

IN RE: OFFICIAL PROBATE FORMS:
ADMINISTRATIVE ORDER NUMBER 12

____ S.W.2d ____

Supreme Court of Arkansas
Delivered January 28, 1999

PER CURIAM.

The 1998 report of the Arkansas Supreme Court Committee on Civil Practice contained a proposal to revise the Official Probate Forms. The Committee's suggestions were published in our *per curiam* order of November 5, 1998 so that members of the bench and bar could have an opportunity to comment. We thank those who took the time to review the proposals and submit comments.

We hereby adopt, effective immediately, and republish the Official Probate Forms as set out below. These official forms supersede all earlier versions. We again express our gratitude to the members of our Civil Practice Committee.

We are adopting the revised Official Probate Forms by way of Administrative Order Number 12; however, we direct that the forms themselves not be published in the *Arkansas Court Rules Volume* published every year. The forms will be published this one time by this *per curiam* order and will be permanently memorialized in the *Arkansas Reports*.

We direct that with respect to Administrative Order Number 12 only the following appear in the *Arkansas Court Rules Volume* :

“ADMINISTRATIVE ORDER NUMBER 12

OFFICIAL PROBATE FORMS

The Court, pursuant to Ark. Code Ann.. § 28-1-114 and its constitutional and inherent

powers to regulate procedure in the courts, has adopted thirty-three probate forms. These official forms supersede all earlier versions. The forms are published in 336 Ark. Appendix (1999).”

[The materials appearing below shall not be published in the *Arkansas Court Rules*.]

ADMINISTRATIVE ORDER NUMBER 12

OFFICIAL PROBATE FORMS

Section 1. Authority. The Court, pursuant to Ark. Code Ann. § 28-1-114 and its constitutional and inherent powers to regulate procedure in the courts, adopts the following probate forms. These official forms supersede all earlier versions.

Section 2. Captions and Affidavits. When the word "caption" appears on a form, the following format should be used:

In The Probate Court of _____ County, Arkansas

In The Matter of the Estate of

_____, Deceased

No. _____

-OR-

In the Matter of _____,

An Incapacitated Person

When the word "affidavit" appears on a form, the following format should be used:

STATE OF ARKANSAS

COUNTY OF _____

Subscribed and sworn to before me on [date].

[Signature]

[Official Title]

(Seal)

My commission expires: _____

Reporter's Notes to Section 2: The statutes governing guardianship proceedings, Ark. Code Ann. §§ 28-65-101 - 28-65-603, use the term "incapacitated person" to refer both to persons who are impaired by reason of various forms of disability and to persons under the age of 18 whose disabilities have not been removed. The term "minor" may be used with respect to the latter.

By statute, "[e]very application to the [probate] court, unless otherwise provided, shall be by petition signed and verified by or on behalf of the petitioner." Ark. Code Ann. § 28-1-109(a). Other documents require verification only if the governing statute so provides. These statutes are cited in the Reporter's Notes accompanying those forms, other than applications, that require an affidavit.

Section 3. Forms.

Form 1.

[Caption]

DEMAND FOR NOTICE OF PROCEEDINGS FOR PROBATE OF WILL OR APPOINTMENT OF PERSONAL REPRESENTATIVE

The undersigned, _____, respectfully demands notice of any proceeding to probate a will of _____, deceased, who resided at _____, Arkansas, or for the appointment of a personal representative to administer [his] [her] estate.

My address is _____.

My interest in the estate is that of _____.

My attorney, authorized to represent me in this proceeding, and to accept notice for me, is _____, whose address is _____.

Date: _____, _____.

[Signature]

Reporter's Notes to Form 1: *See* Ark. Code Ann. § 28-40-108(a).

Form 2.

[Caption]

PETITION FOR APPOINTMENT
OF [ADMINISTRATOR] [ADMINISTRATRIX]

_____, whose address is _____, and whose interest in the decedent's estate is that of _____, petitions that letters of administration of the estate be issued. The facts known to petitioner are:

1. The decedent, _____, aged ____, who resided at _____ in _____ County, Arkansas, died intestate at _____ on or about [date].

2. The surviving spouse and heirs of the decedent, and their respective ages, relationships to the decedent, and residence addresses, are:

Name	Age	Relationship	Residence Address
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. The probable value of the decedent's estate is:

Real property \$ _____

Personal property \$ _____

4. Petitioner nominates _____, whose residence address is _____, for appointment as [administrator] [administratrix] of the estate. The relationship, if any, of the nominee to the decedent, and other facts, if any, which entitle the nominee to appointment are: _____.

THEREFORE, petitioner requests that this court make an order determining the fact of the death and of the intestacy of the decedent, and appointing petitioner's nominee [administrator] [administratrix] of the estate.

[Signature of Petitioner]

[Affidavit]

Reporter's Notes to Form 2: See Ark. Code Ann. § 28-40-107. The term "heir" is defined by statute as "a person entitled by the law of descent and distribution to the real and personal property of an intestate decedent, but does not include a surviving spouse." Ark. Code Ann. § 28-1-102(a)(10).

Form 3.

[Caption]

PETITION FOR PROBATE OF WILL AND APPOINTMENT
OF PERSONAL REPRESENTATIVE

_____, whose address is _____, and whose interest in the decedent's estate is that of _____, petitions that a certain written instrument be admitted to probate as the last will of the decedent, and for the appointment of a personal representative. The facts known to petitioner are:

1. The decedent, _____, aged ____, who resided at _____ in _____ County,

Arkansas, died at _____ on or about [date].

2. The decedent left as his last will a written instrument dated the _____ day of _____, _____, which has been filed in this court. Proof of its execution in the manner required by law has been made or will be made at the time of presentation of this petition.

