

**ADMINISTRATIVE RULES AND RULES OF PRACTICE OF THE  
PROVIDENCE PROBATE COURT**

In compliance with Rhode Island General Laws Title 33-22-29, the Providence Probate Court establishes and adopts the following as Administrative Rules of Practice:

**ACCOUNTS OF FIDUCIARIES:** All Accounts submitted by a Fiduciary must be certified to by the fiduciary and the attorney representing the fiduciary, or the Certified Public Accountant who prepared the account. as required by R. I.G.L. 33-14-2.2.

The Court may, in its discretion, require appropriate detail for **any** accounts filed. Notice of hearing for Accounts, **in addition** to advertising, shall be given by regular mail at least ten (10) days before the court hearing of the account to all **interested parties or their counsel**, unless notice is waived by said parties.

Accounts begin on Schedule A with the Inventory or Schedule C balance of the last allowed account.

Accounts showing proceeds from the sale of real estate shall be accompanied by the HUD settlement sheet.

An amended account, if submitted after the original account is advertised, shall not be re-advertised unless the original advertisement was not correct in its description of the account, i.e. failed to indicate the account was a final account or was an account for the proceeds from sale of real estate. Notice to interested parties shall be as stated herein.

**Adoption of Adults:** A petition for adoption of an adult (18 years of age or older) shall be filed with the Probate Court. A hearing shall be scheduled. Adult adoptions will only be permitted for the purpose of establishing a parent and child relationship between the adoptor and adoptee. (See In Re Jones, 122 R.I. 716 (R.I. 1980) and Uniform Adoption Act § 5-101) A notice of the hearing shall be given by regular mail at least ten (10) days before the hearing to 1.) the spouse of the prospective adoptive parent and 2.) the adoptee's parent or parents if alive.

**ALLOWANCE TO FAMILIES:** Petitions for allowance of support to families shall be advertised, with written notice or waiver to interested parties as set forth herein; the inventory for the estate must be filed before any hearing thereon.

**BONDS:** In any Probate case requiring a bond with corporate surety, **no riders or amendments** shall be accepted by the Court unless the rider or amendment is issued to correct an error in date or other administrative matter in the original bond, or to add an additional fiduciary to the existing bond. Increases in bond amounts shall be evidenced by a new bond in the increased amount, and not by rider. A consolidation of bonds may be allowed at the discretion of the court.

The same bonding company shall be used in all proceedings of a particular estate, unless the prior bond is cancelled, a new fiduciary is appointed, or the original surety company withdraws from Rhode Island, or ceases to be in the bond business. A successor surety company shall comply with all applicable laws of the state of Rhode Island and rules of the Department of Business Regulation.

**CERTIFICATES OF APPOINTMENT, etc.:** If there is no activity in a Probate matter for two (2) years from the qualification of a fiduciary, requests for certificate of

appointments or exemplified copies of records, shall be made **ex-parte** to the Court by a miscellaneous petition; after hearing thereon, the Court may authorize said requests.

Certificates will only be issued to named fiduciaries and attorney's for fiduciaries.

**CLAIMS OF CREDITORS:** Claims shall be filed in accordance with R I G L; the court **will not on its own initiative** deem a claim filed out of time or reject claims without a hearing . No final accounts or affidavits of complete administration will be allowed or accepted unless an affidavit is submitted by or on behalf of the fiduciary in compliance with **R.I.G.L. 33-11-5.1**, relative to notice to creditors in a form or similar form attached hereto as **EXHIBIT I**.

If a creditor agrees to accept less than the amount of the claim filed and if the Executor is **not authorized** by the decedent to compromise or settle claims and for all Administrations and Guardianships, a Miscellaneous Petition for compromise shall be filed and heard by the court.

Notice of the hearing shall be given by regular mail at least Ten (10)days before the hearing to all interested parties or their counsel, unless waived in writing. Thereafter or contemporaneously with the Petition, an executed release for the compromised amount shall be filed in the proceeding.

**Claims of the executor or administrator against the estate:** Pursuant to R.I.G.L. § 33-11-4, any claims of the executor or administrator against the estate of the deceased shall be filed with the probate court setting forth the nature and approximate amount of the claim, the name and address of the claimant and his or her attorney.

A hearing shall be scheduled. The petitioner shall give notice of the hearing by advertisement pursuant to R.I.G.L § 33-22-11 for least fourteen (14) days, once a week after the hearing is scheduled. In addition, the petitioner shall give notice to the beneficiaries of the estate by mailing to them by regular mail a notice of the hearing and a copy of the petition at least ten (10) days before the scheduled hearing. (R.I.G.L. § 33-22-3).

