

Voluntary Administration

This is what to file when a person dies - owning personal property having a value less than \$15,000 (not counting the value of a motor vehicle) in his or her own name and did not leave a will. It allows an informal administration of such small estates. The deceased person is called a decedent. What he/she owns in his/her own name is termed the assets of the estate. Jointly owned assets are not part of the estate. Personal property means items that are not real estate. If the value of the assets of the estate of a decedent is less than \$15,000.00, the assets consist of personal property only, and the decedent did not leave a will, an applicant may file a Statement of Voluntary Administration at least 30 days after the date of death. The applicant must be the surviving spouse, a child, grandchild, parent, brother, sister, niece, nephew, aunt or uncle of the decedent and MUST be an inhabitant of Massachusetts. The applicant must submit the form(s) to Plymouth County Probate and Family Court either by mail or in person.

What to file:

- Filing fee of \$135.00 (Payable to "Plymouth Probate Court". Bank check or money order is required. No personal checks are accepted.)
- Statement of Voluntary Administration. Read "Important Information" about Filling out the Statement" below before filling in this form.
- Certified copy of the death certificate

IMPORTANT INFORMATION ABOUT FILLING OUT THE STATEMENT OF VOLUNTARY ADMINISTRATION

- The applicant must provide all requested information.
- Be sure to include the vehicle identification number of the motor vehicle, if applicable
- The list of heirs and joint owners MUST be completed. DO NOT LEAVE THIS SPACE BLANK!
- The paragraph referring to those who would take under Section 3 of Chapter 190 means heirs at law of the decedent. Surviving spouses are reminded that the decedents' children or children of a deceased child are also heirs at law and must be listed in the space. If there are no such children, then the applicable heirs at law must also be listed.
- Be sure to check the box on the statement that includes a certification that the applicant has sent copies of the statement and death certificate to the Division of Medical Assistance by certified mail to the address indicated thereon. You MUST comply.

PLEASE NOTE:

If you do not include all the requested information on this form, we will be unable to accept it for filing and it will be returned to you.

What to expect after you file:

- After you file the Voluntary Administration papers with the Court, the papers must be processed. Processing requires that the estate needs to be indexed, assigned a docket number, file stamped, docketed into the official court docket, and the filing fee needs to be documented and forwarded to the State's Account.
- If no other probate proceeding for administration of this estate is pending in the Court, the Register will issue an attested copy of the statement which you have filed and will mail same to you.
- Upon receipt of the attested copy, the Voluntary Administrator may perform his/her duties as set forth in M.G.L. Ch. 195, Sec. 16. You may gather any assets listed in the statement and discharge expenses and debts, as provided in said section 16.
- If there are stock certificates that need to be transferred or liquidated, the stock transfer agent may require a Certificate of Appointment. The fee to obtain same is \$20.00. (To request a copy, fill out the Request for Copy form.

Where to file:

All papers above should be filed:

By mail to:

Plymouth County Probate and Family Court
ATTN: Probate Department
52 Obery Street
Plymouth, MA 02360

In Person at:

Plymouth County Probate and Family Court
52 Obery Street
Plymouth, MA 02360

Or

Plymouth County Probate and Family Court
215 Main Street
Brockton, MA 02301

- Robert E. McCarthy, Register of Probate