

TOWN OF EAST GREENWICH
PROBATE COURT
FILING & FEE INFORMATION

This is a court of law. Decrees and judgments are legally binding. Fiduciary duties are defined and regulated by statute. Petitioners, respondents and parties of interest are **strongly** advised to seek legal representation. Those appearing before the court without representation do so at their own risk and responsibility. No legal advice will be dispensed by the Probate Judge or the various clerks of the court, including how to fill out probate forms.

Court sessions take place in the Town Council Chambers at the East Greenwich Town Hall at 9:00 a.m. on the 3rd Thursday of each month (unless it falls on a holiday).

Filing Deadlines:

- Advertised matters must be filed no later than the last Friday of the month prior to the hearing;
- Matters on waiver or non-advertised matters must be filed no later than 2 days prior to the scheduled hearing.

This Court directs all parties to RI General Law, Section 33 et seq for further information concerning practice and procedure in the probate courts of Rhode Island.

<http://www.sos.ri.gov/divisions/Business-Portal/forms/probate-forms>

PETITION FOR PROBATE OF WILL - (No Waivers filed-must be advertised 3 X)

- WILL (original)
- DEATH CERTIFICATE
- ATTORNEY OF RECORD (PC-9.2)

FILING FEE: If estimated personal estate value is \$150,000 or more:

maximum filing fee= \$1,500 + \$4 surcharge = \$1,504

OR: If unknown estate value:

minimum filing fee: \$ 30 + \$4 surcharge = \$ 34 (preferable)

PLUS: Advertising Pendency fee: \$25

AND Advertising Qualification fee: \$25

EXAMPLES:	Min. fee:	\$ 34	Max. fee:	\$1,504
	Adv/Pend:	25	Adv/Pend:	25
	Adv/Qual:	25	Adv/Qual:	25
	Total due at filing:	\$ 84	Due:	\$1,554

PETITION FOR PROBATE OF WILL - (On Waiver; No Pendency Advertising required)

- WILL (original)
- DEATH CERTIFICATE
- ATTORNEY OF RECORD (PC-9.2)
- WAIVER(S) signed by all heirs-at-law

FILING FEE: \$59.00 (minimum) or \$1,529.00 (maximum)

PETITION TO FILE WILL w/ NO ASSETS

- WILL (original)
- DEATH CERTIFICATE
- ATTORNEY OF RECORD FORM

FILING FEE: \$34 * No action taken; Petitioner/Attorney not required to attend hearing

ADMINISTRATION PETITION - (NO WILL EXISTS)

- DEATH CERTIFICATE
- ATTORNEY OF RECORD (PC-9.2)
- MUST BE ADVERTISED (3) X

FILING FEES & ADVERTISING REQUIREMENTS THE SAME AS PET/PROBATE WILL

PETITION FOR VOLUNTARY INFORMAL EXECUTOR ("Small Estate; § 33-24-2)

Value of **personal property** owned solely by decedent **must be < \$15,000**

- WILL (original)
- DEATH CERTIFICATE
- ATTORNEY OF RECORD or ENTRY OF APPEARANCE if "Pro se"
- PETITION MUST INCLUDE LIST OF PERSONAL PROPERTY IN DETAIL
- AFFIDAVIT OF NOTICE: HEIRS (if petitioner is not the spouse or sole heir-at-law)

FILING FEE: \$ 39 *Petitioner not required to attend hearing

PETITION FOR VOLUNTARY INFORMAL ADMINISTRATION (No Will; § 33-24-1)

Value of **personal property** owned solely by decedent **must be < \$15,000**

- DEATH CERTIFICATE
- ATTORNEY OF RECORD or ENTRY OF APPEARANCE if "Pro se"
- PETITION MUST INCLUDE LIST OF PERSONAL PROPERTY IN DETAIL
- AFFIDAVIT OF NOTICE: HEIRS (if petitioner is not the spouse or sole heir-at law)

