



How to Be the Personal Representative for a Small Estate

Note: Use these instructions and forms to be the personal representative for a small estate.

Closing an estate can be very hard. There is a good chance you will need a lawyer to help you through the process. These instructions and forms may not be right for your case. They cannot take the place of advice from a lawyer. Talk to a lawyer if you have **any** questions.

Print the forms in this packet single-sided, with writing on one side of the page. Do not change these forms. If you change the forms, you might lose language you need.

Who can use these forms?

You can use these forms if you:

- Are 18 years old or older;
- Want to close the estate of a person who died;
- Have priority to be personal representative (read pages 5 and 6);
- Know the person died less than 3 years ago, but more than 5 days ago;
- Know the person died while living in Montana; and
- Know the estate is a small estate under Montana law.



Alternative: You may want to use a different forms packet called “How to Use an Affidavit to Get Personal Property from an Estate” instead, because it’s easier. You can use that packet if the estate is (1) worth \$50,000 or less after you subtract liens and encumbrances, and (2) you do not want to use the packet to transfer real property, such as land, a house, or a building. Read that packet for more information.



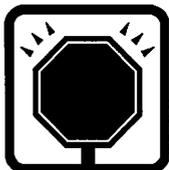
What Makes an Estate a Small Estate?

In Montana, what is allowed in a small estate depends on who survives the person who died. Under Montana law, a person “survives” someone else by living 120 hours longer. It may be hard to deal with an estate where someone and his or her spouse or child died close in time to each other. If a person lives less than 120 hours

(5 days) after the first person dies, he or she is treated as if he or she died before the first person. Ask a lawyer if you have questions.

- ❖ If a spouse or a minor or dependent child survives the person who died, the small estate can include:
 - A homestead allowance of \$20,000 or less to go to the spouse, or if the spouse doesn't survive, to be divided equally among minor and dependent children;
 - A family allowance of \$18,000 or less;
- ❖ If a spouse or a son or daughter of any age survives the person who died, the small estate can also include (in addition to applicable items above):
 - Exempt property worth \$10,000 or less.
- ❖ All small estates can include (in addition to applicable items listed above):
 - Money needed to pay the costs of administering the estate;
 - Money needed to pay reasonable funeral expenses; and
 - Money needed to pay the reasonable and necessary hospital and medical expenses for the last illness of the person who died.

Read more about how to give out these things below. When deciding how much the estate is worth, subtract any liens or encumbrances. For example, if a lender has a \$2,000 lien on a car worth \$5,000, the car is worth \$3,000.



Note: You can use this packet **only** to close a small estate. If the estate is worth more (after subtracting liens and encumbrances) than what is allowed in a small estate, you **cannot** use this packet.



What Is a Personal Representative?

A personal representative is an adult who has control over the property in an estate until it is given to the next owner. As personal representative, you make a list of all the property in the estate, protect and manage the property, sell property if needed, give the property to the right people, and close the estate.

If you become personal representative, you might need to pay money to the court for a bond. Most small estates don't require bond. If there is a will, read it to see if it says you have to pay a bond. Or another person with an interest in the estate of \$1,000 or

more could ask that you pay a bond. If you think you might need to pay a bond and can't afford it, you can write a petition to the court asking the court to let you be the personal representative without paying a bond. If you write a petition, tell the court why you are trustworthy.



How Long Do I Have to Give Out the Estate?

You have a duty to give out the estate as quickly as you can, so long as you're doing things properly and in the estate's best interest. You may also want to give things out quickly, so you aren't responsible for them as long. At the latest, you must close the estate 2 years after you are appointed personal representative.

What Forms Will I Need?

Use these forms to become a personal representative and close a small estate:

- Waiver of Priority and Nomination of Personal Representative (only if someone else has equal or higher priority – read pages 5 and 6)
- Application for Informal Appointment of Personal Representative and Informal Probate of Will If Needed
- Statement of Informal Appointment of Personal Representative and Informal Probate If Needed
- Letters
- Notice to Heirs and Devisees
- Inventory and Appraisalment
- Full Accounting of Administration
- Personal Representative's Verified Closing Statement
- Deed of Distribution (if the person who died owned land or a house)
- Affidavit of Inability to Pay (not included in this packet, so if you cannot afford to pay the fee the court charges to file your Application, ask the clerk of court for this form)



The **Waiver of Priority and Nomination of Personal Representative** must be filled in and signed by anyone that has equal or higher priority to be personal representative than you. Read pages 5 and 6 to learn what the priorities are.

The **Application for Informal Appointment of Personal Representative and Informal Probate of Will If Needed** asks the clerk of court to make you the estate's personal representative. If there is a will, it also asks that the court will handle the will without a formal proceeding.