3. The surviving spouse, heirs, and devisees of the decedent, and their respective ages, relationships to the decedent, and residence addresses, are:

Name	Age	Relationship	Residence Address
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. The probable value of the decedent's estate is:

Real property \$ _____

Personal property \$ _____

5. The will of the decedent nominates _____ as [executor] [executrix]. (Petitioner nominates for appointment as _____, _____ of _____ to administer the estate.) The relationship, if any, of the nominee to the decedent, and other facts, if any, which entitle the nominee to appointment are: _____.

THEREFORE, petitioner requests that this court make an order determining (1) the fact of the death of the decedent; (2) that the proffered instrument was executed in all respects according to law when the testator was competent to do so and acting without undue influence, fraud or restraint, has not been revoked and is decedent's last will; and (3) appointing the nominee to administer the decedent's estate.

[Signature of Petitioner]

[Affidavit]

Reporter's Notes to Form 3: *See* Ark. Code Ann. § 28-40-107. The sentence in parentheses in paragraph 5 is to be substituted for the preceding sentence if the petitioner seeks appointment of a personal representative who is not nominated in the decedent's will.

Form 4.

[Caption]

PROOF OF WILL

I, _____, state on oath:

I am one of the subscribing witnesses to the attached written instrument, dated the ____ day of _____, _____, which purports to be (a codicil to) the last will of _____, deceased. On the execution date of the instrument the [testator] [testatrix], in my presence, and in the presence of the other attesting witnesses, signed the instrument at the end, or acknowledged [his] [her] signature, declared the instrument to be [his] [her] will, and requested that I attest [his] [her] execution of it. Then, in the presence of the [testator] [testatrix] and the other witnesses, I signed my name as an attesting witness. At the time of execution of the instrument, the [testator] [testatrix] appeared to be eighteen years of age or older, of sound mind, and acting without undue influence, fraud or restraint.

Date: _____, _____.

[Signature]

[Affidavit]

Reporter's Notes to Form 4: This form is designed for execution and filing with the court when the original will did not include a "proof of will." Because it is not always practical to have multiple witnesses appear simultaneously, the form is for a single witness. This form is for an attested will and should not be used for a holographic will. An attested will must be proved by at least two attesting witnesses or as otherwise provided by statute. Ark. Code Ann. § 28-40-117(a). If the instrument is a codicil, the language in parentheses should be included. An affidavit is required by Ark. Code Ann. § 28-40-118(a).

Form 5.

[Caption]

NOTICE OF HEARING ON PETITION

To all persons interested in the estate of _____, deceased:

You are hereby notified that a petition has been filed in this court (to admit to probate the will of _____, and) for the appointment of a personal representative for this estate; that this petition will be heard at ____ o'clock __.m. on [date], at _____, or at a later time or other place to which the hearing may be adjourned or transferred.

Date: _____, _____

_____, Clerk.

By: _____, Deputy Clerk.

Reporter's Notes to Form 5: See Ark. Code Ann. § 28-40-110. The language in parentheses should be used when the petitioner seeks probate of a will.

Form 6.

[Caption]

BOND OF PERSONAL REPRESENTATIVE

The undersigned, _____, as principal, having been appointed [executor] [executrix] of the will of (or [administrator] [administratrix] of the estate of) _____, deceased, and _____, as suret __, acknowledge themselves to be jointly and severally obligated to the State of Arkansas, for the use and benefit of all persons interested in the estate, in the penal sum of _____ Dollars (\$ _____) conditioned as follows:

If the undersigned [executor] [executrix] (or [administrator] [administratrix]) shall well and faithfully account for his administration of the estate, as required by law, this bond shall become void. Otherwise, this bond will remain in full force and effect.

Date: _____, ____.

_____, as Principal.

_____, as Surety.

_____, as Surety.

Approved this date: _____, ____.

_____, Clerk.

By: _____, Deputy Clerk.

Approved this date: _____, ____.

_____, Judge.

Reporter's Notes to Form 6: See Ark. Code Ann. § 28-48-204. The references to administrator and administratrix in parentheses are to be substituted for the references to executor and executrix if the personal representative was not nominated in the decedent's will. If a corporate surety is used, the power of attorney of agent should be attached. If the sureties are individuals, their qualifying affidavit (Form 7) should be attached.

Form 7.

[Caption]

QUALIFYING AFFIDAVIT OF PERSONAL SURETIES

The undersigned, being the sureties on the bond filed in this estate, state on oath that we collectively own property in the State of Arkansas, in excess of our liabilities and subject to execution, of a value equal to the amount of the bond.

Date: _____, ____.

_____, Surety.

_____, Surety.

_____, Surety.

[Affidavit]

Reporter's Notes to Form 7: *See* Ark. Code Ann. § 28-48-205. This form is only for individual sureties. It may be used with the guardian's bond (Form 27). An affidavit is required by Ark. Code Ann. § 28-48-205(b).

Form 8.

[Caption]

ACCEPTANCE OF APPOINTMENT AS PERSONAL REPRESENTATIVE

The undersigned, _____, having been appointed _____ of the estate of _____, deceased, accepts the appointment.

Date: _____, ____.

[Signature]

Reporter's Notes to Form 8: *See* Ark. Code Ann. § 28-48-102(a). This form is to be used only

when no bond is required of the personal representative.

Form 9.

[Caption]

DESIGNATION OF PROCESS AGENT

The undersigned, _____, as _____ of the estate of _____, appoints the clerk of this court and his successors in office, (or _____, whose residence address is _____,) as agent in behalf of the undersigned, to accept service of process and notice in all actions and proceedings with respect to the estate.

Date: _____, ____.

