

## Utah State Bar Estate Planning and Probate Section

February 9, 2010

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Probate Case Manager

Common errors seen on probate filings at Third District include:

1. Incomplete or no addresses listed on petition for interested parties, including the petitioner.
2. The date of the Will being probated not being included in the "Wherefore"
3. Asking to adjudicate intestacy informally. (Can only be done formally)
4. Not offering any documentation or explanation why a Will's first choice as personal representative is not petitioning to be appointed PR.
5. Not realizing that probate Notices must be posted for 10-days prior to the scheduled hearing date.
6. Letters Testamentary (has a Will) vs. Letters of Administration (no Will)
7. That it is best to go formal if you do not have all of the required consents because Notices act as consents in a formal probate only, not an informal.
8. Submitting a copy of a Will - the Court must have the original or an Affidavit explaining where the original Will is and why we can't have it
9. Consents, waivers, acceptances, etc. - the original should always be filed with the Court
10. Filing fee for formal and informal probates is \$360.00 as of 5/12/09.

Probate information at Third District Court can be found on the court's website, [www.utcourts.gov](http://www.utcourts.gov) Or contact us at 450 S State St, POB 1860, Salt Lake City, UT 84111-1860 Telephone (801) 238-7162 Fax (801) 238-7396 or e-mail: [joannelb@email.utcourts.gov](mailto:joannelb@email.utcourts.gov)