The **Statement of Informal Appointment of Personal Representative and Informal Probate of Will If Needed** will be filled in by clerk of court or judge, except for the caption that you will fill in. The Statement makes you the personal representative. It also says you do not need a formal proceeding for a will if there is one.

The **Letters** will be filled in by the clerk of court, except for the caption and acceptance that you will fill in. You can give the letters to other people to show them you are the estate's personal representative.

The **Notice to Heirs and Devisees** will be sent to people who get property in the will, and to other people who may get part of the estate under Montana law. It tells them that you are the personal representative.



In the **Inventory and Appraisalment**, you will list the estate's assets, how much each asset is worth, any debts owed on each asset, and the value of the person's interest in the asset. Examples of assets are land, buildings, money, bank accounts, and furniture.

In the **Full Accounting of Administration**, you write how you gave out the assets that you listed in the Inventory and Appraisalment.

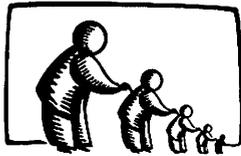
The **Personal Representative's Verified Closing Statement** is a sworn statement you will use to close the estate.

The **Deed of Distribution** is a document you will file with the clerk and recorder to give land, a house, or a building to the next owner.



Use the **Affidavit of Inability to Pay** to ask the court to not pay the fees the court charges to file your Application. The form is not included in this packet. If you cannot afford to pay the filing fee for the Application, ask the clerk of court for an Affidavit of Inability to Pay. Courts may use different names for this form. The Affidavit will require you to provide information about your income and expenses. The court will review your Affidavit and decide if you have to pay the filing fee.

Who Has Priority To Be The Personal Representative?

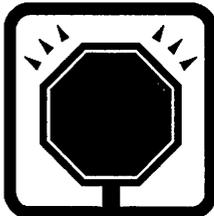


Montana law says that some people have the right to be a personal representative before others. This is called "priority." Priority is based on your relationship to the person who died.

This is the order of priorities:

1. Anyone named personal representative in the will of the person who died;
2. The living husband or wife of the person who died, if the person who died had a will and the living husband or wife gets property in the will;
3. The custodial parent of a person who died under the age of 18;
4. Anyone who gets property in the will, if the person who died had a will;
5. The living husband or wife of the person who died, if there is no will;
6. The closest relatives or heirs of the person who died;
7. The public administrator;
8. Anyone owed money by the person who died, if it has been at least 45 days since the person died.

For example, a person who gets property in the will (#4 above) has a greater priority to be the personal representative than the closest relative (#6 above).



Note: Someone else may have equal or higher priority than you do. If a person with equal or higher priority will not sign the waiver form in this packet, you will need to go through a formal proceeding to be named personal representative. This packet does not cover formal proceedings. If you need a formal proceeding, it is a good idea to talk to a lawyer.

Can I Be Paid for Being a Personal Representative?



If there is anything left after you give out the homestead allowance, family allowance, and exempt property, you can be paid a fee as part of the estate administration costs. You can be paid up to 3% of the first \$40,000 of the estate's value, and up to 2% of any value over \$40,000. For example, if the estate is worth \$45,000, you could ask for 3% of the first \$40,000 (\$1,200) plus 2% of the value over \$40,000 ($\$5,000 \times .02 = \100), for a total of \$1,300. You can choose to ask for a smaller fee, or no fee. It is up to the court to decide if the fee is reasonable, depending on the work you did and the money left in the estate. You will say how much, if anything, you claim as a fee on the Full Accounting of Administration form. The fee is taxable income.

Note: If the estate includes property held as a life estate or in a joint tenancy, you may only take up to 2% of the value of the life estate or the interest in the joint tenancy as part of your fee. This means the 3% mentioned above would not apply to determine that part of your fee, even if the whole estate is worth \$40,000 or less. The 2% is not in addition to the fee based on value of probate assets. It is part of the whole fee which must be "reasonable."

What Can I Take from the Estate to Pay an Attorney to Help Me?



After you give out the homestead allowance, family allowance, and exempt property, you can use money from the estate to pay an attorney to help you. The attorney fees are part of the estate administration costs. Attorney fees cannot be more than 1½ times the amount that you can take as your fee for personal representative. This is true no matter how many attorneys you hire.

What about Taxes?



In general, closing a small estate should not require payment of federal or Montana state estate taxes. But there may be other kinds of taxes. For example, property taxes may come due on a house before you give it to the next owner. If you don't pay the taxes, the next owner will be responsible for paying them. And you may have a duty as personal representative to pay the taxes so the government doesn't take the property. You may need to use money from the estate to pay the taxes. It is a good idea to give out the property before taxes come due, if

possible. Tax laws can be hard to understand. Talk to an attorney or accountant if you have any questions.