**COMMUNICATIONS WITH THE COURT:** Ex-parte communications, except for technical, formal and procedural related inquiries, **are prohibited**.

Written communications in any pending probate matter shall be sent or faxed to Providence Probate Court and **not** to the private offices of the Clerk and/or Judge.

Requests for continuances must be agreed to by all the parties in the proceedings whether represented or not; otherwise, the court will conduct a hearing, with notice, as to the request.

**CONSERVATORS:** Pursuant to R I G L, the court will, upon petition **filed by the proposed ward**, hear requests for conservatorship without medical evidence. Notice and advertisement shall be as set forth in the General Laws. Petitions for the appointment of a conservator by any other person shall follow the statutory scheme for the appointment of an adult guardianship.

**CONTINUANCES of COURT HEARINGS:**

- **CONTESTED MATTERS OF ANY TYPE:** If all the parties are represented by attorneys, the matter may be continued by **agreement**, without court approval provided notification is provided to the clerk's office prior to the hearing. If no agreement is reached **or** if there are pro se parties interested in the case who do not agree prior to the hearing, the request for continuance must be heard by the Court.
- **ADULT GUARDIANSHIPS:** If the matter has been properly advertised, the proposed ward served, notice sent to all interested parties and no objection or entry of appearance filed by/ for the ward or other interested party(s), the clerk's office shall be notified of the continuance by the Petitioner/ Counsel to a day certain and the Court shall set the matter down for hearing on said date.
- **ADVERTISED DECEDENT ESTATES:** May be continued to a new date, provided the statutory notice is provided to those parties requiring notice.
- **ALL OTHER MATTERS:** If the matter is formal, has been advertised (**if required**) and statutory or court required notice has been sent **and** no objection has been filed by any interested party, the matter may be continued with appropriate notice to all interested parties and without re-advertisement, provided notice is given to the Clerk's office of the new date.

**COURT SESSIONS:** The Court shall be in session every Tuesday and Thursday, (**except** during the months of July and August when the Court shall adopt and post it's Summer Session Schedule), from 10:00 a.m. to the later of 12:30 p.m. or until that day's docket is complete; special hearings shall be established at the discretion of the Court on any other day. Formal, uncontested matters shall be given a priority over contested matters at all sessions. Interested parties shall sign in on the docket sheet provided by the Clerk at each session before their matter can be heard.

**CUSTODIANSHIPS:** The Court may, under certain circumstances, appoint a custodian(s) for a deceased person's estate pursuant to R.I.G.L. 8-9-10. A pending Will or appointment of Administrator is a prerequisite to any appointment for custodian. Notice and/or advertisement for appointment of custodians is discretionary with the Court.

The Court may, in it's discretion, and dependent on the terms and conditions under which the appointment is made, allow the Custodian to close the estate by affidavit in a form or similar form to that attached hereto as **Exhibit II**.

**DISCOVERY:** Rule 26 through Rule 37 of Superior Court ("Rules for Discovery") are hereby adopted as the Providence Probate Court rules, in those cases where any interested party has requested discovery pursuant to R.I.G.L. 8-9-17. Discovery rules may be expanded upon leave of the court with appropriate notice to the other party(s).

Original discovery materials (depositions, interrogations and answers thereto, records, etc.) **shall not** be submitted to the Court except when they are being offered as evidence during a trial of the matter or as exhibits to a brief. The time for compliance with discovery orders, etc. shall be as the Superior Court Rules, unless a different schedule is agreed to by the parties or established with leave of court for just cause and after hearing thereon.

Proceedings under **RIGL 8-9-17** shall, upon request for and approval of Citation, and after service on the party to testify, be conducted under oath and shall be limited in scope as set forth in the Statute. No other witnesses shall be allowed to testify at said hearing other than the

party so served, unless agreed upon by all the parties thereto. Written interrogatories may be submitted by the inquiring party, in lieu of live testimony.

**FEES FOR ATTORNEYS AND ACCOUNTANTS:** A Court hearing, with notice as set forth in these rules, is required for all petitions for attorney and accountant fees in any estate for which **any Account is submitted**. Petitions for fees shall be accompanied by, but not limited to, documents indicating hours spent, the nature of the work provided, results obtained and any other documents, including retainer agreements, and the summary sheet as set out in **Exhibit IV** attached hereto, which may assist the Court in making its decision regarding fees. Assents by all interested parties, if obtained, shall also be submitted.

**FEES FOR FIDUCIARIES:** In ruling on a petition for approval of fiduciary fees, the Court shall consider, but not require, approval by the beneficiaries/heirs at law or persons entitled to notice in the filing of a petition for guardianship; the same procedures relative to notice, detail, etc. as established for attorney and accountant fees shall apply for fiduciaries.

