

YAVAPAI COUNTY
Self Service Center

INFORMATION ABOUT FILING THE PETITION FOR APPROVAL OF ANNUAL (OR FINAL) ACCOUNT, PROPOSAL FOR DISTRIBUTION, AND INSTRUMENT OR DEED OF DISTRIBUTION

Petition for Approval of Account: You may file a Petition to ask the Court to approve how the estate is being or was managed. You **are not required** to file a Petition for Approval of Annual/Final Account, but you can file this Petition if you want the Court to do a **formal** closing or if you have some accounting or distribution issues that you want the Court to resolve. Also, if the Estate is not closed within one (1) year after your appointment as Personal Representative, or as may be otherwise ordered by the Court, the Court may order you to file an account. To help you complete the Petition, you should read and follow the ACCOUNT GUIDELINES in the instruction packet. If you file a Petition asking the Court to approve the account, the Judge may order you to pay an accounting fee.

HOW TO FILE THE PETITION FOR APPROVAL OF ACCOUNT, if you choose to file this document. Remember, you do not have to file the Petition for Approval of Account unless you want to see the judge regarding some accounting issues OR if a distributee objects to your proposed distribution (see Packet 94(b)).

STEP 1 COMPLETE THE PETITION FOR APPROVAL OF ACCOUNT AND ORDER

APPROVING ACCOUNT: Complete the Petition for Approval and the Form for Submission of the Annual/Final Account. The Form for Submission of Annual/Final Account should be **ATTACHED** to the Petition for Approval. Complete the Order Approving Account.

STEP 2 COPIES: Make **one (1) copy** of the Petition for Approval for your records. (After you have filed the Petition, you can make copies of your court-conformed copy to send to each of the interested parties.) Make enough copies of the Order Approving Account for distribution to counsel and other parties to the case.

STEP 3 FILE THE DOCUMENT WITH THE COURT: File the **original Petition for Approval** with the Probate Clerk of Court. Also, submit the **original Order Approving Account AND a self-addressed, postage-paid envelope so the Clerk's Office can send a copy of the Order Approving Account after it is signed by the Judge.** Bring the extra copy of the Petition for Approval of Account and the Form for Submission of Annual/Final Account for the Clerk to conform (date-stamp). The Clerk of the Court will keep the originals for the Court file and return a set of copies to you. (You should make copies of your court-conformed copy to send to the other interested parties.) Also bring the copies of the Order for Approving Account.

If you cannot or do not want to file the original documents in person, you may mail them to the Probate Clerk at the same location where your case is pending. Include a self-addressed, stamped envelope so the Clerk can return your conformed copies to you.

Your hearing will be set by the Division assigned to your case and a notice will be sent to you in the mail informing you of the hearing date, time, and place.

STEP 4 GIVE NOTICE OF THE “NON-APPEARANCE” HEARING TO EVERYONE ENTITLED TO NOTICE: After you receive the information about the date, time, and place of the “non-appearance” hearing, you must give notice to all interested persons. Complete the NOTICE OF THE HEARING, and send copies to all interested persons. Be sure that you do this at least **14 days before the hearing**. You do not need to give formal notice by personal service, but **you do need to mail or deliver the Notice of Non-Appearance Hearing or Notice of Hearing to the other interested parties**. First-class, postage-prepaid mail is sufficient. Certified or Registered mail is an extra step you can take to prove that the person you want to have notice did get the Notice.

STEP 5 COMPLETE AND FILE THE OTHER COURT PAPERS: Complete the PROOF OF NOTICE, stating how and when you gave notice to interested persons. Make one extra copy of each of the following documents. File the originals with the Probate Clerk of Court and get the conformed copy back from the Clerk.

- Notice of Hearing File original Get back 1 stamped copy
- Proof of Notice File original Get back 1 stamped copy
- Waiver of Notice File original Get back 1 stamped copy
(if signed by interested parties)

You do not need to come to the “non-appearance” hearing. The purpose of a “non-appearance” hearing is to give persons who object to the paperwork the opportunity to let the judge know they have an objection. So, if someone shows up at the scheduled “non-appearance” hearing, the Court will reset the hearing for a new date, time and place. You will get notice of the new hearing date in the mail from the Clerk of Court. If you receive a new hearing date, you must go to the hearing.

Court approval of the account is required. At or after the “non-appearance” hearing date, the Judge will decide whether to approve the Petition for Approval or ask you to give additional information. If the Petition for Approval is not approved, be sure to follow the instructions on the Court order you receive from the Judge.