

PROBATE

1

EMERGENCY AUTHORITY FOR FUNERAL AND BURIAL ARRANGEMENTS

(Application for Emergency Appointment
of “Special Administrator”)

(Forms and Instructions)

FORMAL PROBATE APPLICATION FOR EMERGENCY APPOINTMENT OF SPECIAL ADMINISTRATOR (for Funeral and Burial Arrangements)

CHECKLIST

You may use the forms and instructions in this packet if . . .

- ✓ Someone has died and there is no living spouse, no court-appointed Personal Representative of the Estate (executor), or other person currently authorized or immediately available to make necessary funeral and burial or other arrangements for disposition of the remains, and
- ✓ You want to be appointed “Special Administrator” with authority to make urgent funeral and disposition arrangements ONLY, and
- ✓ You do not want to be appointed “Personal Representative” (commonly known as “executor”) of the Estate at this time.

NOTE: There is a filing fee for this request.

- You may apply to have this fee deferred (to pay later), or waived (to not pay at all).
- If appointed, you are entitled to reimbursement *from the estate* (if funds available) for reasonable expenses incurred in performing the duties of “Special Administrator”, including this filing fee.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website.

APPLICATION FOR EMERGENCY APPOINTMENT OF “SPECIAL ADMINISTRATOR” (for funeral arrangements)

This packet contains court forms and instructions to file an emergency request for the formal appointment of a “Special Administrator” when there is no living spouse of the deceased or other person currently authorized or immediately available to make urgent funeral arrangements. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

Instructions: How to apply for emergency appointment as Special Administrator for funeral arrangements

These are the steps to ask the Court to make an emergency appointment of a "Special Administrator" with authority to make arrangements for handling the remains of a deceased person when no one has yet been appointed as "Personal Representative" (executor) of the estate.

This is an emergency request to be given authority to make decisions and arrangements without advance notice to other parties who would otherwise be entitled to know about it ahead of time. This is a serious matter and the Court will not grant this request unless it is satisfied this is an urgent situation.

1. Complete All Forms: Fill out all the forms completely and in black ink except for those portions for Court use. You will need to complete all or part of the following forms:

- Probate Cover Sheet.
- Application for Emergency Appointment of Special Administrator.
- Letters of Appointment and Acceptance of Appointment.
- Order Appointing Special Administrator.

"Probate Cover Sheet"

- Leave "Case Number" blank. The Court will supply a case number when you file the papers.
- Write in the information requested about the person who died (the decedent), and the person who is applying to be appointed Special Administrator (called "Petitioner" on this form).
- Leave "Reason Fees Not Paid" and "Court Location Requested" blank for Court use.
- Under "Nature of Action", under Section 200 for "Estates", check the box next to 210 for "OTHER", and write in "Emergency Special Administrator" (which you may abbreviate to "Emergency Special Admin").
- Sign your name on page 2 (No other information is required on page 2 for this process).

"Application for Emergency Appointment of Special Administrator"

Read this form and write in the information requested. Signing and filing this form is a statement to the Court that the information you have supplied is true and correct, under penalty of perjury.

"Letters of Appointment" and "Acceptance of Appointment" (both on 1 page).

- Write in only the name of the person who died and the name of the person requesting appointment as Special Administrator.
- Leave the date and signature spaces under "Letters of Appointment" blank for Court use.
- You will later need to sign at the bottom of the form under "Acceptance of Appointment".

"Order Appointing Special Administrator"

- Write in only the name of the person who died and the name of the person to be appointed as Special Administrator.
- Leave the date and signature spaces blank for Court use only.

What to do next, after you have completed all forms:
Go to the "Procedures" page, the last document in this packet, and follow the steps listed concerning the number of copies to be made, filing your papers, and getting your Court Order.

**SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY**

FOR CLERK'S USE ONLY

PROBATE COVER SHEET

Case Number: _____

A person needing a guardian or conservator is the "ward." A person who died is the "decedent."

Name(s) of the Ward(s), Decedent(s), Trust(s), or Individual(s):

1. _____
2. _____
3. _____
4. _____

The person who is filing this case is the "petitioner."

