

**MUPC OPTIONS**  
(NO WILL)

**1. TO ADMINISTER THE ESTATE**

- Voluntary Administration
- Formal Testacy

**2. FOR APPOINTMENT OF PR**

- Informal Appointment
- Formal Appointment
- Supervised Administration
- Special Appointment

**3. FOR COURT OVERSIGHT**

- Unsupervised Administration - No oversight
- In and Out
- Supervised Administration – Full oversight

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**VOLUNTARY ADMINISTRATION**  
(NO WILL)  
Elements

- No statute of limitation
- Priority ladder does not apply
- Thirty (30) days must have passed since date of death
- Decedent cannot own real estate at the time of his or her death
- Decedent's personal property (excluding a car) must be **\$25,000** or less
- Decedent is a resident (“inhabitant”) of Massachusetts
- Interested person is filing the Voluntary
- The Applicant need not be a resident of Massachusetts

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**Fact Pattern-  
Primary Players**

- Decedent **DONNA**
- Husband/Ex of Decedent **HARRY**
- Adult Son **ANDY**
- Adult Daughter **DEBRA**
- Minor Daughter **MARY**
- Second Spouse of Decedent **SUE**

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**Fact Pattern-  
Secondary Players**

- Child of Decedent but not Spouse  
(spouse's step child)     **SANDRA-DEE**
- Child of Spouse but not Decedent  
(decedent's step child)   **SHANE-SCOTT**
- Brother of Decedent       **BOB**

**General Assumption**

Donna died domiciled in Massachusetts on January 2, 2012 and it is now March 1, 2012.

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**VOLUNTARY ADMINISTRATION**  
(NO WILL)

**Fact Pattern 1**

Donna dies, leaving her spouse, Harry, and their three children: Andy, Debra and Mary (a minor). Donna and Harry owned their house as tenants by the entirety. Donna owned a car and a bank account in her name alone. Donna does **NOT** have a will.

What are Harry's options?

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**VOLUNTARY ADMINISTRATION**  
Answer to Fact Pattern 1

Harry is an interested person.  
Harry may file a Voluntary Administration if:

- It is more than thirty (30) days since Donna's death
- Donna's bank account is \$25,000 or less.

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**INFORMAL PROCEEDING**

(NO WILL)

**Fact Pattern 1**

Donna dies, leaving her spouse, Harry, and their three children: Andy, Debra and Mary (a minor). Donna and Harry owned their house as tenants by the entirety. Donna owned a car and a bank account in her name alone. Donna does **NOT** have a will.

What are Harry's options?

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**INFORMAL PROCEEDING**

(NO WILL)

**Answer to Fact Pattern 1**

Informal proceedings may not be used to determine/adjudicate intestacy. Only formal proceedings determine/adjudicate intestacy.

(Harry may file an Informal proceeding only to seek appointment of a personal representative.)

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**FORMAL PROCEEDINGS**

(NO WILL)

The process for a Formal proceeding to adjudicate intestacy and determine heirs (with or without the appointment of a PR) is the same as a Formal proceeding to adjudicate testacy and determine heirs (with or without the appointment of a PR).

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**INFORMAL APPOINTMENT**

(NO WILL)

**Fact Pattern 1**

Donna dies, leaving her spouse, Harry, and their three children: Andy, Debra and Mary (a minor). Donna and Harry owned their house as tenants by the entirety. Donna owned a car and a bank account in her name alone. Donna does **NOT** have a will.

What are Harry's options?

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**INFORMAL APPOINTMENT**

(NO WILL)

**Answer to Fact Pattern 1**

As surviving spouse, Harry has priority for appointment and may file an Informal proceeding to be appointed PR. This option is available if the Voluntary is not filed (because the estate is over \$25,000).

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**INFORMAL APPOINTMENT**

(NO WILL)

**Fact Pattern 2**

CHANGE FACT PATTERN 1:

Donna had a child, Sandra-Dee, from a prior relationship. Donna had an investment account in her name alone worth \$300,000, and Sandra-Dee needs money for college. Harry and Sandra-Dee do not get along. Harry does nothing after Donna dies.

What are Sandra-Dee's options?

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**INFORMAL APPOINTMENT**

(NO WILL)

**Answer to Fact Pattern 2**

Harry, as surviving spouse, has the highest priority to be appointed PR. If Harry does not renounce (decline), Sandra-Dee can file (she's an interested person) but she may only seek to have Harry appointed because he has highest priority. If Sandra-Dee wants to be appointed, she must file a Formal proceeding to be appointed PR because she does not have the highest priority.

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**INFORMAL APPOINTMENT**

(NO WILL)

**Fact Pattern 3**

CHANGE FACT PATTERN 2:

Harry renounces (declines) and renounces the right to nominate another to serve in his place.

What are Sandra-Dee's options?

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**INFORMAL APPOINTMENT**

(NO WILL)

**Answer to Fact Pattern 3**

If Harry renounces (declines) the right to serve and the right to nominate someone to take his priority, Andy, Debra and Sandra-Dee have equal priority on the ladder. If Mary (minor) has a conservator or guardian, her conservator or guardian may exercise her rights. All persons with equal priority may agree to serve, but if they do not, all must consent to the nominee. If they do not, a Formal proceeding must be filed.

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