

INFORMAL PROBATE

3

**CLAIM AGAINST
THE ESTATE
And/Or
OBJECTION TO ESTATE
ADMINISTRATION**

Forms and Instructions

**INFORMAL PROBATE
TRANSFER of PROPERTY when a PERSON HAS DIED**

1) CLAIM AGAINST THE ESTATE

Use the forms and instructions in this portion of the packet if the following factors apply to your situation:

- ✓ You received notice about a court case involving the property of a person who died (informal probate), OR
- ✓ You believe a person who died owes you money, AND
- ✓ You want to make a claim in the estate case filed with the court before all the property is transferred to others.

And / Or

2) OBJECTION to ESTATE ADMINISTRATION

Use the forms and instructions in this portion of the packet if the following factors apply to your situation:

- ✓ You received notice about a court case involving the property of a person who died (informal probate), OR
- ✓ You believe a person who died owes you money, AND
- ✓ You OBJECT to the way the estate is being administered.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website.

INFORMAL PROBATE

**CLAIM AGAINST THE ESTATE
and/or
OBJECTION to ESTATE ADMINISTRATION**

This packet contains court forms and instructions to file a claim against the estate and/or objection to estate administration. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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Instructions: How to file a Claim against the Estate

1. Who can file a claim: Generally, you must reasonably believe that the person who died owes you money.
2. When a claim must be filed: You are not required to file a claim against the estate if the personal representative has paid you or is making arrangements with you to pay what is owed from the decedent's property. But here is what the law currently provides as to creditors:
 - All persons unknown to the personal representative, having claims against the estate are required to present their claims within four months after the date of the first publication of the notice to creditors or the claims will be forever barred.
 - All persons known to the personal representative, having claims against the estate are required to present their claims within four months after receipt of the notice to creditors by mail or the claims will be forever barred.
 - Claims must be presented by delivering or mailing a written statement of the claim to the personal representative at his or her address; you do not need to file the claim in court, unless you want to.
3. How to file a claim against the estate with the court: If you are a person to whom the estate owes money, and you want to file the claim with the court, complete a claim against the estate form, which is included in this packet. File the original with the Probate Registrar, at the court location where you filed the application, which is one of the locations listed below.

Yuma County Justice Center
Clerk of Superior Court
250 W. 2nd Street
Yuma, Arizona 85364

4. Charge to file the claim in court: a list of current fees is available from the law library resource center website or from the clerk of superior court's website. You do not need to pay anything to mail the claim to the personal representative.

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA YUMA COUNTY

In the Matter of the Estate of:

Case Number: _____

☐ an Adult ☐ a Minor, deceased

CLAIM AGAINST ESTATE

1. My name and address is: _____

2. The Estate is indebted to me in the amount of \$ _____.

3. The basis of my claim is: _____

(NOTE: Complete number 4 or 5 only if either apply to your claim.)

4. The claim is not yet due. It will become due on (date) _____
5. The claim is secured by the following property (describe): _____

6. I am mailing a copy of the Claim against Estate to the Personal Representative, if one has been appointed.

DATED this _____ day of _____ 20____

Signature

Print Name

Instructions: How to file an objection to Estate Administration

1. Who can file an objection: Generally, you must have some valid interest in the case to be allowed to file an objection to some part of an informal probate of an estate. If you received copies of the papers relating to the probate from the personal representative or his/her attorney, you will probably be allowed to file the objection.
2. When an objection must be filed: File the objection immediately after you get the document or notice that you are objecting to.
3. What to say in the objection: Tell the court as simply as you can what you object to, and why. Write neatly, and be sure you give enough detail about what your points are.
4. Where to file and pay fee: To confirm the filing fee, go online to the clerk of superior court webpage.
File the original with the Clerk's Office, at the address listed below. Then, mail copies to everyone listed in number 5 below.
6. Who gets copies of the objection and the Hearing notice: Mail or hand-deliver a copy of the objection and hearing notice at least to the personal representative or his/her attorney. You should also mail or hand-deliver copies to everyone else to whom the personal representative gave notice of the court matter. Ask the personal representative for the names and address of these people, or go to the Clerk of Superior Court's office and look at the copy of the Proof of Notice filed by the personal representative that will have all the information.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA YUMA COUNTY

In the Matter of the Estate of:

Case Number: _____

OBJECTION AND REQUEST FOR FORMAL PROCEEDING

☐ an Adult ☐ a Minor, deceased

I want to tell the Court the following in response to what is written in the document or notice I received about the administration of this estate:

1. The name of the document or notice I object to is (name of document here) _____

2. My relationship to the person who died, the estate, or the personal representative is: (describe why you are interested in this case): _____

3. What I want the court to do, and what I want to say about the statements made in the document or notice: (use additional sheets of paper) _____

4. Because I object to what is in the document or notice, I am asking the court to set a formal proceeding on this case to listen to my objection.
5. I am mailing a copy of this Objection when it is complete to: the Personal Representative or his/her attorney, and everyone to whom Personal Representative gave notice to, as indicated in the Proof of Notice filed by the Personal Representative with the court.

Date

Signature