FILING FEE: \$39 *Petitioner not required to attend hearing

PETITION FOR SALE OR MORTGAGE OF REAL ESTATE

- PETITION MUST BE ACCOMPANIED BY (2) CURRENT STATEMENTS OF MARKET VALUE FROM LOCAL REAL ESTATE AGENTS/APPRAISERS
- MUST BE ADVERTISED (3) X UNLESS WAIVER (ALL HEIRS) FILED (§ 33-22-7)

FILING FEE (Advertising): \$25

ACCOUNTS

- CERTIFICATION OF ACCOUNTING NEEDED, OR CHECKS & STATEMENTS ARE REQUIRED TO BE FILED FOR REVIEW
- MUST BE ADVERTISED (3) X

FILING FEE (Advertising): \$25

AFFIDAVIT OF COMPLETE ADMINISTRATION

- RELEASES OF ALL HEIRS & BENEFICIARIES
- RECEIPTED FUNERAL BILL
- STATEMENT OF "NO TAX DUE" OR RECEIPTED INHERITANCE TAX BILL FROM STATE OF RI/DIV OF TAX
- AFFIDAVIT OF NOTICE TO CREDITORS & RI-EOHHS (§ 33-11-5.1 & § 33-11-5.2)
- AFFIDAVIT OF NO REAL PROPERTY OR CERTIFICATE of DEVISE or DESCENT
(Duly recorded in Land Evidence)

FILING FEE: \$34 * Petitioner / Attorney not required to attend hearing

GUARDIANSHIP PETITIONS

(Attorney representation HIGHLY recommended)

- COMPLETED PETITION - MUST INCLUDE NAMES & ADDRESSES OF ALL HEIRS
- DECISION MAKING ASSESSMENT TOOL (D.M.A.T) -Adults
- ATTORNEY OF RECORD FORM
- MUST BE ADVERTISED (3) X

* Authorization letter for petitioner to obtain a nationwide BCI with the RIAG or East Greenwich Police Department will be provided by Court upon filing of petition

FILING FEES SIMILAR TO PET/PROBATE WILL:

1% of value of personal estate of ward + \$4 surcharge to a max. of \$1,500
If unknown: min. filing fee \$ 34
+ Adv/Pend. Fee 25
+ Adv/Quals.Fee 25
Total due at filing: **\$ 84**

PETITION FOR CHANGE OF NAME -Adult (Minor ; No Adv. ;see Probate Clerk)

- COMPLETED PETITION - NEATLY PRINTED OR PREFERABLY TYPED
- BIRTH CERTIFICATE (copy taken; original to be given back to petitioner)
- State of RI - B.C.I. (to be obtained by petitioner: www.riag.ri.gov/BCI)
- MUST BE ADVERTISED (3) X

FILING FEE: **\$59** * Petitioner to attend hearing

INVENTORY (§ 33-15-9)

The filing fee would be computed as follows:

1% of value of Inventory personal assets (to a maximum of \$150k), minus the initial filing fee paid when estate was opened, usually \$30.

- **INVENTORY ACCEPTED FOR FILING; PROBATE CLERK TO CALCULATE FEES DUE AND NOTIFY ATTORNEY OR PETITIONER**

MISCELLANEOUS PETITIONS

FILING FEES USUALLY **\$34**

CLAIMS WITHIN TIME

NO FILING FEE

CLAIMS OUT OF TIME - (To be Adv. 3 x) FILING FEE **\$59.00**

COPIES:

COPIES OF PROBATE DOCUMENTS (Including Wills) : **\$1.50 per page**

- CERTIFIED COPIES \$1.50 per page + \$3 certification fee
- EXEMPLIFIED COPIES \$1.50 per page + \$9.00 cert/exemplification fee

CERTIFIED COPY - CERTIFICATE OF APPOINTMENT (Form PC-3.3) \$5

CERTIFIED COPY OF NAME CHANGE PETITION W/ DECREE \$5

CERTIFIED COPY OF VOLUNTARY INFORMAL ESTATE APPROVAL \$5