

Commonwealth of Massachusetts

The Trial Court

Hampshire Division

Probate and Family Court Department

Docket No. _____

In the Estate of _____

**Information and Rights of Interested Parties
(G.L. c.215 § 30B)**

1. A petition has been presented to the Court by _____
(Name of Petitioner)

of _____
(Street) (City/Town) (zip)

to be appointed _____ of the estate of _____

2. This information is being sent to you as a party who is believed to have a legal interest in this case in order to inform you of your rights.

3. The papers related to this case are on file at the _____ Probate and
(Division)
Family Court located at _____
(Street) (City) (Phone No.)

4. The petitioner may ask you to **assent** to his/her appointment or to actions taken by him/her after his/her appointment. Your assent allows the Court to act on a matter without further notice to you or a hearing. Before you assent, you should carefully read the information in this form, and you may want to seek the advice of a lawyer. After you assent, you cannot ask the Court to reconsider except for fraud or manifest error.

5. An individual or corporation (corporate fiduciary) appointed as an executor, administrator, guardian, conservator or trustee is often called a **fiduciary** because they act in a position of trust and are responsible for their actions in administering the estate. The fiduciary must accept the appointment and agree to perform the duties of the position by filing a **bond**. The bond must have sufficient sureties in an amount approved by a judge to provide guarantees that the fiduciary will discharge his/her duties under the law. An individual fiduciary can be exempt from providing sureties if the requirement is waived by the deceased person in his/her will. Corporate fiduciaries are exempt from giving sureties on their bond by statute. In addition, the heirs of the estate, and other interested persons, other than creditors, may assent to the bond being without sureties. No provision for waiving sureties on the bond is provided in a guardianship of the estate or conservatorship. Interested persons may request a judge to require sureties on the bond at any time. An action on the bond may be brought by an interested person, if a fiduciary has failed to perform the duties of the position.

6. A fiduciary is required, within three months of appointment, to file an **inventory** of the real and personal property which has come into the fiduciary's possession or knowledge. If no inventory is filed, an interested person may petition the Court to order the fiduciary to file an inventory.

(OVER)

7. A fiduciary appointed by the Court is required, as a condition of the bond, to file an **account** at least once per year. The account should contain the amount of property from the inventory and property received after the inventory was filed, income received, debts paid, distributions made, fees paid to the fiduciary or others, and the money or property remaining in the estate. A fiduciary may ask you to assent to his/her account. An assent signed by you means that you agree with all items reported by the fiduciary in the account. Before you assent you should read the account carefully, have all your questions answered and be satisfied that the account is accurate. If a fiduciary fails to file an account when it is due, an interested person may petition the Court to order the fiduciary to file an account. You may have to contact the Court to find out if an account has been filed. If a fiduciary files an account and asks the Court to approve it, a notice of the request is required to be sent to persons who have a legal interest in the estate. After notice has been received that the fiduciary intends to ask the Court to approve the account, it is the responsibility of the interested parties to examine the account and to object to any items which they regard as inappropriate. If you wish to object to the allowance of the account, you must file a written appearance with the Court on or before the date in the notice (the return day). Specific objections must be filed within thirty (30) days of the return date. If no objections are made, the Court may allow the account without further notice or hearing.

FIDUCIARY'S RETURN OF SERVICE

I hereby certify, under the penalties of perjury, that I have given a copy of the Information and Rights of Interested Parties to the interested parties in this matter.

	Name	Method of Notice Mail/in Hand/Other (specify)
1.		
2.		
3.		
4.		
5.		
6.		

Date: _____

Signature _____
(Person Seeking Appointment)

Name _____
(Please Print)