

Name: \_\_\_\_\_  
Mailing \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Representing: \_\_\_\_\_

**SUPERIOR COURT OF ARIZONA, PIMA COUNTY**

In the Matter of the Estate of: \_\_\_\_\_ ) No.  
) )  
) **GENERAL ORDER TO PERSONAL**  
) **REPRESENTATIVE,**  
Date of Birth: \_\_\_\_\_ ) **ACKNOWLEDGMENT AND**  
) **INFORMATION TO**  
) **HEIRS AND DEVISEES**  
\_\_\_\_\_ Deceased. )

The best interest of this estate is of great concern to this Court. As Personal Representative, you are subject to the power of the Court. To help avoid problems and to assist you in your duties, this Order is entered. You are required to acknowledge receiving this information and must provide a copy of this Order to all of the heirs and beneficiaries of the estate.

Unless an interested party pays the Court filing fee and files a written objection, this Court will not review or supervise your actions as Personal Representative. In Arizona, beneficiaries of an estate are expected to protect their own interests in the estate. The Personal Representative is required to provide sufficient information to the beneficiary to permit the beneficiary to protect his or her interests. An outline of **some** of the duties of the Personal Representative is provided to all parties. The Court may hold a Personal Representative personally liable for any damages caused to the estate by breach of these duties.

**Personal Representative duties**

The duties of the Personal Representative are found in Chapter 3, Title 14 of the Arizona Revised Statutes (A.R.S.). As a fiduciary, the Personal Representative must never use estate assets for his or her personal benefit. Estate assets must be kept separate from the assets of the fiduciary or the assets of others. **Address Changes:** Pursuant to Pima County Local Rule 9.1(e)(2), during the term of your appointment as Personal Representative, you must immediately notify the Court in writing of any change of address. The Personal Representative has these duties to the estate and beneficiaries:

1. A duty of impartiality (not to favor the interest of one party over another);
2. A duty of undivided loyalty (not to put your own interest in conflict with those of the estate); and
3. A duty to administer the estate with care and prudence.

## **The Personal Representative's Tasks**

1. Collect and inventory the assets of the estate;
2. Manage these assets during the period of administration and pay the estate bills (including family allowances, claims of creditors, expenses of administration, and any taxes which may be due); and
3. Make distribution to the heirs or the beneficiaries under a will.

In Arizona, we have a flexible system of estate administration that provides a choice as to the degree of formality with which you open or close the estate and as to the extent of Court supervision over the actions of the personal representative. No matter how the estate is administered, **the Personal Representative must observe the standards of care of a trustee** (A.R.S. §14-3701 et. seq.). Additional information about the duties of the Personal Representative includes:

1. **Give Notice of Appointment.** Within 30 days of appointment in an informal proceeding, the Personal Representative must mail notice of appointment and a copy of this Order and Acknowledgment to all persons interested in the estate, and file proof with the Court that this notice has been given.

If appointed in a formal proceeding before the Court, the Personal Representative need not provide notice of appointment; however he or she must provide a copy of this Order and Acknowledgment to each person interested in the estate. Remember it is the personal representative's obligation to provide all heirs and devisees with a copy of this Order and Acknowledgment.

2. **Give Notice of Admission of Will to Probate.** Within 30 days of the admission of a will to probate, the Personal Representative must mail a copy of the will to all persons interested in the estate, and file proof with the Court that this has been done. Any party wishing to contest the admission of the will to probate as decedent's last will must file a timely objection with the Court and pay a filing fee to the Clerk. (A.R.S. §§ 14- 3306 and 14-3412, as amended.)
3. **Publish Notice to Creditors.** The Personal Representative must publish a notice to creditors once a week for three consecutive weeks in a Pima County newspaper of general circulation informing creditors that unless they present their claims against the estate within the prescribed time, the claims will not be paid. In addition, the Personal Representative must mail a copy of the notice to all known creditors.
4. **Prepare Inventory and Appraisal.** Within 90 days after being appointed, a Personal Representative must prepare a written inventory of the assets of the estate describing the assets and providing a date-of-death value for those assets. The inventory must be either: 1) provided to the interested persons and a proof of mailing filed with the

Court; or 2) filed with the Court and a copy provided only to those interested persons who request it.

5. **Protect, Manage and Invest Assets.** The Personal Representative has the responsibility to collect all the probate assets of the decedent and to manage and control them prior to distribution. Assets must be re-titled to show ownership in the name of the estate.
6. **Pay Family Allowances.** The Arizona Probate Code provides a surviving spouse and/or minor children with a family allowance and other allowances designed to provide support during the period of administration. The amount of these statutory allowances is set by statute. These allowances are paid before creditors. (A.R.S. §§ 14-2401 et. seq.)
7. **Pay Taxes.** The Personal Representative has the obligation to file the final federal and state income tax returns for the decedent as well as any gift tax returns. In addition, a estate tax return or fiduciary tax returns may be required.
8. **Account.** The Personal Representative has a duty to keep records of all cash and other financial transactions of the estate and to provide written accountings to the beneficiaries. Early in the administration of the estate, you should set up an estate accounting system.
9. **Pay Debts and Expenses.** The Personal Representative must determine which claims and expenses are valid and should be paid. If there are sufficient assets, the Personal Representative is responsible for paying the valid claims and expenses. Prompt written notification must be given to creditors whose claims are not allowed or will not be paid in full. If there are not sufficient estate assets to pay all valid claims, claims should be paid according to law. (A.R.S. § 14-3805)
10. **Distribute.** The assets of the estate belong ultimately to the beneficiaries and not to the personal representative, and it is good practice to make distributions to beneficiaries as soon after the expiration of the creditor claim period as can safely be done.
11. **Compensation.** The Personal Representative and any attorney employed by the Personal Representative are entitled to be paid reasonable compensation for their work by the estate considering the time and difficulty of the work involved. Accurate time records are essential for determining the amount of compensation.
12. **Close the Estate.** When administration is complete, the estate must be closed, either informally or by formal Court order. In informal closings, a closing statement is filed with the Clerk and a copy sent to all persons receiving a distribution from the estate as well as all creditors whose claims were allowed but unpaid. The Probate Registrar will close the estate 1 year after the closing statement is filed by Minute Entry or will sign the Certificate of Registrar if there is no action pending before the Court. In formal closings, the administration and proposed distribution of the estate is approved by the Court and the Personal Representative is immediately discharged or released from liability by Court order.

THIS IS ONLY AN OUTLINE OF **SOME** OF YOUR DUTIES AS PERSONAL REPRESENTATIVE. IT IS **YOUR** RESPONSIBILITY TO OBTAIN PROPER LEGAL ADVICE ABOUT YOUR DUTIES. FAILURE TO DO SO MAY RESULT IN PERSONAL FINANCIAL LIABILITY FOR ANY LOSSES.

**WARNING: FAILURE TO OBEY THE ORDERS OF THIS COURT AND THE STATUTORY PROVISIONS RELATING TO PERSONAL REPRESENTATIVES MAY RESULT IN YOUR REMOVAL FROM OFFICE AND OTHER PENALTIES. IN SOME CIRCUMSTANCES, YOU MAY BE HELD IN CONTEMPT OF COURT, AND YOUR CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL, FINE, OR BOTH.**

**ACKNOWLEDGMENT:** I acknowledge receiving a copy of this Order and my obligation to provide a copy of this Order to all heirs and beneficiaries. I agree to be bound by its provisions, whether or not I have read it before signing, as long as I am Personal Representative of the above named estate.

\_\_\_\_\_  
Signature of Personal Representative

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Date Signed