How Do I Use the Forms To Be Named Personal Representative?

1. Make Sure You Have Priority

- Look for the will of the person who died. If you find a will, read it to see if it names a personal representative.
- Read pages 5 and 6 to help decide if you have priority.
- If other people have equal or higher priority, ask each of them to fill in and sign a Waiver of Priority and Nomination of Personal Representative. Make copies of the blank form if you want more than one person to fill it out.
- If one or more of the people will not sign the Waiver, you will need to go through a formal proceeding, and you cannot use this packet.



2. Fill In the Application Form and Acceptance part of Letters Form

- Fill in all the blanks on the Application for Appointment of Personal Representative. The Application form must be filled in completely.
- Attach the original will to your Application, if the person who died had a will that he or she did not file with the court before death. Skip this step if there is no will.
- Sign your Application in front of a notary public. When you sign the Application, you are promising that it is true, including the parts you did not write.
- Fill in the Acceptance at the end of the Letters form. Sign the Acceptance in front of a notary public.



3. Fill in the Captions for Other Forms

- Fill in the caption of the:
 - Statement of Informal Appointment of Personal Representative and Informal Probate of Will If Needed; and
 - Letters.

- The caption looks like this:

In the _____ Judicial District Court of _____ County, <i>(number) (county)</i>	
State of Montana	
<p>In the Matter of the Estate of _____ <i>(name of person who died)</i></p> <p style="text-align: center;">Deceased.</p>	<p>Cause No.: _____</p> <p>Dept. No.: _____ <i>(filled out by court)</i></p> <p>Name of Form</p>

4. Make Copies

- After the forms are filled in, make at least one copy of any Waiver forms you have, and your Application form.
- After you fill in the captions, make at least one copy each of the Statement of Informal Appointment of Personal Representative and Informal Probate of Will If Needed and Letters.

5. File Forms at the Courthouse

- Go to the clerk of court's office for the district court in the county where the person was living when he or she died.
- If you can't afford the filing fees, ask the clerk of court for an Affidavit of Inability to Pay. This form may be called something different in your court. Fill in the form and turn it in.
- Give the clerk the original and copies of your completed Application for Appointment of Personal Representative and any completed Waivers you have. Ask the clerk to stamp the papers as "Filed." The clerk will file the originals. Take your copies and keep them in a safe place.
- Give the clerk the Statement of Informal Appointment of Personal Representative and Informal Probate of Will If Needed, and Letters with your completed acceptance. The clerk may use different forms. It is okay if the clerk does not use your forms.



6. Wait for the Clerk or Judge to Say You Are Personal Representative.

- The clerk or judge will decide whether to appoint you as personal representative. If the clerk or judge appoints you, you will get a Statement appointing you. This could be the form you gave the clerk, or it could be a different form. Keep the Statement in a safe place.
- If the clerk or judge appoints you, you will also get Letters. The Letters may be the form you gave the clerk, or it could be a different form. You will have already filled out and signed the Acceptance part of the Letters, saying you accept the duties of being personal representative.
- You can show a copy of the Letters and Acceptance to anyone who needs to know that you are the estate's personal representative.
- If the clerk or judge does not approve your Application, you must go through a formal proceeding to become the personal representative. This packet does not cover formal proceedings.

What Do I Do After I'm Named Personal Representative?



1. Fill in and send out the Notice to Heirs and Devisees.

- Fill in the Notice to Heirs and Devisees.
- Make enough copies to mail to the people listed in the next checkbox and to keep one copy for yourself.
- You have 30 days after the clerk signed the Statement and Letters to send the Notice to Heirs and Devisees. Send a copy by ordinary mail to each person who is left money or property in a will if there is one, and to each person entitled to money or property under Montana law. Examples of people who might be entitled to money or property under Montana law are surviving spouses, children, and people who co-owned property with the person who died.

2. Fill in the Inventory and Appraisement form, and mail copies.

- You have 9 months to fill in the Inventory and Appraisement form and mail it to people with an interest in the estate. It lists the assets of the person who died, what they are worth, and if any debts are owed.

Note: There may be assets in the estate that were owned jointly or that have beneficiaries. If someone jointly owned property with the person who died, that property will go directly to the joint owner. Or sometimes a person will designate a beneficiary for an asset, such as a bank account “POD” or “payable on death” The beneficiary should get the account directly. These types of assets don’t need to be given out as part of the allowances. Before you list an asset, be sure you know if it was owned jointly or if there was a beneficiary. You can write that information on the Inventory and Appraisal and the Personal Representative’s Verified Closing Statement.