[Signature]

Reporter's Notes to Form 9: *See* Ark. Code Ann. § 28-48-101(b)(6). This form is for use by a nonresident personal representative or guardian. The language in parentheses should be substituted for the language immediately preceding it if someone other than the clerk of the court is appointed. The statute does not require an affidavit or acknowledgment.

Form 10.

[Caption]

LETTERS OF ADMINISTRATION

_____, whose address is _____, having been appointed and qualified as [administrator] [administratrix] of the estate of _____, deceased, who died on or about [date], is hereby authorized to act as [administrator] [administratrix] for and in behalf of the estate and to take

possession of the estate's property as authorized by law.

Issued this date: _____, ____.

_____, Clerk.

By: _____, Deputy Clerk.

(Seal)

Reporter's Notes to Form 10: *See* Ark. Code Ann. § 28-48-102. This form shall used if the personal representative was not nominated in the decedent's will. Appropriate modifications should be made to this form for letters of administration with will annexed, administration in succession, and special administration.

Form 11.

[Caption]

LETTERS TESTAMENTARY

_____, whose address is _____, having been appointed and qualified as [executor] [executrix] of the will of _____, deceased, who died on or about [date], is hereby authorized to act as [executor] [executrix] for and in behalf of the estate and to take possession of the estate's property as authorized by law.

Issued this date: _____, ____.

_____, Clerk.

By: _____, Deputy Clerk.

(Seal)

Reporter's Notes to Form 11: *See* Ark. Code Ann. § 28-48-102. This form shall used if the personal representative was nominated in the decedent's will.

Form 12.

[Caption]

NOTICE OF APPOINTMENT AS [ADMINISTRATOR] [ADMINISTRATRIX]

Last known address: _____

Date of Death: _____, _____

The undersigned was appointed [administrator] [administratrix] of the estate of _____, deceased, on [date].

All persons having claims against the estate must exhibit them, duly verified, to the undersigned within three (3) months from the date of the first publication of this notice, or they shall be forever barred and precluded from any benefit in the estate. However, claims for injury or death caused by the negligence of the decedent shall be filed within six (6) months from the date of the first publication of this notice, or they shall be forever barred and precluded from any benefit in the estate.

This notice first published on [date].

[Administrator] [Administratrix]

[Mailing Address]

Reporter's Notes to Form 12: See Ark. Code Ann. § 28-40-111. This form shall used if no will was admitted to probate.

Form 13.

[Caption]

NOTICE OF APPOINTMENT AS [EXECUTOR] [EXECUTRIX] (OR
[ADMINISTRATOR] [ADMINISTRATRIX] WITH WILL ANNEXED)

Last known address: _____

Date of Death: _____, _____

An instrument dated _____, ____ was admitted to probate on [date] as the last will of _____, deceased, and the undersigned has been appointed [executor] [executrix] (or [administrator] [administratrix]) thereunder. Contest of the probate of the will can be effected only by filing a petition within the time provided by law.

All persons having claims against the estate must exhibit them, duly verified, to the undersigned within three (3) months from the date of the first publication of this notice, or they shall be forever barred and precluded from any benefit in the estate. However, claims for injury or death caused by the negligence of the decedent shall be filed within six (6) months from the date of the first publication of this notice, or they shall be forever barred and precluded from any benefit in the estate.

This notice first published on [date].

[Executor] [Executrix] [Administrator]

[Administratrix]

[Mailing Address]

Reporter's Notes to Form 13: See Ark. Code Ann. § 28-40-111. This form shall be used if a will was admitted to probate and a personal representative was appointed. The language in parentheses in the first paragraph should be substituted for the language immediately preceding it if the personal representative was not nominated in the decedent's will. The form to be used when a will is probated but no personal representative appointed may be found in Ark. Code Ann. § 25-40-111(c)(3). Because such proceedings are infrequent, no official form was adopted.

Form 14.

[Caption]

NOTICE TO SURVIVING SPOUSE

The will of the _____, deceased, dated _____, _____, was admitted to probate by this court on [date].

Any right which you may have to take against the will must be exercised by written election filed in this court within one month after the expiration of the time limited for the filing of claims against the estate; except, however, that in the particular circumstances set forth in Ark. Code Ann. § 28-39-403, you may be entitled to make such election at a later date.

Dated: _____, _____.

_____, Clerk.

By: _____, Deputy Clerk.

(Seal)

Reporter's Notes to Form 14: See Ark. Code Ann. § 28-39-402. This notice must be mailed by the clerk to the surviving spouse of the decedent within one month after a will has been admitted to probate.

Form 15.

[Caption]

REQUEST FOR SPECIAL NOTICE OF HEARING

The undersigned, _____, respectfully requests written notice by ordinary mail of the time and place of all hearings on the settlement of accounts, on final distribution, and on any other matters for which any notice is required by law, by rule of court, or by an order in this case.

My address is _____.

My interest in the estate is that of _____.

My attorney, authorized to represent me in this proceeding, and to accept notice for me, is _____, whose address is _____.

Dated: _____, ____.

[Signature]

PROOF OF SERVICE

1. (To be used if acknowledged by personal representative
or his attorney)

The undersigned acknowledges receipt of this notice on [date].

[Personal Representative]

By: _____

[Attorney]

(To be used when not so acknowledged)

The undersigned duly served this notice on _____, the personal representative of this estate, on [date] in the following manner: [Insert the method of service as specified in Ark. Code Ann. § 28-1-112.]

[Affidavit]

Reporter's Notes to Form 15: See Ark. Code Ann. § 28-40-108(b). This form is to be used only after a personal representative has been appointed and must be prepared in duplicate, with one copy served on the personal representative. An affidavit is required only if Paragraph 2 is used and must be sworn to unless signed by an officer authorized by law to serve civil process, or signed by the clerk

or by an attorney of this state. *See* Ark. Code Ann. § 28-1-112(f).