Name(s), Address(es), Telephone Number(s), and Email Address(es) of the Petitioner(s):

1. _____
2. _____
3. _____
4. _____

Information About Petitioner's Attorney:

☐ Petitioner is not represented by an attorney, or

Name: _____

BAR #: _____

Telephone: _____

Email: _____

☐ An Interpreter is needed for this language: _____
(List Name(s) of) Person(s) who need interpreter:

Name: _____

Name: _____

Name: _____

STAFF USE ONLY: REASON FEES NOT PAID: ☐ Government Charge ☐ Deferred ☐ Waived

NATURE OF ACTION: Place an "X" next to number which describes the nature of the case. Check only one.

200 ESTATE

- ☐ 201 Formal Appointment of Personal Representative
- ☐ 202 Informal Appointment of Personal Representative
- ☐ 203 Ancillary Administration
- ☐ 204 Affidavit of Succession to Realty
- ☐ 205 Trust Administration
- ☐ 206 Formal Probate of Will
- ☐ 207 Informal Probate of Will
- ☐ 208 Proof of Authority
- ☐ 210 Other _____
Specify
- ☐ 211 Single Transaction/Limited Conservatorship
- ☐ 212 Foreign Domiciliary

220 CONSERVATOR

- ☐ 221 Minor
- ☐ 222 Adult Incapacitated Person

230 GUARDIANSHIP

- ☐ 231 Minor
- ☐ 232 Adult (including those with Dementia, Alzheimer's)
- ☐ 233 Adult Requiring Inpatient Psychiatric Treatment

240 GUARDIANSHIP-CONSERVATOR COMBINATION

- ☐ 241 Minor
- ☐ 242 Adult (including those with Dementia, Alzheimer's)
- ☐ 243 Adult Requiring Inpatient Psychiatric Treatment

250 PUBLIC HEALTH

- ☐ 251 Petition for Court Ordered Isolation or Quarantine
- ☐ 252 Application for Order to Show Cause Re: Release from Isolation or Quarantine
- ☐ 253 Petition for Court Hearing Re: Conditions or Treatment During Isolation or Quarantine
- ☐ 254 Application for Order for Disclosure of Communicable Disease Information
- ☐ 255 Miscellaneous

Today's Date: _____

Signature of Petitioner or Petitioner's Attorney

Notice: Submit this form with new cases only. If there is already a (Yuma County) Probate Court case number and you are filing in an existing Superior Court case in Yuma County, do not submit this form.
--

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

In the Matter of the Estate of

Case No. _____

Deceased

APPLICATION FOR EMERGENCY APPOINTMENT OF SPECIAL ADMINISTRATOR (for Funeral Arrangements) A.R.S. § 14-3614

1. My name is _____, and I hereby apply to the Court for emergency formal appointment of a Special Administrator for the estate of the above-named deceased for the express limited purpose of making funeral and disposition arrangements.
2. My relationship to the deceased is: _____
3. The deceased died on this date: (Month, Date, Year) _____
4. VENUE: The deceased was domiciled in Yuma County in the State of Arizona, at the time of death, making this the proper venue for this request.
5. There is no Personal Representative presently qualified and acting for this Estate.
6. It is necessary that a Special Administrator be appointed to act on behalf of the Estate for the express limited purpose of making any and all funeral and burial or other disposition arrangements for the decedent's remains because there is no other authorized person who is presently willing or able to perform these duties.
7. The estimated value of decedent's property over which the Special Administrator will have control is \$ [NONE].
8. Bond is not required because the Applicant will only be authorized for the limited purpose of making funeral and disposition arrangements for the decedent.
9. I am a proper person qualified to act as Special Administrator, and I request that I, or the following named qualified person (if applicable) _____ be appointed as Special Administrator for this Estate pending the appointment of a general Personal Representative for the express and limited purpose of being granted full authority to make any and all funeral and disposition arrangements for the decedent's remains with a local funeral home, cemetery or other facility.

The information I have provided on this document is true and correct, under penalty of perjury.

DATED this _____ day of _____, 20____.