**FOREIGN ORIGINAL PROBATE:** Petition(s) for the allowance of a Foreign Will or for the appointment of an Administrator of an out of state decedent filed as an original Probate for a non-resident of Rhode Island, in addition to R I G L requirements, must be accompanied by an Affidavit from the proposed fiduciary and a certification from the Clerk of the official entity having jurisdiction on the decedent's estate in the state or country of his domicile that no original probate is pending or has been opened in that jurisdiction

**FORMS:** **Until further notice**, the court will accept the **1999 forms** or the **older versions** in any probate proceeding.

**GUARDIANSHIPS:** The Court shall, from it's revolving list of interested and qualified individuals, appoint a Guardian ad litem each time a petition for guardianship is filed; the attorney for the petitioner shall notify said individual of their appointment and provide to that person all relative information concerning the matter.

The Decision Making Assessment Tool and Guardian ad litem report shall be submitted to the Court at least three (3) business days before the matter is to be heard.

The proposed guardian shall, subsequent to their appointment, submit an affidavit in form or similar to that set out on **EXHIBIT IV** herein attesting to their knowledge of their duties and other statutory requirements.

In all cases in which a guardian of the estate is appointed, except in those cases when a disinterested third party is appointed guardian of the ward's estate **or** the expense of the independent appraiser would, in the court's discretion, outweigh the benefit so obtained, an independent appraiser shall be appointed by the Court from its rotating list. The guardian or his/her attorney shall notify the individual so appointed, and provide all pertinent information relative to said appointment.

**Replacement guardians** in an existing guardianship shall re-file the legislative mandated guardianship petitions and comply with the statutory requirements for service, notice and advertisement. The requirement for an updated decision making assessment tool and/or report from a guardian ad litem shall be at the discretion of the court, depending on the facts and circumstances of each case whenever a replacement guardian is requested.

**Foreign guardians of the estate** of a nonresident ward owning real estate in Providence shall follow the mandates of R I G L 33-19-27; a Miscellaneous Petition shall be filed, with appropriate notice and advertising and after hearing and approval thereon, the R I G L procedures and Administrative Rules set forth herein for the sale or mortgage of real estate shall be followed. Thereafter, an Account of the transaction shall be filed with the court, and upon allowance thereof, the net proceeds from the sale of the real estate shall be delivered to the foreign guardian of the estate, as evidenced by his / her receipt, terminating the local probate matter.

**Affidavit of "poverty" in order to be qualified for a Good Samaritan guardian:** A person petitioning under R.I.G.L. § 33-15-4.1 for a Good Samaritan guardian must file an affidavit to the probate court. The affidavit must state that the proposed ward has insufficient funds to pay for the services of a guardian and that such an appointment would be in the best interests of the individual or whom the guardianship is proposed.

**Affidavit for appointment as a Good Samaritan guardian:** Pursuant to R.I.G.L. § 33-15-4.1, a person filing for appointment as a good Samaritan guardian shall file a guardianship petition with the probate court. He or she must also file an affidavit of his or her qualifications to serve as a Good Samaritan guardian. Example of affidavit is attached hereto as **EXHIBIT VIII**.

**MINOR GUARDIANSHIPS:** Provisions for **service** on the **proposed ward with a citation and copy of the petition** and notice to parents, children or next of kin shall be according to R I G L 33-15.1-10, 11. Appropriate affidavits and evidence of service on the proposed ward in compliance with the statutes shall be submitted at or prior to the hearing.

In those cases wherein one parent is deceased and credible evidence supporting the death is submitted and the surviving parent is petitioning for the appointment of a guardian or waives notice, no additional next of kin of the ward need be notified.

Service on wards twelve (12) and under shall be as ordered by the court upon **ex parte** miscellaneous petition showing facts and information sufficient to assist the court in determining who shall be served, in lieu of personal service on the proposed ward.

**MISCELLANEOUS PETITIONS:** In matters wherein no State form is suggested or prescribed, for motions, fee petitions, tax minimization, etc.; parties shall use Miscellaneous Petitions for the filing(s)

**NAME CHANGES:** For all persons over 18 years old, upon the filing of a petition to change the name and submission of a birth certificate and photo ID, Providence Police shall be notified and requested to provide a criminal background check before the Court will act on the petition. If a criminal record is reported, the Court may approve, deny or allow the petition be withdrawn without action.

For Petitions to change the name of a minor, the named parents on the birth certificate provided to the court, shall provide photo ID's and shall both join in the petition to change the name of the minor.

In cases having no father listed on the birth record, only changes of the given name or non-material corrections shall be heard; otherwise the matter shall be referred to the Rhode Island Family Court.