Form 16.

[Caption]

PETITION FOR AWARD OF STATUTORY ALLOWANCES

The decedent, _____, is survived by the persons named below who constitute the surviving spouse, if any, and all of the decedent's minor children, if any.

Name of surviving spouse: _____.

Children:

Name of Child	Sex	Age	Name of Guardian
_____	_____	_____	_____
_____	_____	_____	_____

The surviving spouse, who was living with the decedent at the time of the decedent's death, is entitled to the award of the following items of household furniture, furnishings, appliances, implements and equipment which are reasonably necessary for the use and occupancy of the family dwelling by the surviving spouse and minor children, if any:

HOUSEHOLD FURNITURE AND EQUIPMENT

[Itemizing is required only to the extent necessary to distinguish the selected items from other household furniture and equipment, if any, of the decedent's estate.]

Among the items of personal property of the estate of the decedent are those described below, which the undersigned surviving spouse of the decedent (or the undersigned guardian of the decedent's minor children) have selected to be assigned to and vested in the surviving spouse and minor children of the decedent as provided by law. Each item of property has the value stated

opposite its description.

ITEMIZED DESCRIPTION OF PROPERTY

Description	Value
_____	\$ _____
_____	\$ _____
_____	\$ _____

The surviving spouse and minor children of the decedent are entitled to be awarded sustenance for a period of two months after the death of the decedent as follows:

THEREFORE, petitioner requests that this court enter an order assigning to and vesting in the surviving spouse and minor children of the decedent the personal property described above, to which they are respectively entitled under the provisions of Ark. Code Ann. §§ 28-39-101 through 28-39-104.

[Capacity of Petitioner]

[Affidavit]

Reporter's Notes to Form 16: See Ark. Code Ann. §§ 28-39-101 - 28-39-104. The total value under "Itemized Description of Property" is limited to \$1,000 as against creditors and \$2,000 as against distributees. If minor children are not the children of the surviving spouse, the petition should be revised to reflect that the allowance vests in the surviving spouse to the extent of one-half thereof, and the remainder vests in the decedent's minor children in equal shares. Award for sustenance for period of two months after death of decedent shall be a reasonable amount, not exceeding \$500 in the aggregate. Ark. Code Ann. § 28-39-101(c). Beneath the signature line, the capacity of the petitioner should be identified (e.g., as the personal representative, the surviving spouse, or the guardian of minor children). If the petitioner is the guardian of minor children, the language in

parentheses should be substituted for the language immediately preceding it.

Form 17.

[Caption]

INVENTORY OF DECEDENT'S ESTATE

The undersigned, _____ of the estate of _____, deceased, states on oath that to the best of my knowledge and belief, the following is a complete and accurate inventory of all property owned by the decedent, and its fair market value, at the time of the decedent's death.

REAL ESTATE

Legal Description	Encumbrances, Liens, etc., and Respective Amounts Thereof	Net Value
Homestead: _____	_____	\$ _____
Other real estate: _____	_____	\$ _____
Total Value of Real Estate: \$ _____		

PERSONAL PROPERTY

Household Goods and Personal Effects

[This list should include, but not be limited to, furniture, household and yard equipment, clothing, jewelry, etc.]

Description	Encumbrances, Liens, etc., and Respective Amounts Thereof	Net Value
_____	_____	\$ _____
_____	_____	\$ _____

Other Tangible Personal Property

[This list should include, but not be limited to, automobiles and other motor vehicles, farm equipment, livestock, agricultural products, stocks of merchandise, any going business enterprise or interest therein, etc.]

Description	Encumbrances, Liens, etc., and Respective Amounts Thereof	Net Value
_____	_____	\$ _____
_____	_____	\$ _____

Intangible Personal Property

[List separately in detail: cash on hand; money on deposit, stating names and addresses of depositories; bonds, stating names of issuers, interest rates, classes, maturity dates, serial numbers, face amounts, and dates to which interest is paid; corporate stocks, stating certificate numbers, names of issuers, classes, and number of shares; notes receivable, stating the names and addresses of makers, dates, amounts, interest rates, and dates to which interest paid, balances due, maturities, and security, if any; accounts receivable, stating names of debtors, dates of last items and balances due; and other intangibles, describing in detail.]

Description	Encumbrances, Liens, etc., and Respective Amounts Thereof	Net Value
_____	_____	\$ _____
_____	_____	\$ _____

Total Value of Personal Property: \$ _____

SUMMARY

Total real property: \$ _____

Total personal property: \$ _____

Total estate: \$ _____

The undersigned was not indebted or obligated to the decedent at the time of the decedent's death except as stated herein.

Date: _____, ____.

[Signature]

[Affidavit]

Reporters Notes to Form 17: *See* Ark. Code Ann. § 28-49-110. This form should be filed by the personal representative within two months after qualification, unless the requirement is waived pursuant to Ark. Code Ann. § 28-49-110(c)(1). Inventory should not include any property owned jointly with right of survivorship by the decedent and a third party, or any insurance proceeds or other benefits payable by beneficiary designation, unless such benefits are payable to the decedent's estate. An affidavit is required by Ark. Code Ann. § 28-49-110(a)(2).

Form 18.

[Caption]

AFFIDAVIT TO CLAIM AGAINST ESTATE

I, _____, do swear that the attached claim against the estate of _____, deceased, is correct, that nothing has been paid or delivered toward the satisfaction of the claim except as noted, that there are no offsets to this claim, to the knowledge of this affiant, except as therein stated, and that the sum of _____ Dollars (\$ _____) is now justly due (or will or may become due as stated). I further state that if this claim is based upon a written instrument, a true and complete copy,

including all endorsements, is attached.

Date: _____, ____.