- You can get someone qualified to value property to help you, so long as he or she doesn’t have an interest in the estate. If someone else helps you, write their name and address on the form.



- Make copies of the completed Inventory and Appraisal form. Make one copy for each person you are mailing the form to, and keep one copy for yourself.
- Mail the copies to anyone with an interest in the estate. This includes anyone who got the Notice to Heirs and Devisees.

3. Maintain the Property, and Sell Property If Needed

- There may be property you need to maintain until you give it out or close the estate. For example, you can shut off outside faucets on a house so the pipes don’t freeze.
- As personal representative, you have the right to sell the estate’s property. Show people your copy of the Letters with your acceptance if they want proof that you are the personal representative.



Note: If you have a property with a lien or other encumbrance, it may make sense to sell the property to pay off the debt. If you transfer the property with the lien to a new owner, the lien will stay on the property. It may be a good idea to talk with the people with an interest in the estate before you decide what to do with each piece of property.

4. Distribute the Estate

- Follow the steps below to give out the estate's money and property. When you run out of money and property, you are done distributing the estate. When that happens, skip to "What Do I Do to Close the Estate After I Give Out the Property?" on page 13.
- It is a good idea to write a receipt and ask each person to sign it when you give them money or property. You could buy a receipt book. Or you could just write on a piece of paper a list of the property you gave to the person, and ask the person to sign and date it. That way, you will have proof that you gave the person the money or property they were entitled to get.
- If you are transferring a house, land, or building, you will need to fill out and sign the Deed of Distribution form at the end of this packet. It is a good idea to ask the current property holder or the clerk and recorder if you need a Deed of Distribution to transfer a certain kind of property.
- If you use a Deed of Distribution, you will file it with the clerk and recorder's office, which is different from the clerk of court's office. The clerk and recorder will charge a fee for recording the Deed of Distribution. You can list the fee as a cost of administering the estate.
- Ask each person who will get property which property they want for each allowance below. Count the fair market value of the items, minus liens and encumbrances, to each allowance. If the person(s) can't choose the property, you choose for them.

Note: If there is a will, you can show it to people so they can see the wishes of the person who died when they choose what items they want for each allowance. Or, if you choose who gets each item, you can consider the will. But you don't have to follow the will to give out the allowances in a small estate.

Sometimes a will mentions more property than the estate has when the person dies. You can only give out what is actually in the estate. But you can still follow instructions in the will that don't involve money or property, like what to read at the funeral.



Homestead Allowance. If there is no surviving spouse or minor or dependent child, skip this step. If there is a surviving spouse, transfer the homestead allowance of up to \$20,000 to him or her. If there is no surviving spouse, divide the \$20,000 homestead allowance equally among any minor or dependent children supported by the person who died. You can use any money or property to make up the homestead allowance.

Family Allowance. If there is no surviving spouse or minor or dependent child, skip this step. The family allowance of up to \$18,000 is to support the surviving spouse and any minor or dependent child(ren) of the person who died while you take care of the estate.



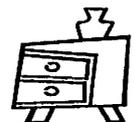
You must give out the allowance in money, not in property. But if there is less than \$18,000 in cash, you can sell property to get the money. Or, if the property left after the homestead allowance is exempt property worth less than \$10,000, you can give out the property under the next step. For the family allowance, follow **one** of these three instructions, the one that best matches your situation:

A surviving spouse will get the whole family allowance: (1) if there are no minor or dependent children who were supported by the person who died, or (2) if the surviving spouse now takes care of all of the children who were supported by the person who died.

If there is a surviving spouse, but someone else now takes care of the minor or dependent child(ren), you will need to decide how to divide the family allowance between the spouse and child(ren) based on their needs. You can give part or all of the family allowance directly to a minor child, or to the person who now takes care of each child.

If there is no surviving spouse, give the family allowance directly to the child(ren), or to the person who now takes care of each child.

Exempt property. If there is no surviving spouse or child (of any age) of the person who died, skip this step. If there is a surviving spouse, transfer exempt property worth up to \$10,000 in value to



him or her. If there is no surviving spouse, divide the exempt property allowance equally among the children of the person who died. In deciding how much exempt property is worth, subtract any liens and encumbrances. Exempt property includes household furniture, other furnishings, automobiles, appliances, and personal items. If there is less than \$10,000 of those kinds of property, you can give out other types of property in the estate to make up the rest of the \$10,000 in value.

- Administration costs.** Pay the costs and expenses of administration of the estate. These expenses can include:
 - Any fees you have to pay to close the estate, such as filing fees, fees for recording a Deed of Distribution, and transaction fees for giving out assets;
 - Any fees you have to pay to experts to appraise property;
 - Your fee for being personal representative, and any attorney fees (read page 6).