**NOTICE:** Notice of proceedings in Probate Court shall be as required by **R.I. General Laws**.

In matters where the statutes **are not specific or silent, ten (10) days written notice by regular mail** to the last known address shall be given to all **interested parties or their counsel**.

Notice may be waived by the parties by submission of waiver.

Interested parties (or their counsel) are:

- heirs at law for administrations
- beneficiaries for testate proceedings (after allowance of the will)
- statutory required entities in guardianships  
creditors of decedent and administrative  
creditors who have filed claims.

Appropriate **certification** shall be provided to the court and counsel indicating compliance of the **notice requirements**.

**ORDERS:** All orders in contested matters, or as may be requested by the court, shall be reviewed by opposing counsel pursuant to RIGL 33-22-31 before entry. If no objection is filed within the statutory period, the order shall thereafter enter; objections to orders shall be set for hearing by means of a miscellaneous petition for instructions.

**PETITION FOR SALE OR MORTGAGE OF REAL ESTATE:** Before a petition for sale is granted, a copy of the purchase and sales agreement shall be provided to the court; for either a sale or mortgage, an appraisal from an independent source shall be provided to the court (the appraisal shall not be from the listing or buyer's Realtor in the case of a sale).

**REAL ESTATE OWNED BY DECEDENT:** The duly appointed fiduciary is **requested** to file along with the inventory of the personalty owned by the decedent, a listing of any real estate owned by the decedents individually or as a Tenant in Common in the State of Rhode Island. This listing shall include the property address, Assessors Plat and Lot number or a copy of the deed into the decedent and shall be kept in the probate file. **No appraisal or statement of value is required.**

**RECORD OF PROCEEDINGS:** At the request of the Court, or the parties, a record of the proceedings will be made as follows: a stenographer provided, scheduled and paid by the attorneys; an electronic recording of the proceedings, provided by the Court; or both.

A separate room for a stenographer to reproduce the electronic records is available..

**RELEASES:** The Court, except for **extraordinary circumstances**, shall require a release from any individuals or entities entitled to all or a portion of any estate, whether the estate is closed through a Final Account or by an Affidavit of Complete Administration.

Paid funeral bills and Notice of Tax clearance from the State Division of Taxation (originals) as well as releases from any creditors shall be produced for decedent estates.

Final accounts for guardianships shall include a release from the ward if living, or if the ward dies, from the fiduciary for his/her decedent estate.

In order to release an adult from guardianship proceedings, a Decision Making Assessment Tool shall be submitted by the ward's treating physician evidencing the fact(s) that a guardian is no longer required; in addition, if the guardianship was for the estate of the ward, a Final Account from the Guardian or a release of the guardian from the former ward must be filed.

If a decedent estate or small estate proceeding for a deceased ward under guardianship is not required by law because there are no assets remaining in the estate, the Guardian shall provide evidence that the funeral bill is paid along with his Final Account and an original death certificate.

### **Removal or Replacement of Fiduciary for Cause:** (a) Commencement of Action and Hearing

Pursuant to R.I.G.L. § 33-18-3, a complaint shall be made by any interested party for the removal of an fiduciary. A citation, embodying the substance of the complaint, or a copy of the complaint annexed, shall be served to the fiduciary.

#### (b) Hearing, Advertisement, and Notice

A hearing shall be scheduled for the removal of the fiduciary. The petitioner shall give notice by advertisement pursuant to R.I.G.L. § 33-22-11 for least fourteen (14) days, once a week after the hearing is scheduled. In addition, the petitioner shall give notice to those interested persons by mailing to them by regular mail a notice of the hearing and a copy of the petition at least ten (10) days before the scheduled hearing.

(R.I.G.L. § 33-22-3).

#### (c) Failure to file Inventory and Final Accounting

Any fiduciary removed or replaced for cause is required to file an inventory and a Final Account of his tenure in said fiduciary capacity. Failure to do so may result in contempt proceedings with appropriated sanctions imposed.

If an executor or administrator (not guardians) neglect or fail to file an inventory and a Final Account, without reasonable cause, the probate court may decree that he or she is guilty of unfaithful administration of estate under R.I.G.L. § 33-17-17. An action may be brought upon the bond of the executor or administrator.

In the event that the said fiduciary above fail to file, the successor fiduciary may be required, as best as possible, to file an inventory and a Final Account for the replaced fiduciary. This does not relieve replaced fiduciary of any liability or duty to the estate or to the court.

#### (d) Responsibilities

Any successor fiduciary shall not be responsible to or liable to the estate as a result of the actions of a prior fiduciary or for the replaced fiduciary's account.

