

## TYPES OF DECEASED ESTATES AND HELPFUL TIPS

**\*WE ARE NOT ALLOWED TO GIVE LEGAL ADVICE\***

### **INFORMAL ESTATES – APPOINTMENT OF PERSONAL REPRESENTATIVE IS MADE BY THE REGISTER OF PROBATE**

INFORMAL INTESTATE (NO WILL): EXAMPLE - HEIRS MUST AGREE TO THE APPOINTMENT OF THE PERSONAL REPRESENTATIVE. APPLICANT MUST PROVIDE THE NAMES AND ADDRESSES OF ALL HEIRS.

FORMS REQUIRED:

*DE-101(I) APPLICATION FOR INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE*

*DE-104 ACCEPTANCE OF APPOINTMENT*

*DE-401(A) CERTIFICATE OF VALUE*

*DE-407 RENUNCIATION/NOMINATION (FROM OTHER HEIRS AGREEING TO APPOINTMENT)*

*CERTIFIED COPY OF DEATH CERTIFICATE*

INFORMAL TESTATE (WILL): EXAMPLE - APPLICANT HAS THE ORIGINAL WILL. APPLICANT CAN PROVIDE THE NAMES AND ADDRESSES OF ALL HEIRS AND DEVISEES.

FORMS REQUIRED:

*DE-201(I) APPLICATION FOR INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE*

*DE-104 ACCEPTANCE OF APPOINTMENT*

*DE-401(A) CERTIFICATE OF VALUE*

*ORIGINAL WILL*

*CERTIFIED COPY OF DEATH CERTIFICATE*

ONCE THE APPOINTMENT HAS BEEN MADE BY THE REGISTER OF PROBATE, YOU WILL RECEIVE "LETTERS OF AUTHORITY" WHICH WILL ALLOW YOU TO SETTLE THE ESTATE. IF THERE IS REAL ESTATE, YOU WILL RECEIVE A "CERTIFICATE AND ABSTRACT" AFTER IT HAS BEEN RECORDED IN THE WASHINGTON COUNTY REGISTRY OF DEEDS. THIS DOCUMENT WILL ALLOW YOU TO TRANSFER THE DEED WITH HELP FROM AN ATTORNEY.

### **FORMAL ESTATES – APPOINTMENT OF PERSONAL REPRESENTATIVE IS MADE BY THE JUDGE OF PROBATE**

FORMAL INTESTATE (NO WILL): EXAMPLE – IF NOT ALL HEIRS AGREE TO THE APPOINTMENT OF THE PERSONAL REPRESENTATIVE.

FORMS REQUIRED:

*DE-101 APPLICATION FOR FORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE*

*DE-104 ACCEPTANCE OF APPOINTMENT*

*DE-401(A) CERTIFICATE OF VALUE*

*DE-407 RENUNCIATION/NOMINATION (FROM OTHER HEIRS AGREEING TO APPOINTMENT)*

*N-107 WAIVER OF NOTICE (IF SOME HEIRS/DEVESEES WISH TO WAIVE NOTICE OF THE HEARING)*

*AF-104 AFFIDAVIT OF DILIGENT SEARCH (IF THE ADDRESS OF AN HEIR IS NOT KNOWN)*

*CERTIFIED COPY OF DEATH CERTIFICATE*

FORMAL TESTATE (WILL): EXAMPLES - NOT ORIGINAL WILL. IF PETITIONER ONLY HAS A COPY OF THE WILL OR IF THE WILL IS HANDWRITTEN WITHOUT VERIFICATION OF HANDWRITING.

FORMS REQUIRED:

*DE-201 APPLICATION FOR FORMAL PROBATE OF WILL AND/OR APPOINTMENT OF PERSONAL REPRESENTATIVE*

*DE-104 ACCEPTANCE OF APPOINTMENT*

*DE-401(A) CERTIFICATE OF VALUE*

*DE-407 RENUNCIATION/NOMINATION (FROM OTHER HEIRS/DEVISEES AGREEING TO APPOINTMENT)*

*N-107 WAIVER OF NOTICE (IF SOME HEIRS/DEVISEES WISH TO WAIVE NOTICE OF THE HEARING)*

*AF-104 AFFIDAVIT OF DILIGENT SEARCH (IF THE ADDRESS OF AN HEIR/DEVISEE IS NOT KNOWN)*

*WILL*

*CERTIFIED COPY OF DEATH CERTIFICATE*

ONCE THE APPOINTMENT HAS BEEN MADE BY THE JUDGE OF PROBATE, YOU WILL RECEIVE A COPY OF THE ORDER OF APPOINTMENT AND "LETTERS OF AUTHORITY" WHICH WILL ALLOW YOU TO SETTLE THE ESTATE. IF THERE IS REAL ESTATE, YOU WILL RECEIVE A "CERTIFICATE AND ABSTRACT" AFTER IT HAS BEEN RECORDED IN THE WASHINGTON COUNTY REGISTRY OF DEEDS. THIS DOCUMENT WILL ALLOW YOU TO TRANSFER THE DEED WITH HELP FROM AN ATTORNEY.

### **STEPS TO PROBATE AN INFORMAL OR FORMAL ESTATE:**

WAIT AT LEAST 120 HOURS (5 DAYS FROM THE DATE OF DEATH)

COMPLETE AND FILE ALL REQUIRED FORMS

FILE ORIGINAL WILL (IF APPLICABLE)

FILE A CERTIFIED COPY OF THE DEATH CERTIFICATE

PAY FILING FEES (FILING FEES ARE BASED ON THE VALUE OF THE ESTATE, PUBLICATION NOTICE, NOTICES TO HEIRS/DEVISEES/ERU, CERTIFICATE AND ABSTRACT, ETC.)

### **NOT ALL ESTATES NEED TO BE PROBATED**

IF THE ESTATE ONLY CONSISTS OF:

FUNDS IN THE BANK UNDER \$57,100.00\* – AN AF-102 SMALL ESTATE AFFIDAVIT (\$1.00) MAY BE ACCEPTED BY THE BANK TO WITHDRAW THESE FUNDS

A VEHICLE THAT IS PAID IN FULL – A FORM D NO ESTATE LETTER (\$10.00) MAY BE ACCEPTED BY BUREAU OF MOTOR VEHICLES TO TRANSFER TITLE

\*2025 AMOUNT SET BY STATUTE

### COMMON TERMS IN ESTATES:

*DOMICILE – RESIDENCE OF DECEDENT AT DATE OF DEATH*

*DECEDENT – DECEASED PERSON*

*HEIR – SOMEONE RELATED TO THE DECEDENT INCLUDING A SPOUSE*

*DEVISEE – ANYONE NAMED IN A WILL TO RECEIVE SOMETHING*

*TANGIBLE – IN GENERAL, TANGIBLE PERSONAL PROPERTY CONSIST OF ITEMS SUCH AS JEWELRY, PERSONAL PROPERTY, PERSONAL EFFECTS, FAMILY HEIRLOOMS, AND OTHER PHYSICAL ITEMS*

*INTANGIBLE – INTANGIBLE PROPERTY GENERALLY INCLUDES ASSETS LOCATED IN AN ACCOUNT, MONIES, AND ITEMS WHICH ARE NOT PHYSICAL*

**FORMS MAY BE PURCHASED FROM THE PROBATE OFFICE, OR PRINTED FROM [MAINEPROBATE.NET](http://MAINEPROBATE.NET)**

**YOU MAY FILE IN PERSON AT THE PROBATE OFFICE OR ONLINE AT [MAINEPROBATE.NET](http://MAINEPROBATE.NET)**