

IN THE PROBATE COURT OF _____ COUNTY, ALABAMA

THE ESTATE OF

_____,

Deceased

}
}
}

CASE NO. _____

PETITION FOR PROBATE OF WILL

TO THE HONORABLE _____, JUDGE OF PROBATE:

_____, herein referred to as the "Petitioner," herewith files for probate and record a certain written instrument which purports to be the Last Will and Testament of _____, herein referred to as the "Deceased." In support of this petition, Petitioner respectfully represents and shows to your Honor the following facts:

1. The Deceased died on _____.
2. The Deceased was a resident of _____ County, Alabama at the time of death.
3. The Deceased owned property in _____ County, Alabama.
4. The Deceased left a Last Will and Testament dated _____, herein referred to as the "Will."
5. The Will was duly signed and published by the Deceased before two unrelated and disinterested adult witnesses on _____.
6. The Deceased and these witnesses simultaneously signed sworn statements in the form prescribed by §43-8-132 of the Code of Alabama before a notary public and the notary public thereupon affixed an official acknowledgement of these facts to the Will thus proving the Will as the genuine last will and testament of the Deceased pursuant to the requirements of the aforesaid statute.
7. The heirs at law and next of kin of the Deceased which are known to the Petitioner are listed below and their respective relationships, and residence are indicated, all of whom are over the age of majority:

 8. All of said heirs at law and next of kin are over the age of nineteen and are under no legal disability such as to require the appointment of a guardian *ad litem*.
 9. Petitioner has filed with this petition verified statements executed by all of the heirs of law and next of kin as above said other than the petitioner, which waive notice of any proceeding held hereunder.
 10. Petitioner is named as personal representatives in the Will.
 11. The Will specifically relieves the personal representatives from the requirement of providing a bond.

WHEREFORE, Petitioner prays that the Court will consider this petition, the Will which Petitioner has filed with this petition, the proof of the due execution and attestation of the Will, all without a formal hearing. Petitioner prays that that upon the Court's consideration of same that the Court will:

A. Admit the Will to probate and record as and for the Last Will and Testament of the Deceased;

B. Appoint Petitioner as the personal representative of the estate of the Deceased without being required to make or execute any bond or other security as such personal representative;

C. Grant Letters Testamentary to the Petitioner; and

D. Issue such further orders and decrees as may be requisite and proper to effect the due probate and recording of the Will according to law.

Respectfully submitted, _____ 20__.

PETITIONER

Law firm name, address and telephone number

Attorney for Petitioner

STATE OF ALABAMA }
COUNTY OF _____ }

Before me, the undersigned authority, personally appeared _____ whose name as Petitioner is affixed to the foregoing petition, who is known to me and who being first duly sworn deposes and says that he/she is informed and believes and that upon such information and belief states that the facts set out in the foregoing petition are true and correct.

PETITIONER

Sworn to and subscribed before me on _____ 20__.

NOTARY PUBLIC
My Commission Expires:

Note: Some courts require two petitions. One asking for the will to be admitted to probate with another separate petition for letters testamentary. The order granting these separate petitions can be in separate orders.