### **Replacement of Fiduciary: (replace existing administrative rule on Replacement, Removal or Resignation of Fiduciaries.)**

#### (a) Commencement of Action

If a petition for replacement of a fiduciary is due to the death of the fiduciary, the petition shall include a copy of the fiduciary's death certificate.

(b) Final Accounting

The successor fiduciary shall, as best as possible, file an inventory and a Final Account for the previous fiduciary. If no expenditures were made by the previous fiduciary and an inventory indicates no personal estate, an affidavit attesting to these facts shall be submitted with the Final Account.

(c) Notice and hearing

A hearing shall be scheduled for the replacement of the fiduciary. The petitioner shall give notice by advertisement pursuant to R.I.G.L. § 33-22-11 for least fourteen (14) days, once a week after the hearing is scheduled. In addition, the petitioner shall give notice to those interested persons by mailing to them by regular mail a notice of the hearing and a copy of the petition at least ten (10) days before the scheduled hearing. (R.I.G.L. § 33-22-3).

(d) Responsibilities

Any successor fiduciary shall not be responsible to or liable to the estate as a result of the actions of a prior fiduciary or for the replaced fiduciary's account.

**REOPENING OF CLOSED ESTATES:** Petitions for the reopening of closed estates shall follow the procedures for an original probate; **except** that in the case of a Testate decedent estate, the beneficiaries as well as the heirs at law shall be provided notice of the hearing. If all the parties entitled to notice do not waive their right to notice, the petition shall also be advertised. A Miscellaneous Petition shall be used to initiate the matter

At the hearing on the petition, evidence shall be provided to justify the reopening of the estate, including, but not limited to affidavits, testimony, documents, etc.

If there was no finding of insolvency of the original estate and all known or ascertainable creditors were notified and/or paid originally, there is no **requirement** for an advertised creditors notice if the petition is granted; the estate may close in the statutory manner after qualification and action by the fiduciary appointed herein (without waiting six months); otherwise, the R I G L procedures for creditor's notice, advertisement and duration for an estate being opened for an original probate shall be followed.

**Resignation of Fiduciaries:** (a) Commencement of Action

A fiduciary may file a petition to resign. The petition shall state the reasons for the resignation and may request the appointment of a substituted or successor fiduciary. When a fiduciary resigns, and there is no substituted or successor fiduciary already named, the court may, on its own initiative or on petition filed by any interested person, appoint a substituted or successor fiduciary. (R.I.G.L. § 33-18-4, and R.I.G.L. § 33-18-5.)

(b) Final Accounting

A petition for resignation of a fiduciary must be accompanied by an inventory and a final account. In the event there were never any assets in the estate, the fiduciary shall also include an affidavit attesting to this fact.



Pursuant to R.I.G.L § 33-18-4, no resignation shall be accepted until the fiduciary settled his or her accounts with the court.

(c) Hearing, Advertisement, and Notice.

A hearing shall be scheduled. The petitioner shall give notice by advertisement pursuant to R.I.G.L § 33-22-11 for least fourteen (14) days, once a week after the hearing is scheduled. In addition, the petitioner shall give notice to those interested persons by mailing to them by regular mail a notice of the hearing and a copy of the petition at least ten (10) days before the scheduled hearing. (R.I.G.L. § 33-22-3).

(d) Termination

Resignation of a fiduciary does not terminate the appointment of the fiduciary until the court enters an order accepting the resignation.

**SEALING OF RECORDS:** The Court may, upon request, seal the medical and related records of any parties to Probate Proceedings.

**SMALL ESTATES:** Decedent estates whose total assets are fifteen thousand dollars (\$15000.00) or less as defined in RI General Laws 33-24 may file a petition for Voluntary Informal Executor, pursuant to R. I. General Laws 33-24.2 or a petition for Voluntary Administration, pursuant to RI General Law 33-24.1 and utilize the forms suggested on **Exhibit V and VI** herein or facsimiles thereto.

**TAX MINIMIZATION:** Petitions regarding tax minimization, pursuant to Rhode Island General Laws Title 33-15-37.1, require advertising and notice to all interested parties or their counsel by regular mail at least ten (10) days before the hearing, unless waived by all interested parties.

**TRUSTEE REPLACEMENT:** Petitions for the replacement, resignation of Trustee in testamentary trusts shall be advertised, with notice sent pursuant to these Administrative rules.

**WAIVED MATTERS:** All matters to be heard on waiver, except for emergency matters, shall be filed at least two (2) days prior to their hearing.

**WILL FILING:** In cases where there are no assets upon which the Will of a decedent may act upon, the designated fiduciary or person in possession of the Will shall file the Will with an appropriate affidavit and filing fee with the court in order that the R I General Laws be complied with using a affidavit comparable to **Exhibit VII** herein.

