

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

In the Matter of the Estate of: _____)
_____))
_____))
_____))
Person Who Died (Decedent) _____)
Date of Birth: _____)
_____) CASE NO. _____

**REQUEST TO START FORMAL PROBATE
AND APPOINT A PERSONAL REPRESENTATIVE WHEN THERE IS A WILL**
(Petition for Formal Probate of Will and Appointment of Personal Representative)

1. Interest. I, _____, have an interest in this estate because:

2. Person Who Died (Decedent). The decedent died on *(date)* _____ at the age of _____. At least five full days have passed since the death. He or she lived in *(city)* _____, *(state)* _____ at the time of death and considered this location to be his or her permanent home.

3. Need for Formal Probate. This estate needs to be formally probated because:
 I do not have the original will.
 there is a dispute about the will.
 there is a dispute about who should be appointed as personal representative.
 I want to change from informal probate to formal probate.
 more than three years have passed since the death of the decedent.

4. Filing Location. This is the correct court to file in because the person who died:
 lived in this judicial district at the time of death.
 did not live in Alaska at the time of death; however, the person had property located in this judicial district at the time of death.

5. Time. I am filing this probate case within the required time period because:
 three years or less have passed since the person died, OR
 more than three years have passed. **STOP.** Under Alaska law, you cannot open an estate case more than three years after the person died except in very limited circumstances. You should talk to a lawyer about your options and whether you can open a probate case. If you file this form, be aware that the court may dismiss the case unless you show a basis for filing this action under AS 13.16.040.

6. Will. The person who died made a valid will on *(date)*_____.
To the best of my knowledge after a reasonable search, this is their last will and I do not know of any document that cancels or revokes this will. The original will (or an authenticated copy of the will probated somewhere else):

- is attached.
- is in the court's possession.

7. Current Personal Representative.

- No court has appointed a personal representative of the estate.
- A court appointed a personal representative, but later terminated the appointment. Attached is an authenticated copy of the will and a statement from the court where the will was first probated.
- There is currently a personal representative of the estate. A court appointed *(name)* _____ as personal representative who lives at *(address)*_____. Attached is an authenticated copy of the will and a statement from the court where the will was first probated.

8. Right to be Appointed as Personal Representative. The court should appoint me as personal representative because I am 19 years or older and have priority to serve because:

- the will named me as the personal representative.
- I am the surviving spouse and the will named me to receive property.
- I am the surviving spouse but the will did not name me to receive property.
- the will named me to receive property.
- I am an heir (someone with the right to inherit property from the person who died if no will had been made).
- I am a creditor and 45 days have passed since the person died.
- Other: _____

9. Persons With a Greater or Equal Right to Appointment. [Priority is determined in the following order: (1) individual nominated in a will, (2) surviving spouse if named in will to receive property, (3) others named in will to receive property, (4) surviving spouse, (5) someone with the right to inherit property from the person who died if no will was made, (6) 45 days after the death of decedent, any creditor.]

The following persons have a greater or equal right than I do to be appointed as the personal representative:

[**IMPORTANT:** Every person who has higher priority over you must consent by completing the Nomination for Appointment of Personal Representative with Lower Priority ([Form P-306](#)).]

10. Bond.

[A bond is a cash payment or pledge of property that guarantees the personal representative will fulfill his or her duties. However, the will commonly waives the bond requirement.]

- No bond is required because the will waived the bond requirement.
- No bond is required because all persons named in the will to receive property waived the bond requirement. Important: Each person named in the will must file a separate Waiver of Bond Requirement ([Form P-334](#)) or must have requested a waiver of the bond requirement in the Nomination for Appointment of Representative with Lower Priority ([Form P-306](#)).
- I request the court set the bond amount of \$_____ because this amount covers the estimated value of the estate’s property and income for the next year.

11. Survivors of the Person Who Died. The person who died is survived by the persons listed below. [Include all biological and adopted children of the person who died, unless an adoption decree terminated their inheritance rights.]

Relationship to Person Who Died	Name [if a minor, provide their age and name of their legal guardian]	Address
Spouse		
Child 1		
Child 2		
Child 3		
Parent		
Person named in will		
Person named in will		
Person named in will		
Person named in will		
Heir (person entitled to inherit property if no will had been made)		
Heir		

[Attach extra pages if necessary.]

12. Demand for Notice. [Any interested person may file a document called a Demand for Notice that tells the personal representative and the court to send a copy of every document filed with the court to him or her.]

- I have not received a demand for notice concerning the person who died and do not know of any demand for notice that may have been filed in Alaska or elsewhere.
- I received or am aware of a demand for notice concerning the person who died from the following persons:

13. Notice. Notice of this application has been given to: the surviving spouse, children and other heirs; all persons named in the will; any current personal representative whose position has not been terminated; all persons with a greater or equal right to appointment as personal representative of this estate; all known persons who may have an interest in the estate but whose addresses are unknown by publishing in a newspaper as required by AS 13.06.110(a)(3); and all persons who filed a Demand for Notice

Therefore, I request an order admitting the decedent's will to probate; an order appointing me as personal representative of decedent's estate; and that letters testamentary be issued.

_____	_____
Date	Signature of Applicant
_____	_____
	Printed Name
_____	_____
Address Line 1	Phone Number
_____	_____
Address Line 2	E-mail Address

Verification

I swear or affirm that I read this entire document and believe that all of the statements made in the document are true.

Applicant's Signature

Subscribed and sworn to or affirmed before me at _____, Alaska
on _____
(date)

(SEAL)

Clerk of Court, Notary Public, or other person
authorized to administer oaths.
My commission expires: _____

Certificate of Service

[You must give notice of this application to all persons who filed a demand for notice, all persons with a greater or equal right to appointment as personal representative of this estate, and to any current personal representative whose position has not been terminated.]

I certify that on (date) _____ a copy of this application was mailed hand delivered to [list everyone served and attach extra pages if necessary]:

<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____

Your signature: _____