- Funeral costs.** Pay reasonable costs for the funeral.

- Medical bills.** Pay reasonable and necessary medical and hospital bills for the last illness of the person who died.



IMPORTANT: If there are still assets left in the estate after you pay the medical and hospital expenses for the last illness of the person who died, the estate is not a small estate and you **cannot** close the estate using this packet. Talk with a lawyer if this is your situation.

What Do I Do to Close the Estate After I Give Out the Property?

- Fill in the Full Accounting of Administration form. Send a copy of the completed Accounting form to anyone affected by it. You don't have to send out an accounting to a person who already signed a receipt saying he or she got the money and property he was entitled to.

- Fill out the Personal Representative's Verified Closing Statement. You must sign and date this form in front of a notary public. Make at least one copy after you sign.



- File the Personal Representative's Verified Closing Statement with the clerk of court. Follow the instructions on pages 8 and 9 to file.
- Mail a copy of the closing statement to anyone who received money or property and to any creditors.

Where Can I Get More Information?

The laws of Montana are called the Montana Code Annotated or "MCA." The laws about closing a small estate can be found in Title 72, Chapters 1, 2, & 3. An easier way to write one of those laws is \Rightarrow 72-1-101, MCA. The MCA can be found at your local library or on the Montana State Law Library website at: www.lawlibrary.mt.gov. Click on the "Laws" option near the top of the page on that website, and then click on "MCA."



Where Can I Get Legal Help?

These organizations may be able to help you:

- **Montana Legal Services Association (MLSA)** gives free legal help to low and moderate-income people. To find out if you qualify for MLSA, call the MLSA HelpLine at 1-800-666-6899.
- **The State Bar Lawyer Referral and Information Service (LRIS)** refers people to Montana lawyers who might be able to help. Call LRIS at 1-406-449-6577.
- **The State Law Library** can help you find and use legal resources such as books, forms, and websites. You can visit the Law Library website at www.lawlibrary.mt.gov. Or you can contact a Reference Librarian at (800) 710-9827 or by email at mtlawlibrary@mt.gov.

(your name)

(your mailing address)

(city) (state) (zip)

(your phone number)

Petitioner Pro Se

Montana 11th Judicial District Court, Flathead County

In the Matter of the Estate of _____ (name of person who died) Deceased.	Cause No.: _____ Waiver of Priority and Nomination of Personal Representative
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(To be filled out by person waiving priority.)

I am entitled to priority for appointment as personal representative under Montana law, but I waive my right to appointment. I nominate *(write name)* _____, a qualified person, to be personal representative.

Dated _____ Signature: _____
(mm/dd/yyyy) (signature of person waiving priority)

I do hereby depose and say that I have read the foregoing and that the facts and matters contained therein are true, accurate and complete to the best of my knowledge and belief, and I declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct.

Signature

(your name)

(your mailing address)

(city) (state) (zip)

(your phone number)

Petitioner Pro Se

Montana 11th Judicial District Court, Flathead County

<p>In the Matter of the Estate of</p> <p>_____ (name of person who died)</p> <p>Deceased.</p>	<p>Cause No.: _____</p> <p>Application For Informal Appointment Of Personal Representative and Informal Probate of Will If Needed</p>
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I am asking this court to informally appoint me the personal representative for an estate.

The following facts support my request:

1. Information About Me

I am 18 or older.

Relationship to Deceased: _____
(for example – “Brother” or “Named in will”)

2. Information About the Person Who Died

Name: _____
(name of person who died)

Age: _____ Date of Death: _____
(age at death) (mm/dd/yyyy)

Address: _____
(address of person who died)

City: _____ State: _____ Zip: _____ County: _____

3. Personal Representative (*check one box*)

I do not know of any personal representative of the person who died appointed in Montana or any other state.

OR

The existing personal representative signed a waiver of his or her priority, which I either filed or am attaching to this Application. The existing personal representative's address is in the waiver.

4. Time Limit

It has been three years or less since the death of the person who died. Informal probate is allowed.

5. People Interested in the Estate (*Write in the names, addresses, and relationships below for any surviving spouse, child, heirs, or people named in the will to get property. Also write the age of any person under 18.*)

Name of Person With an Interest in the Estate	Address of Person With an Interest In the Estate (<i>if the person is a minor, write "address omitted to protect minor child's privacy"</i>)	Relationship to Person Who Died (<i>examples: "Spouse" or "Friend, Named in Will"</i>)	Age of Person With an Interest (<i>only if under 18</i>)

6. Will of the Person Who Died

The person who died: (*check one box*)

Did not have a will. I tried to find a will but I could not find any document that could be the will of the person who died.