**WITHDRAWAL FROM CASES AND EXCUSES OF ATTORNEYS:**

(a) Withdrawal of Attorney

No attorney appearing in any case will be allowed to withdraw without consent of the court, except when another attorney enters an appearance at the time of such withdrawal or the person previously represented by the withdrawing attorney formally enters his/her appearance pro-se with his/her address.

All withdrawals shall be upon motion with reasonable notice to the party represented. No such motion shall be granted unless the attorney who seeks to withdraw shall file with the probate clerk the last known address of his or her client. The address on file for the client shall be the official address to which notices shall be sent.

(b) Excuse from attendance

An attorney's request to be excused from Probate Court shall be made by motion. The motion shall be served upon the attorney of record of any interested parties or pro-sees for all matters the moving attorney is scheduled to attend during the time that the request is made for; the motion shall contain the following:

- (1) Period of time for which the excuse is requested.
- (2) The reason upon which the request is based.  
(only confidential personal matters may be made privately)
- (3) The estate name and number and the name of each attorney of record for each of the interested parties or pro-se individuals in the cases down for hearing.
- (4) A certification that the moveant has served a copy of the petition on each attorney of record or pro-se for those cases assigned during the period for which the excused is sought.
- (5) Where the moveant has active probate cases, but nothing assigned for hearing during the period for which the excuse is sought, a representation of that fact shall be made.
- (6) No excuses for attendance shall be granted unless the moveant has active probate cases pending.

(c) Illness or absence of attorney

In case of sudden illness of an attorney, or the attorney's absence from court as a result of other imperative and unforeseen cause, the court shall take such action, without notice, as shall appear reasonable under the circumstances.

The Probate Court reserves the right to **supplement, add to or amend** these Rules.

Suggestions for modifications or additions to these rules by attorneys or parties to the proceedings of the court are encouraged.

BY ORDER: \_\_\_\_\_

ENTER: \_\_\_\_\_

**EXHIBIT I**

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

PROBATE COURT  
CITY OF PROVIDENCE

ESTATE OF:

NO.:

**AFFIDAVIT OF NOTICE TO CREDITORS**

The undersigned, the duly appointed  
(title of fiduciary)  
for the above estate do/does on oath depose and say:

FIRST: That I/We have notified all known or easily ascertainable creditors, if any,  
of the above decedent of the pendency of this Probate case;

SECOND: That all known claims of creditors have been satisfied or denied by me/us  
in said fiduciary capacity;

THIRD: That any claims filed herein and denied by me/us have been compromised  
or adjudicated in this Court, Superior Court or District Court; or in the alternative, the Statutory  
period for appellate action for claims denied by me/us has expired as evidenced by Certificate  
from the appropriate Court Clerk attached hereto and made a part hereof.

IN WITNESS WHEREOF, the undersigned has/have executed this document this  
day of .

Subscribed and sworn to me this

day of

\_\_\_\_\_  
Notary Public

**EXHIBIT II**

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

PROBATE COURT  
CITY OF PROVIDENCE

ESTATE OF:

NO.:

**CUSTODIAN'S AFFIDAVIT**

of the City, Town of

County of                      State of  
an oath deposes and says that on the                      day of                      , he / she was  
appointed custodian of the personal property of the above captioned decedent and thereafter on,  
to wit, the                      day of                      qualified by filing a bond of \$                      with  
/without surety satisfactory to the Court.

That such appointment was sought in order that the deponent might have the charge and  
care of the personal property of the decedent until letters testamentary, of administration  
were granted;

That on the                      day of                      he/she qualified as executor/  
administrator by giving a bond of \$                      with/without surety whereupon letters  
testamentary/ letters of administration were duly issued.

That the personal property of the decedent has been preserved intact;

That all fees and incidental expenses connected with his/ her duties as custodian have  
been personally advanced by the deponent pending reimbursement in his/ her account as such  
executor/ administrator where he/ she will be charged with the gross amount of the personal  
estate of the decedent shown by his/ her inventory as such fiduciary filed in due course; and

That in as much as there is no basis for an account as such custodian, he/ she filed this  
affidavit in lieu thereof.

\_\_\_\_\_

Subscribed and sworn to before me by the above Custodian

\_\_\_\_\_  
Notary Public

**EXHIBIT III**

**ATTORNEY SUMMARY OF FEE ACTIVITY**

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

PROBATE COURT  
CITY OF PROVIDENCE

ESTATE OF

No.