[Signature]

[Affidavit]

Reporter's Note to Form 18: *See* Ark. Code Ann. §§ 28-50-103 - 28-50-104. If this affidavit is made by a corporation, organization, or anyone other than an individual in his or her own behalf, the representative capacity of the affiant must be clearly stated in the first line in the form and below the signature line. An affidavit is required by Ark. Code Ann. § 28-50-103(a).

Form 19.

[Caption]

APPRAISAL

The undersigned, _____, _____ and _____, having been appointed to appraise the property described below, represented to us by _____ as _____ to be property of the captioned estate, do appraise the value of each item as:

REAL ESTATE

Legal Description of Property and

Interest Therein Owned by the Estate

Value

_____ \$ _____

_____ \$ _____

Total Value: \$ _____

Each of the undersigned states on oath that [he] [she] is not interested in the estate, the property appraised, or the sale of any of this property; that [he] [she] believes [himself] [herself] to be well

informed concerning the value of the property appraised; and that the foregoing appraisal is on the basis of the full and fair value of the property.

Date: _____, ____.

[Appraiser]

[Appraiser]

[Appraiser]

[Affidavit]

Reporter's Note to Form 19: *See* Ark. Code Ann. § 28-51-302. This form is to be used by personal representatives and guardians of estates when real estate of the decedent or ward is to be sold, and in sales of personal property when an appraisal is required by the court. The court may approve the appointment of one appraiser instead of the three contemplated by the form to appraise real property, unless an heir or beneficiary of the estate objects. By statute, the appraisers must certify the appraisal under oath. Ark. Code Ann. § 28-51-302(b).

Form 20.

[Caption]

ACCOUNTING BY PERSONAL REPRESENTATIVE

_____ respectfully submits to the court [his] [her] account as _____ of this estate for the period beginning on [date] and ending on [date]. This account is submitted because [insert the occasion for filing of account as set forth in Ark. Code Ann. § 28-52-103(a)].

1. Charges to accountant: [If this is the first account, the first item should be the value of the estate as reflected by the inventory. If a subsequent account, the first item should be the balance shown by the previous account. Thereafter list separately, described in detail: (a) additional property received by accountant; (b) all income; and (c) gains from the sale, conveyance or other disposition of any property received by the accountant during the accounting period. Show the date of each transaction.]

Total Charges to Accountant: \$ _____

2. Credits, other than payments to distributees, to which accountant is entitled: [List separately (a) all disbursements, other than payments to distributees, and (b) all losses sustained on sales, conveyances or other dispositions of any property, describing each item in full. Show the date of each transaction.]

Total: \$ _____

3. Credits for money paid or assets delivered to distributees: [Itemize each disbursement of cash and describe in detail other assets delivered, showing opposite each asset the amount at which its value was estimated in the inventory or, if purchased by the accountant, its cost. Show the date of each transaction.]

Total: \$ _____

SUMMARY OF ACCOUNT

Charges to accountant: \$ _____

Credits as per paragraph 2: \$ _____

Credits as per paragraph 3: \$ _____

Total Credits: \$ _____

Balance remaining in hands of accountant: \$ _____

4. Description of balance remaining in hands of accountant: [List separately and describe in detail

each item of property remaining in the accountant's hands, showing the inventory value or cost of each.]

5. Changes in form of assets not affecting balance: [List separately and describe in detail all changes in the form of assets resulting from collections or sales at inventory or cost value and other such transactions. Show the date of each transaction.]

6. All outstanding liabilities of the estate of which accountant has knowledge are:

Total Liabilities: \$ _____

Vouchers evidencing cash disbursements and receipts evidencing other assets delivered for which accountant has taken credit are attached to this account.

THEREFORE, having fully accounted for the administration of this estate for the period set out above, accountant requests that, after proper advertisement and notice, if any, required by law or by the court, this account be examined, approved, and confirmed by the court, and that accountant be allowed the sum of \$ _____ as [his] [her] fee for services rendered during the period covered by this account.

[Signature]

[Affidavit]

Reporter's Notes to Form 20: See Ark. Code Ann. §§ 28-52-103 - 28-52-104. In the case of a final account, a request for an order of final distribution should be added, pursuant to Ark. Code Ann. § 28-52-105(b). This form should be filed by the personal representative unless the requirement is waived pursuant to Ark. Code Ann. § 28-52-104(c). Verification of the account is required by Ark. Code Ann. § 28-52-103(a). Form 31 is to be used for an accounting by a guardian.

Form 21.

[Caption]

NOTICE OF FILING OF ACCOUNTS

Pursuant to Ark. Code Ann. § 28-52-106, notice is given that accounts of the administration of the estates listed below have been filed on the dates shown by the named personal representatives.

All interested persons are called on to file objections to such accounts on or before the sixtieth day following the filing of the respective accounts, failing which they will be barred forever from excepting to the account.

Name of Estate	Name and Address of Personal Representative	Nature of Account	Date Filed
_____	_____	_____	_____
_____	_____	_____	_____

Date: _____, ____.

_____, Clerk.

By: _____, Deputy Clerk.

(Seal)

Reporter's Note to Form 21: By statute, the clerk must publish, in a newspaper published or having a general circulation in the county, a notice of estates in which accounts have been filed by personal representatives during the preceding month, listing in alphabetical order the names of the estates. Ark. Code Ann. § 28-52-106.

Form 22.

[Caption]

CITATION FOR FAILURE TO PRESENT ACCOUNT

To _____, the personal representative of this estate:

Being delinquent in the filing of your account of your administration of this estate, you are required to file that account within thirty (30) days after the date of service of this citation and to show cause why an attachment should not be issued against you for your failure to present your account according to law.

Date: _____, ____.

_____, Clerk.

By: _____, Deputy Clerk.