OR

Had a will dated _____. To the best of my knowledge, the will was the person's last will, was valid, and was not revoked. The original will is attached to this application, if it has not already been filed with the Court. (*Attach the will if you found one.*)

7. Demand for Notice

I do not know of any demand for notice of any other probate or appointment proceeding about the estate of the person who died.

Legal Basis:

- 1. Jurisdiction and Venue** / This Court is the proper venue because this is the county where the person who died was living at the time of death.
- 2. Informal Appointment of Personal Representative** / The clerk of district court has the power to informally appoint a personal representative for this estate because the person who died lived in Montana and died at least 120 hours ago.
- 3. Statement of Applicant's Interest** / The clerk can make the findings required by Montana law, and may make me the estate's personal representative because (*check all boxes that are true*):

- I have priority under § 72-3-502, MCA (*read pages 5-6 of packet*);
- I am named as personal representative in the person's will;
- I am the surviving spouse of the person who died;
- I am the custodial parent of the person who died;
- I am an heir or devisee, which means I have the right to get the person's property under the will or under Montana law;

Anyone with the same or higher priority to be personal representative of the estate has waived appointment in writing.

I respectfully ask this Court to:

1. Informally appoint me as the personal representative of this estate;
2. Give me authority to settle the estate using summary administration; and
3. Order any other relief the Court deems is just and proper.

Applicant declares under the penalty of perjury under the laws of the State of Montana that the foregoing is true and correct.

DATED this _____ day of _____, 20____.

(your signature)

By signing, accepting, or acting under this appointment, I acknowledge that I will assume the duties and responsibilities of a fiduciary and that I must work exclusively for the benefit of the decedent's estate and its beneficiaries, the ward under any guardianship, or the protected person under any conservatorship. I also acknowledge that the primary duty of a personal representative, guardian, or conservator is the duty of loyalty to and protection of the best interests of the estate, ward, or protected person. Therefore, I acknowledge that:

I may not use any of the property or other assets of the decedent's estate, ward, or protected person for my own personal benefit;

I must direct any benefit derived from this appointment to the decedent's estate, ward, or protected person; and

I must avoid conflicts of interest and must use ordinary skill and prudence in carrying out the duties of this appointment."

Signed this _____ day of _____, 20____

Applicant (your signature)

Peg L Allison
Clerk of District Court
Flathead County Justice Center
920 S Main, Ste 300
Kalispell MT 59901

Montana 11th Judicial District Court, Flathead County

In the Matter of the Estate of _____ <i>(name of person who died)</i> Deceased.	Cause No.: _____ ORDER of Informal Appointment of Personal Representative
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The application of _____ for informal appointment as Personal Representative having come before the court, and it appearing that the Application is complete and contains the Applicant's oath or affirmation that the statements contained therein are true to the best of his/her knowledge and belief, the Clerk makes the following findings based upon said Application:

1. _____ died on _____, and at least 120 hours have elapse since Decedent's death.
2. The Applicant is an interested person as defined by Section 72-1-103(25), MCA.
3. The Application is complete and properly verified as required by law.
4. Venue is proper for the reason stated in the Application.
5. Any notice required by Section 72-3-106, MCA, has been given, and the Application is not witin Section 72-3-213(5), MCA. The time required for such notice, if any, has expired.
6. The time limit for original probate has not expired.
7. A Personal Representative has not been appointed in this or any other county of this state.
8. For the reasons stated in the Application, Applicant has priority under the law which entitled him to act as Personal Representative of Decedent, and no reason to the contrary appears upon the record.

NOW, THEREFORE, IT IS ORDERED as follows:

1. The Application for informal probate is hereby granted.
2. The Application for informal appointment of Personal Representative is hereby granted, and _____ is hereby appointed as Personal Representative of the above-named Decedent, without bond.
3. Letters shall be issued to _____ upon qualification and acceptance.

DATED this _____ day of _____, 20_____.

PEG ALLISON _____
Clerk of District Court

By: _____
Deputy Clerk

Peg L Allison
Clerk of District Court
Flathead County Justice Center
920 S Main, Ste 300
Kalispell MT 59901

Montana 11th Judicial District Court, Flathead County

In the Matter of the Estate of _____ <i>(name of person who died)</i> Deceased.	Cause No.: _____ Letters
--	--

(The clerk fills in this page if you are appointed personal representative.)

_____ was appointed as Personal Representative of said Decedent by Order in the above proceeding dated the _____ day of _____, 20____. If there was a will, it was admitted to probate. Letters of appointment as Personal Representative are hereby issued as provided by law.

WITNESS the clerk of court and the seal of the court affixed on _____, 20_____.