APPLICATION FOR APPROVAL OF  
ATTORNEY FEES  
FOR THE  
  
ACCOUNT

Attorney :

Value of Gross Probate Assets:

Value of Non-Probate Assets:

Jointly Owned Assets :

Real Estate Individually owned:

OTHER (Detail)

Date of Death:

Date Fiduciary qualified:

Date Inventory filed:

Date Last Prior Account Allowed:

Detail any special problems and difficulties presented: (additional pages)

Approximate hours of attorney:        hours

**PLEASE ATTACH ITEMIZED TIME SPENT**

**EXHIBIT IV**

STATE OF RHODE ISLAND  
COUNTY OF PROVIDENCE

PROBATE COURT  
CITY OF PROVIDENCE

ESTATE OF:

No.:

(full age Limited Guardianship)

**AFFIDAVIT**

being the Proposed Guardian in the above-entitled matter, under oath

depone and say as follows:

1. That I have never been convicted of a felony offense;
2. That I have the ability to obtain a corporate surety bond to insure my fidelity in handling the assets of the Ward as will be ordered by the Probate Court.
3. That I am familiar with the duties of a Guardian of the Person and/or Guardian of the Estate in Rhode Island and will, to the best of my ability perform these duties for the well-being of the ward;
4. That I will provide the court with an Annual Status Report on the physical condition of the ward and if I am the Guardian of the Estate file annual accounts with the court, unless excused from doing so;
5. That I will keep the court informed of my current address;

IN WITNESS WHEREOF, the undersigned has executed this document this                      day  
of

Subscribed and sworn to before me on this                      day of

\_\_\_\_\_  
NOTARY PUBLIC

**EXHIBIT V**

**Petition for Voluntary Informal Executor**

( Pursuant to RI General Laws 33-24-2)

STATE OF RHODE ISLAND

PROVIDENCE PROBATE COURT

VIE # \_\_\_\_\_

Name of Decedent: \_\_\_\_\_

Address of Decedent: \_\_\_\_\_

Date of Death : \_\_\_\_\_

The Undersigned, the \_\_\_\_\_ of the Decedent does (do) on  
(named executor or relationship to Deceased )

Oath affirm, attest and say that:

- 1- He/ S he/ They i s/ are of full age, legal capacity.
- 2- That more than thirty (30) days has passed since the date of death and that no Petition for Probate of the Will has been filed in the city or town in which the Decedent resided.
- 3- That as far as the affiant knows, the following persons would inherit under the provisions of Rhode Island General Laws 33-1-10 in the case of intestacy:

	RELATIONSHIP		RELATIONSHIP
NAME :		NAME:	
ADDRESS:		ADDRESS:	
NAME:		NAME:	
ADDRESS:		ADDRESS:	
NAME:		NAME:	
ADDRESS:		ADDRESS:	

(if more space is needed, add a separate sheet)

4-That as far as the affiant knows, attached to this affidavit and made a part of it is a Schedule of all assets owned by the deceased as of his/ her date of death, with the value as of date of death listed, and that said Assets consist of Personal property only and do not exceed Fifteen Thousand ( \$15,000.00 ) Dollars. (exclusive of tangible property )

5- That pursuant to the original Last Will and Codicils, if any, filed herewith, the following beneficiaries would take under its provisions.

NAME :

NAME:

ADDRESS:

ADDRESS:

NAME:

NAME:

ADDRESS:

ADDRESS:

(if more space is needed, add a separate sheet)

- 6- That the undersigned will act as Voluntary Executor (s) / Administrator (s) for the deceased and will administer the Estate according to law and apply the proceeds of the Estate in conformity with the provisions of this Section of the Rhode Island General Laws. ( including the payment of the Funeral Bill ).

In Witness Whereof I / We sign this petition on the \_\_\_\_\_ day of \_\_\_\_\_ ,

\_\_\_\_\_  
NAME(S) OF AFFIANT(S)

\_\_\_\_\_  
ADDRESS(S)

STATE OF RHODE ISLAND  
PROVIDENCE, S.C.

In \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ , there  
personally appeared \_\_\_\_\_ known by me to be the person(s) signing this  
affidavit and he/ she/ they acknowledged said affidavit, by him/ her/ them signed to be  
his/her/their free act and deed.

\_\_\_\_\_  
NOTARY PUBLIC

REVIEWED \_\_\_\_\_

DATE: \_\_\_\_\_

PROBATE JUDGE

CERTIFIED : \_\_\_\_\_

DATE: \_\_\_\_\_

PROBATE CLERK

**SCHEDULE OF PERSONAL PROPERTY OWNED SOLELY BY THE DECEASED**

**\*(not to exceed \$ 15,000.00 in value, exclusive of tangible property)**



Description of personal property

Value

\*Tangible property must be listed and valued, but is not included in determining the total value of the estate.