(Seal)

Reporter's Notes to Form 22: See Ark. Code Ann. § 28-52-103(c).

Form 23.

[Caption]

AFFIDAVIT FOR COLLECTION OF SMALL ESTATE

BY DISTRIBUTE

_____, _____ and _____, for the purpose of dispensing with administration of this estate, deceased, state on oath:

1. The decedent _____, aged ____, who resided at _____ in _____ County, Arkansas, died at _____ on or about [date]. No petition for the appointment of a personal representative for the decedent's estate is pending or has been granted.
2. More than forty-five (45) days have elapsed since decedent's death.
3. The value, less encumbrances, of all property owned by the decedent at the time of death,

excluding the homestead of and statutory allowances for the benefit of the surviving spouse or minor children, if any, of the decedent, does not exceed fifty thousand dollars (\$50,000).

4. There are no unpaid claims or demands against the decedent or the decedent's estate, and the Department of Human Services furnished no federal or state benefits to the decedent (or, that if such benefits have been furnished, the Department of Human Services has been reimbursed in accordance with state and federal laws and regulations).

5. An itemized description and valuation of the decedent's personal property; a legal description and valuation of the decedent's real property, including homestead, if any; and the names and addresses of persons having possession thereof or residing on any of the decedent's real property, are:

Description of Property, and Extent and Details of Encumbrances, if Any	Valuation Less Encumbrances	In Possession of
_____	_____	_____
_____	_____	_____

6. The names, ages, relationships to the decedent and residence addresses of the persons entitled to receive the property of the decedent as surviving spouse, heirs or devisees of decedent's will are:

Name	Age	Relationship	Residence Address
_____	_____	_____	_____
_____	_____	_____	_____

THEREFORE, the distributee[s] of this estate shall be entitled to distribution of the property identified above, without the necessity of an order of the court or other proceeding, upon furnishing a copy of this Affidavit, certified by the clerk, to any person owing any money, having custody of any property, or acting as registrar or transfer agent of any evidence of interest, indebtedness, property or right of the decedent.

Date: _____, ____.

[Affiant]

[Affiant]

[Affiant]

[Affidavit]

CERTIFICATE OF CLERK

The undersigned Clerk of the Probate Court of _____ County, Arkansas, certifies that this is a true copy of an affidavit filed in this court on [date], that the affidavit remains on file and that no petition for the appointment of a personal representative of this estate has been filed in this court.

Date: _____, ____.

_____, Clerk.

By: _____, Deputy Clerk.

(Seal)

Reporter's Notes to Form 23: See Ark. Code Ann. § 28-41-101. The language in parentheses in Paragraph 4 should be substituted for the language immediately preceding it if the Department of Human Services furnished benefits to the decedent. An affidavit by the distributee is required by Ark. Code Ann. § 28-41-101(a)(4). If an estate collected pursuant to this affidavit contains real property, the distributee, to allow for presentation of claims against the estate, may publish a notice promptly

after the affidavit has been filed. Ark. Code Ann. § 28-41-101(b)(2).

Form 24.

[Caption]

PETITION FOR APPOINTMENT OF GUARDIAN
OF THE PERSON AND ESTATE

The petitioner respectfully represents to this court that a guardian of the person and of the estate should be appointed for the incapacitated person whose name, date of birth, sex, and address are:

Name	Date of Birth	Sex	Residence Address
------	---------------	-----	-------------------

_____	_____	_____	_____
-------	-------	-------	-------

The nature of the incapacity and purpose of the guardianship sought for the incapacitated person are: [Insert the nature of incapacity and purpose of guardianship,
in accordance with the definitions and classifications set forth in Ark. Code Ann. §§ 28-65-101 & 28-65-104.]

The nature, extent and value of the property of the incapacitated person and the interest of the incapacitated person in that property, are: [Include approximate value and description of property, including any compensation, pension, insurance or allowance to which the incapacitated person may be entitled].

There is no guardian of the person or estate of the incapacitated person, except as follows: [State whether a guardian has been appointed in any state for the estate or person of the incapacitated person and if not, write "none."]

_____, whose address is _____, is related to or interested in the incapacitated person by reason of _____ and is legally qualified to serve as guardian of the person and estate of the incapacitated person.

[He] [She] is at present serving as guardian of the persons or estates of the incapacitated persons whose names and addresses are as follows: [List the names and addresses of any wards for whom the person whose appointment is sought is already guardian.]

Insofar as the petitioner has been able to ascertain, the persons most closely related, by blood or marriage, to the incapacitated person are:

Name	Relationship	Residence Address
_____	_____	_____
_____	_____	_____

The nature of the proposed ward's alleged disability is: [Set forth a statement of the alleged disability as defined by Ark. Code Ann. §§ 28-65-101(1) & 28-65-104.]

Petitioner recommends the following type of guardianship, having the scope and duration indicated: [Include a recommendation proposing the type, scope and duration of guardianship.]

The following facility or agency from which the proposed ward is receiving services has been notified of the proceedings: [Include a statement that any facility or agency from which the respondent is receiving services has been notified of the proceedings.]

The names and addresses of others having knowledge of the proposed ward's disability are:

Name	Residence Address
_____	_____
_____	_____

[Signature of Petitioner]

[Affidavit]

Reporter's Notes to Form 24: This petition is for a guardianship of both the person and the estate.

It should be modified if the guardianship is only of one or the other. By statute, incapacitated persons include those who are impaired by certain specified mental and physical disabilities, as well as persons under the age of 18 whose disabilities have not been removed and persons who are detained or confined by a foreign power or who have disappeared. Ark. Code Ann. §§ 28-65-101 & 28-65-104. Matters that must be enumerated in the petition are set forth in Ark. Code Ann. § 28-65-205. *See also* Ark. Code Ann. §§ 28-65-105 - 28-65-106 (purpose of guardianship proceedings and rights of incapacitated persons).