Name of Applicant

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

FOR CLERK'S USE ONLY

In the Matter of the Estate of:

Case No. _____

LETTERS OF APPOINTMENT and ACCEPTANCE OF APPOINTMENT OF SPECIAL ADMINISTRATOR

Deceased

ISSUANCE OF LETTERS

_____ is hereby appointed as Special
Administrator of this estate.

The Special Administrator shall only be permitted to exercise the following powers:

- The Special Administrator is expressly authorized to make all funeral arrangements for the decedent at a local funeral home and cemetery or other facility for the disposition of remains.

The appointment shall terminate upon the earlier of the appointment of a general Personal Representative for the Estate or the completion of funeral and burial or other disposition arrangements.

Dated this _____, 20____,

Deputy Clerk of Court

ACCEPTANCE OF APPOINTMENT

I accept the duties of Special Administrator of the Estate of the above-named person who has died and affirm or swear that I will perform the duties assigned.

Signature of Special Administrator

Printed Name

**SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY**

FOR CLERK'S USE ONLY

In the Matter of the Estate of:

Case No. _____

Deceased.

**ORDER FOR
EMERGENCY APPOINTMENT OF
SPECIAL ADMINISTRATOR
(for FUNERAL ARRANGEMENTS)**

An Emergency Application for formal Appointment of Special Administrator has been submitted by _____ ("the Applicant") requesting appointment as the Special Administrator.

The undersigned is satisfied that the Applicant is a proper person qualified to act as Special Administrator pursuant to all applicable provisions of A.R.S. Title 14, Chapter 3, Article 6.

THEREFORE, _____ is appointed as Special Administrator of decedent's Estate, without bond, for the express limited purpose of authorizing any and all funeral and burial or other disposition arrangements for the decedent's remains with a local funeral home and cemetery or other facility.

The appointment shall terminate, in accordance with A.R.S. §14-3618, upon the earlier of the appointment of a general Personal Representative or the completion of all funeral arrangements for the decedent.

DATED this ____ day of _____, 20____.

Judicial Officer

Procedures: What to do after completing all Forms To get an Emergency Court Order appointing a Special Administrator for Funeral Arrangements

Step 1: Make 2 copies of the following documents after you have filled them out.

- “Application for Emergency Appointment of Special Administrator” *
- “Letters of Appointment and Acceptance of Appointment” *

and: Make 1 copy of the “Order Appointing Special Administrator” *

* These documents are referred to below, respectively, as:

“The Application”, “Letters and Acceptance”, and “Order Appointing”

Step 2: Separate your documents into one set of originals, and two sets of copies:

<p>Set 1 - Originals for Clerk of Superior Court:</p> <ul style="list-style-type: none">• “Probate Cover Sheet”• “The Application”• “Letters and Acceptance”• “Order Appointing”	<p>Set 2 – Copies for you:</p> <ul style="list-style-type: none">• “The Application”• “Letters and Acceptance”• “Order Appointing”
<p>Set 3 – Copies for judicial officer</p> <ul style="list-style-type: none">• “The Application”• “Letters and Acceptance”• “Order Appointing”	

Step 3: File the papers at the court:

Go to the Clerk of Superior Court’s filing counter: The court is open from 8:00 a.m.-5:00 p.m., Monday-Friday. You may file your court papers at any of the following Superior Court location:

Yuma County Justice Center
Clerk of Superior Court
250 W. 2nd Street
Yuma, Arizona 85364

Present the originals and both sets of copies to the Clerk of Superior Court at the filing counter and pay the filing fee. Note that you are entitled to reimbursement from the estate of the deceased (if funds are available) for this and other reasonable expenses incurred in performing the duties of Special Administrator (Keep records and receipts). A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court's website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center.

The Clerk of Superior Court will keep the originals, stamp the extra copies to show that these are copies of papers you have filed with the court, and return the stamped copies to you. These stamped sets of copies are now called "conformed" copies.

Step 4: Purchase a certified copy of "the letters" to give to the funeral home.

- This is proof you have been appointed by the Court and that you have the legal authority to make arrangements as described in the "Letters of Appointment".
- There is a fee for the Certified Copy. A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court's website.