PEG L ALLISON
Clerk of District Court

(COURT SEAL)

By:
Deputy Clerk

ACCEPTANCE

I, _____, hereby accept and will perform the duties of Personal Representative of the will and estate or the intestate estate of the Deceased. Further I do hereby depose and say that I have read the foregoing and that the facts and matters contained therein are true, accurate and complete to the best of my knowledge and belief, and I declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct.

(your signature)

(your name)

(your mailing address)

(city) (state) (zip)

(your phone number)

Petitioner Pro Se

Montana 11th Judicial District Court, Flathead County

<p>In the Matter of the Estate of</p> <p>_____ (name of person who died),</p> <p>Deceased.</p>	<p>Cause No.: _____</p> <p>Notice to Heirs and Devises</p>
--	---

1. This notice is being sent to persons who have or may have some interest in the estate of _____ who died on _____.
(name of person who died) (mm/dd/yyyy)
2. The petitioner, whose name and address are at the top of this page, was appointed personal representative of the estate on _____.
3. The personal representative was appointed (check one): with / without bond.
4. Papers and information relating to the estate are on file in the Montana 11th Judicial District Court of Flathead County.
5. This estate is being administered by the personal representative under the Uniform Probate Code of Montana without supervision by the Court. If you receive this notice, you are allowed to have information about the administration from the personal representative. You may petition the Court in any manner relating to the estate, including distribution of assets and expenses of administration.

Date _____
(mm/dd/yyyy)

Personal Representative
(sign your name)

Certificate of Service

I, _____, hereby certify that I served a true and correct copy of the foregoing document was served by depositing it into the US Mail on _____, 20____, postage prepaid, and addressed to the following person(s):

(name)

(mailing address)

(city, state, zip code)

Dated this _____ day of _____, 20_____.

(Signature)

(your name)

(your mailing address)

(city) (state) (zip)

(your phone number)

Petitioner Pro Se

Montana 11th Judicial District Court, Flathead County

<p>In the Matter of the Estate of</p> <p>_____, (name of person who died)</p> <p>Deceased.</p>	<p>Cause No.: _____</p> <p>Inventory and Appraisement</p>
--	--

The appointed personal representative of Decedent's Estate is

(your name)

Below is the inventory and appraisement of the estate of the person who died as required by Montana law:

<p align="center">Asset</p> <p><i>(write each item or type of property in the estate, such as "1987 Ford F-150 truck," "General Bank joint checking account" "assorted clothes" or "25% of Lot at 1111 Street." Write "None" if the estate does not include the type of asset listed in the chart)</i></p>	<p align="center">Fair Market Value</p> <p><i>(write how much each item or type of property is worth)</i></p>	<p align="center">Debts Owed On Asset, If Any</p> <p><i>(write any money owed on the item or type of property, such as "\$300 lien by Title Loan Company")</i></p>	<p align="center">Value of Deceased's Interest Less Liens and Encumbrances</p> <p><i>(subtract the debts owed from the fair market value. Multiply the answer by the percent of the asset owned by the person who died.)</i></p>
<p>House, Land or Building Address:</p>			
<p>Furniture</p>			
<p>Clothing</p>			
<p>Appliances</p>			
<p>Bank Account Bank and Type of account <i>(not number):</i></p>			
<p>Automobile Make: Model: Year:</p>			

Asset	Fair Market Value	Debts Owed On Asset, If Any	Value of Deceased's Interest Less Liens and Encumbrances
<i>(List other property, with value, debts, and value of person's interest, below.)</i>			

Appraisers *(list the name(s) and address(es) of any qualified person(s) with no interest in the estate who helped you figure out the value of assets):*

Date: _____
(mm/dd/yyyy)

Signed: _____
(sign your name)

Printed: _____
(print your name)

(your name)

(your mailing address)

(city) (state) (zip)

(your phone number)

Petitioner Pro Se

Montana 11th Judicial District Court, Flathead County

In the Matter of the Estate of _____ (name of person who died), Deceased.	Cause No.: _____ Full Accounting of Administration
--	--

The appointed personal representative of Decedent's Estate is

(your name)

Below is the full accounting of administration of the estate of the person who died as required by Montana law. I am sending this accounting to anyone affected by the administration of the estate. I distributed the estate in the following order:

1. Homestead allowance of up to \$20,000 of the estate, to a surviving spouse or, absent a spouse, to the minor or dependent child(ren) of the person who died;
2. Family allowance of up to \$18,000 of the estate, to a surviving spouse or, absent a spouse, to the minor or dependent child(ren) of the person who died or the child(ren)'s caretaker;
3. Exempt property of up to \$10,000, to a surviving spouse or, absent a spouse, to the child of any age of the person who died;
4. Administration costs of the estate;
5. Reasonable funeral expenses;

6. Reasonable medical or hospital expenses relating to the last illness of the person who died.

Personal Representative Fee (*check one box and fill in the blanks that apply.*)

I am claiming all or part of the personal representative fee. The estate's entire value was (*write the value of the entire estate*): \$_____. I can claim up to 3% of the first \$40,000 plus 2% of any value over \$40,000. But I can only claim up to 2% for any part of the estate owned as a life estate in or held in joint tenancy by the person who died. For being personal representative, I am claiming a fee of (*write the amount of the fee you claim*): \$_____. I will write this amount as part of the estate's distribution in the chart below.