Form 25.

[Caption]

NOTICE OF HEARING FOR APPOINTMENT

To: _____

You are hereby notified that a petition has been filed in this court for the appointment of a guardian of the [person] [estate] [person and estate] of _____, an incapacitated person, and that the petition will be heard at ____ o'clock __.m., on [date] at the _____ County Courthouse, or at a later time or other place to which the hearing may be adjourned or transferred.

Date: _____, ____.

_____, Clerk.

By: _____, Deputy Clerk.

Reporter's Notes to Form 25: *See* Ark. Code Ann. § 28-65-207 (notice of hearing for appointment and methods for service of such notice); Ark. Code Ann. § 28-65-208 (persons who must be notified of the hearing). At least 20 days notice of the hearing must be given. Ark. Code Ann.

§ 28-65-207(c)(2).

Form 26.

[Caption]

APPLICATION FOR WRITTEN NOTICE

To: _____

The undersigned, _____, in accordance with Ark. Code Ann. § 28-65-209, requests written notice of all hearings on petitions for settlement of accounts, for the sale, mortgage, lease, or exchange of any property of this guardianship estate, for an allowance of any nature payable from the ward's estate, for the investment of funds of the estate, for the removal, suspension, or discharge of the guardian, or for final termination of the guardianship, and any other matter affecting the welfare or care of the incapacitated person or [his] [her] property.

The requested notice should be sent to the undersigned at the following address:

Date: _____, ____.

[Applicant or attorney]

[Mailing Address]

Reporter's Notes to Form 26: Pursuant to Ark. Code Ann. § 28-65-209, an interested party may, in person or by attorney, serve upon the guardian and upon his attorney, and file with the clerk of the court where the proceedings are pending, with a written admission or proof of service, a written request stating that he desires notice of some or all of the matters enumerated in this form. Unless the

court directs otherwise, upon filing the request, the person shall be entitled to notice of all such hearings or of such of them as he designates in his request.

Form 27.

[Caption]

GUARDIAN'S BOND

The undersigned, _____, as principal, having been appointed guardian of the [person] [estate] [person and estate] of _____, an incapacitated person; and _____, as suret __, acknowledge themselves to be jointly and severally obligated to the State of Arkansas, for the use and benefit of all persons interested, in the penal sum of _____ Dollars (\$ _____), conditioned as follows:

If the undersigned guardian shall well and faithfully account for his guardianship, as by law required, this bond shall become void; otherwise, it will remain in full force and effect.

Date: _____, ____.

_____, as Principal.

_____, as Surety.

_____, as Surety.

Approved this date: _____, ____.

_____, Clerk.

By: _____, Deputy Clerk.

Approved this date: _____, ____.

_____, Judge.

Reporter's Notes to Form 27: *See* Ark. Code Ann. § 28-65-215 (requirement for a bond). For the qualifying affidavit of personal sureties, see Form 7.

Form 28.

[Caption]

ACCEPTANCE OF APPOINTMENT AS GUARDIAN

The undersigned, _____, having been appointed guardian of the [person] [estate] [person and estate] of _____, an incapacitated person, hereby accepts the appointment.

Date: _____, ____.

[Signature]

Reporter's Notes to Form 28: This form is to be used only when no bond is required of the guardian.

Form 29.

[Caption]

LETTERS OF GUARDIANSHIP OF THE PERSON AND ESTATE

Be It Known:

_____, whose address is _____, having been appointed guardian of the person and estate of _____, an incapacitated person, and having qualified as guardian, is hereby authorized to have the care and custody of and exercise control over the incapacitated person and to take possession of and administer the property of the incapacitated

person, as authorized by law.

Date: _____, ____.

_____, Clerk.

By: _____, Deputy Clerk.

(Seal)

Reporter's Notes to Form 29: This form, prescribed by Ark. Code Ann. § 28-65-217, is for a guardianship of both the person and the estate. It should be modified if the guardianship is only of one or the other. If the powers, authorities, and duties of the guardian are limited, the letters of guardianship must clearly state, in bold print, that they are so restricted and the word "limited" must appear in both the title and in the body of the form. For designation of a process agent by a non-resident, *see* Form 9.

Form 30.

[Caption]

INVENTORY OF WARD'S ESTATE

The undersigned, guardian of the estate of _____, an incapacitated person, states on oath that to the best of my knowledge and belief, the following is a complete and accurate inventory of all property owned by the ward at the time of my appointment as such guardian, and that the amount set opposite each item of property is its fair market value at the time it came under my control as guardian:

REAL ESTATE

Legal Description and Extent of Ward's Interest	Encumbrances, Liens, Etc., and Respective Amounts Thereof	Net Value
_____	_____	\$ _____
_____	_____	\$ _____
Total value of real estate: \$ _____		

PERSONAL PROPERTY

Household Goods and Personal Effects

[This list should include, but not be limited to, furniture, household and yard equipment, clothing, jewelry, etc.]

Description	Encumbrances, Liens, etc., and Respective Amounts Thereof	Net Value
_____	_____	\$ _____
_____	_____	\$ _____

Other Tangible Personal Property

[This list should include, but not be limited to, automobiles and other motor vehicles, farm equipment, livestock, agricultural products, stocks of merchandise, any going business enterprise or interest therein, etc.]

Description	Encumbrances, Liens, etc., and Respective Amounts Thereof	Net Value
_____	_____	\$ _____
_____	_____	\$ _____

Intangible Personal Property

[List separately in detail: cash on hand; money on deposit, stating names and addresses of

depositories; bonds, stating names of issuers, interest rates, classes, maturity dates, serial numbers, face amounts, and dates to which interest is paid; corporate stocks, stating certificate numbers, names of issuers, classes, and number of shares; notes receivable, stating the names and addresses of makers, dates, amounts, interest rates, and dates to which interest paid, balances due, maturities, and security, if any; accounts receivable, stating names of debtors, dates of last items and balances due; and other intangibles, describing in detail.]

