8:30a-12:00p, 1:30p-4:30p

**Mohave County Courthouse**  
**Clerk of Superior Court**  
**2001 College Drive**  
**Lake Havasu City, AZ 86404**  
**928-453-0701**  
Monday-Friday  
8:30a-12:00p, 1:30p-4:30p

## **FILING YOUR PAPERS WITH THE COURT**

1. File the original **Application** and the **original Will** and have the copies conformed (stamped) by the Clerk and returned to you. (Conformed means that the original document was filed with the court and date-stamped.) The fee to file can be found on our website by going to [www.mohavecourts.az.gov](http://www.mohavecourts.az.gov). If you do not have the money, or the estate cannot afford to reimburse you, you may be entitled to have the fees deferred at the beginning of the case and either deferred or waived at the end of the case. Ask for the Fee Waiver and Deferral documents.
2. Complete the NOTICE OF APPLICATION. Mail or hand-deliver a copy of the APPLICATION FOR INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE to everyone entitled to notice. Read the NOTICE OF APPLICATION to learn who must get notice.

If people are entitled to notice and you cannot find them even though you tried very hard to find them, you can publish notice. Read the documents in this packet on how to serve papers when you don't know where the other party lives. You must publish once a week for **3 consecutive weeks**. If you publish, be sure you complete the AFFIDAVIT OF CIRCUMSTANCES, and make sure the AFFIDAVIT OF PUBLICATION that you will get back from the newspaper is filed with the Court.

3. Complete the PROOF OF DELIVERY or MAILING OF NOTICE APPLICATION. **Use Black Ink Only.**

**WHAT TO DO NEXT:** See the *Instructions for Appointment of Personal Representative*.

**IMPORTANT:** If you are a Pro Per Litigant and want to receive your paperwork from the Court electronically (via e-mail), fill out the "Pro Per Litigant(s) Electronic Distribution" form.