OR

I am not claiming a fee for being personal representative. By signing this document below, I waive my right to claim a fee.

I distributed the estate's assets as set forth in the chart on the following pages:

Asset <i>(write each item or type of property in the estate, such as "1987 Ford F-150 truck"; this list should be exactly the same as the list in the Inventory and Assessment)</i>	Person or People Who Received Asset <i>(write the name of any person who now has all or part of each asset, such as "Seth Son--\$2,000 of money in account and Diane Daughter--\$2,000 of money in account")</i>	Part of the Small Estate Distribution <i>(write if you gave this asset out as part of the homestead allowance, family allowance, exempt property, cost of closing the estate, reasonable funeral expense, or reasonable medical expense)</i>
House Address:		
Furniture		
Clothing		
Appliances		

Bank Account Type: Bank:		
Automobile Make: Model: Year:		
<i>(List any other property, with its new owner and part of the estate distribution, in the boxes below.)</i>		
Asset	Person or People Who Received Asset	Part of the Small Estate Distribution

Applicant declares under the penalty of perjury under the laws of the State of Montana that the foregoing is true and correct.

Date: _____
(mm/dd/yyyy)

Signed: _____
(sign your name)

Printed: _____
(print your name)

(your name)

(your mailing address)

(city) (state) (zip)

(your phone number)

Petitioner Pro Se

Montana 11th Judicial District Court, Flathead County

In the Matter of the Estate of

(name of person who died)

Deceased.

Cause No.: _____

**Personal Representative's
Verified Closing
Statement**

I am the Personal representative for the above-referenced Decedent's estate. This is my sworn statement to close the estate:

1. As far as I know, the value of the estate of the person who died, subtracting liens and encumbrances, does not exceed the homestead allowance, exempt property, family allowance, costs and expenses of administration, reasonable funeral expenses, and reasonable, necessary medical and hospital expenses for the deceased person.
2. I fully administered the estate. I distributed and disbursed the estate to the people who were entitled to it. If estate taxes were due, I paid them.
3. I have sent a copy of this closing statement to everyone who received any part of the estate, and to all creditors or other claimants whose claims have not been paid and are not barred. I have given a full account in writing of the administration to any person affected by the administration of the estate.

Date: _____
(mm/dd/yyyy)

Signed: _____
(sign your name)

Printed: _____
(print your name)

I do hereby depose and say that I have read the foregoing and that the facts and matters contained therein are true, accurate and complete to the best of my knowledge and belief, and I declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct.

(your signature)

DEED OF DISTRIBUTION

(This document does not go to the clerk of district court. Record the completed deed at the clerk and recorder's office.)

This deed is signed and delivered on _____ by _____
(mm/dd/yyyy)(your name)

as the personal representative of the estate of _____,
(name of the person who died) based on the following:

_____ died on _____. Proceedings for
(name of the person who died) (mm/dd/yyyy)

administration of the estate were filed as Cause No. _____ in the _____
(on court papers) (number)

Judicial District Court, _____ County, Montana. The personal *(county)* representative has determined the persons entitled to distribution of the estate according to law.

To distribute the property properly, the person signing below, as personal representative, assigns, transfers, and conveys to

_____, of
(person you are transferring the property to)

_____, all of the property
(address of person you are transferring the property to)

interests of the person who died in the real property in _____
(county where property is)

County, Montana described in "Exhibit A" attached to this document. *(Print out a full legal description of the property being transferred. Write "Exhibit A" on the printout of the description. Attach the description to this deed of distribution.)*

TO HAVE AND TO HOLD to the distributee(s), distributee(s)' heirs, successors, and assigns, forever.

DATED: _____, 20____
(date signed)

Signed: _____
(sign your name in front of notary public)

Printed: _____

(Rest of form to be filled out by Notary Public.)

STATE OF MONTANA

:ss

County of _____

SIGNED AND SWORN to before me on this _____ day of _____, 20____

by _____
(name of personal representative)

(SEAL)

Name (*Printed*): _____
Notary Public for the State of Montana
Residing at _____
My Commission Expires _____