**EXHIBIT VI**

**Petition for Voluntary Informal Administration**

STATE OF RHODE ISLAND

PROVIDENCE PROBATE COURT

VIA # \_\_\_\_\_

Name of Decedent: \_\_\_\_\_

Address of Decedent: \_\_\_\_\_

Date of Death : \_\_\_\_\_

The Undersigned, the \_\_\_\_\_ of the Decedent does (do) on Oath  
( relationship to the Decedent )

affirm, attest and say that:

- 1- He/ S he/ They i s/ are of full age, legal capacity and a resident of the State of Rhode Island.
- 2- That more than thirty (30) days has passed since the date of death and that no Petition for Probate has been filed in the city or town in which the Decedent resided.
- 3- That as far as the affiant knows, the following persons would inherit under the provisions of Rhode Island General Laws 33-1-10 in the case of intestacy:

RELATIONSHIP

RELATIONSHIP

NAME:

NAME:

ADDRESS:

ADDRESS:

NAME:

NAME:

ADDRESS:

ADDRESS:

(if more space is needed, add a separate sheet)

- 4- That as far as the affiant knows, attached to this affidavit and made a part of it is a Schedule of all assets owned by the deceased as of his/ her date of death, with the value as of date of death listed, and that said Assets consist of Personal property only and do not exceed Fifteen Thousand ( \$15,000.00 ) Dollars. (exclusive of tangible property).
- 5- That the undersigned will act as Voluntary Administrator (s) for the deceased and will administer the Estate according to law and apply the proceeds of the Estate in conformity with the provisions of this Section of the Rhode Island General Laws. (including payment of the Funeral Bill )

In Witness Whereof I / We sign this petition on the \_\_\_\_\_ day of \_\_\_\_\_ ,

\_\_\_\_\_  
NAME(S) OF AFFIANT(S)

\_\_\_\_\_  
ADDRESS(S)  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF RHODE ISLAND  
PROVIDENCE, S.C.

In \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ , there  
personally appeared \_\_\_\_\_ known by me to be the person(s) signing this  
affidavit and he/ she/ they acknowledged said affidavit, by him/ her/ them signed to be  
his/her/their free act and deed.

\_\_\_\_\_  
NOTARY PUBLIC

REVIEWED: \_\_\_\_\_  
PROBATE JUDGE

DATE: \_\_\_\_\_

CERTIFIED : \_\_\_\_\_  
PROBATE CLERK

DATE: \_\_\_\_\_

**SCHEDULE OF PERSONAL PROPERTY OWNED SOLELY BY THE DECEASED**  
**\*(not to exceed \$ 15,000.00 in value, exclusive of tangible property)**

Description of personal property

Value

\*Tangible property must be listed and valued, but is not included in determining the total value of the estate.

**EXHIBIT VII**

AFFIDAVIT OF NO PROBATE ASSETS

STATE OF RHODE ISLAND

PROBATE COURT OF THE

COUNTY OF PROVIDENCE

CITY OF PROVIDENCE

RE: Estate of:

AFFIDAVIT

I, The undersigned, \_\_\_\_\_, and  
Executor named in the will of \_\_\_\_\_, late of the City of  
Providence, deceased, being duly sworn on oath depose and say that to the best of my knowledge  
and belief there is no property upon which the attached instrument purporting to be the last will  
and testament of the said \_\_\_\_\_, dated \_\_\_\_\_, can operate,  
and therefore that there is no need for probate thereof at the present time.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20

\_\_\_\_\_  
Notary Public

**EXHIBIT VIII**

**STATE OF RHODE ISLAND**

**PROBATE COURT OF THE  
CITY OF PROVIDENCE**

**Estate of** \_\_\_\_\_

**AFFIDAVIT**

I, \_\_\_\_\_, being duly sworn do hereby depose under oath as follows:

**1.)** My name is \_\_\_\_\_, and my occupation is \_\_\_\_\_.  
I work at \_\_\_\_\_.

**2.)** My experiences relating to the care of the ward include:

\_\_\_\_\_  
\_\_\_\_\_.

**3.)** I am willing to serve as a limited guardian pursuant to R.I.G.L. § 33-15-8.1; and as long as I am appointed as a good samaritan guardian pursuant to R.I.G.L. § 33-15-4.1.

**4.)** If appointed as a limited good samaritan guardian, I agree that I will not seek any fees or monetary compensation for such services.

\_\_\_\_\_  
Signature \_\_\_\_\_ (name)

Subscribed and sworn to before me as to the truth of the facts above by \_\_\_\_\_ who  
resides in \_\_\_\_\_, \_\_\_\_\_ on \_\_\_\_\_ day \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Name

