

§3-303. Informal probate; proof and findings required

1. Informal probate; proof and findings required. In an informal proceeding for original probate of a will, the register shall determine whether:

A. The application is complete; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. The applicant has made oath or affirmation that the statements contained in the application are true to the best of the applicant's knowledge and belief; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

C. The applicant appears from the application to be an interested person as defined in section 1-201, subsection 26; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

D. On the basis of the statements in the application, venue is proper; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

E. An original, duly executed and apparently unrevoked will is in the register's possession; [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

F. Any notice required by section 3-204 has been given and the application is not required to be declined under section 3-304; and [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

G. It appears from the application that the time limit for original probate has not expired. [PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]
[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Denial. The application must be denied if it indicates that a personal representative has been appointed in another county of this State or, except as provided in subsection 4, if it appears that this or another will of the decedent has been the subject of a previous probate order.
[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

3. Executed will. A will that appears to have the required signatures and that contains an attestation clause showing that requirements of execution under section 2-502 or 2-505 have been met must be probated without further proof. In other cases, the register may assume execution if the will appears to have been properly executed or the register may accept a sworn statement or affidavit of any person having knowledge of the circumstances of execution, whether or not the person was a witness to the will.
[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

4. Will previously probated elsewhere. Informal probate of a will that has been previously probated elsewhere may be granted at any time upon written application by any interested person, together with deposit of an authenticated copy of the will and of the statement probating it from the office of court where it was first probated.
[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

5. Will from another jurisdiction. A will from a place that does not require probate of a will after death and that is not eligible for probate under subsection 1 may be probated in this State upon receipt by the register of a duly authenticated copy of the will and a duly authenticated certificate of its legal custodian that the copy filed is a true copy and that the will has become operative under the law of that place.
[PL 2017, c. 402, Pt. A, §2 (NEW); PL 2019, c. 417, Pt. B, §14 (AFF).]

SECTION HISTORY

PL 2017, c. 402, Pt. A, §2 (NEW). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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