Description	Encumbrances, Liens, etc., and Respective Amounts Thereof	Net Value
_____	_____	\$ _____
_____	_____	\$ _____

Total value of personal property: \$ _____

SUMMARY

Total real property: \$ _____

Total personal property: \$ _____

Total estate: \$ _____

The undersigned is not indebted or obligated to the ward except as stated herein.

Date: _____, ____.

[Signature]

[Affidavit]

Reporter's Notes to Form 30: Paragraph (a) of Ark. Code Ann. § 28-65-321 provides that the inventory is subject to the same requirements for the inventory of a decedent's estate. *See* Ark. Code Ann. § 28-49-110. Among those requirements is an affidavit.

Form 31.

[Caption]

ACCOUNTING BY GUARDIAN

_____ respectfully submits to the court [his] [her] account as guardian of the estate of _____ for the period beginning on [date] and ending on [date]. This account is submitted because [insert the occasion for filing of account as set forth in Ark. Code Ann. § 28-65-320].

1. Charges to accountant: [If this is the first account, the first item should be the value of the estate as reflected by the inventory. If a subsequent account, the first item should be the balance shown on the previous account. Thereafter list separately and describe in detail (a) additional property received by accountant; (b) all income; and (c) gains from the sale, conveyance or other disposition of any property received by the accountant during the accounting period. Show the date of each transaction.]

Total charges to accountant: \$ _____

2. Credits, other than payments to distributees, to which accountant is entitled: [List separately (a) all disbursements, other than payments to distributees, and (b) all losses sustained on sales, conveyances or other dispositions of any property, describing each item in full. Show the date of each transaction.]

Total: \$ _____

3. Credits for money paid or assets delivered to distributees: [Itemize each disbursement of cash and describe in detail other assets delivered, showing opposite each asset the amount at which its value was estimated in the inventory or, if purchased by the accountant, its cost. Show the date of each transaction.]

Total: \$ _____

SUMMARY OF ACCOUNT

Charges to accountant: \$ _____

Credits as per paragraph 2: \$ _____

Credits as per paragraph 3: \$ _____

Total Credits: \$ _____

Balance remaining in hands of accountant: \$ _____

4. Description of balance remaining in hands of accountant: [List separately and describe in detail each item of property remaining in the accountant's hands, showing the inventory value or cost of each.]

5. Changes in form of assets not affecting balance: [List separately and describe in detail all changes in the form of assets resulting from collections or sales at inventory or cost value and other such transactions. Show the date of each transaction.]

6. All outstanding liabilities of the estate of which accountant has knowledge are:

Total Liabilities: \$ _____

Vouchers evidencing cash disbursements and receipts evidencing other assets delivered for which accountant has taken credit are attached to this account.

THEREFORE, having fully accounted for the administration of this estate for the period set out above, accountant requests that, after proper advertisement and notice, if any, required by the law or by the court, this account be examined, approved, and confirmed by the court, and that accountant be allowed the sum of \$ _____ as [his] [her] fee for services rendered during the period covered by this account.

[Signature]

[Affidavit]

Reporter's Notes to Form 31: Pursuant to Ark. Code Ann. § 28-65-320, a guardian of the estate must file with the court annually, within 60 days after the anniversary date of his or her appointment and also within 60 days after termination of his or her guardianship, a written verified accounting. Notice of hearing of every accounting must be given to the same persons in the same manner as required in connection with the petition to appoint the guardian, except that the court may dispense with notice to a mentally incompetent ward upon a satisfactory showing that such notice would be detrimental to his or her well-being.

Form 32.

[Caption]

ANNUAL REPORT OF GUARDIAN

_____, the duly appointed, qualified, and acting guardian of _____, an incapacitated person, submits this annual report to the court in accordance with Ark. Code Ann. § 28-65-322.

The current mental, physical, and social condition of the incapacitated person is: [Provide a summary.]

The present living arrangements of the incapacitated person are: [Describe those arrangements.]

The need for continued guardianship services is: [State whether there is a need for such services.]

Submitted with this annual report is the petitioner's accounting of the guardianship estate for the period beginning on [date] and ending on [date].

[Signature]

Reporter's Notes to Form 32: All guardians must file an annual report with the court, setting forth

the matters reflected in this form. *See* Ark. Code Ann. § 28-65-322. Any other information which is requested by the court or is necessary in the opinion of the guardian must also be included.

Form 33.

[Caption]

AGREEMENT OF DEPOSITORY

The undersigned, being [a bank in Arkansas insured by the Federal Deposit Insurance Corporation] [a savings and loan association in Arkansas insured by the Federal Savings & Loan Association Corporation] [a credit union in Arkansas insured by the National Credit Union Administration], received on deposit from _____, as guardian of the estate of _____, an incapacitated person, the sum of _____ Dollars (\$ _____) in cash on [date] and agrees not to permit any withdrawal from these funds unless authorized by order of this court.

Date: _____, ____.

[Authorized Officer or Agent of Depository]

Reporter's Notes to Form 33: By statute, the court may dispense with a bond for the guardian when the entire guardianship is in cash deposited on interest in any of the institutions identified in the form, provided that the value of the estate so deposited is not greater than the maximum amount of insurance provided by law for a single depositor. Ark. Code Ann. § 28-65-215(e). This form must be executed on behalf of the depository and filed with the probate clerk. For an enumeration of the types of authorized investments for guardianship funds, *see* Ark. Code Ann. § 28-65-311.