

ARKANSAS FORM BOOK – PROBATE EDITION 2023

TABLE OF CONTENTS

Preface
Introduction
Table of Contents

CHAPTER 1 ACKNOWLEDGMENTS AND AFFIDAVITS

Note on Acknowledgments
01-01 Acknowledgment: Individuals
01-02 Acknowledgment: Entities and Trusts
01-03 Acknowledgment: Attorney in Fact
01-04 Affidavit: General
01-05 Affidavit: Verification of Pleadings
01-06 Affidavit: Custodian (Hospital Records Act)
01-07 Affidavit: Custodian of the Records

CHAPTER 9 DECEDENTS ESTATES

Introduction
Note: Formatting Instructions
09-01 Petition for Probate of Will and Appointment of Personal Representative
09-02 Petition for Appointment of Administrator
09-03 Notice of Hearing (re: Appointment of Personal Representative)
09-04 Proof of Service (re: Notice of hearing)
09-05 Waiver of Notice and Entry of Appearance
09-06 Proof of Will (After Death)
09-07 Order Probating Will and Appointing Personal Representative
09-08 Order Appointing Administrator
09-09 Certificate of Probate
09-10 Order Appointing Special Administrator
09-11 Bond of Personal Representative
09-12 Qualifying Affidavit of Personal Sureties
09-13 Order Approving Bond of Personal Representative
09-13A Waiver of Bond
09-14 Acceptance of Appointment as Personal Representative
09-15 Designation of Process Agent
09-16 Letters Testamentary
09-17 Letters of Administration
09-18 Notice of Probate of Will and Filing of Claims

09-19 Notice of Appointment of Administrator and Filing of Claims
09-20 Notice of Probate (No Personal Representative Appointed)
09-21 Notice to Surviving Spouse
09-22 Election of Surviving Spouse
09-23 Petition for Award of Statutory Allowances
09-24 Order Awarding Statutory Allowances
09-25 Petition for Authority to Make Advancement to Minor Distributee
09-26 Order Directing Advancements to Minor Distributee
09-27 Inventory of Estate of Decedent
09-27A Waiver of Inventory and Accounting
09-28 Affidavit to Claim Against Estate
09-29 Endorsement of Claim by Personal Representative
09-30 Petition for Allowance of Claim
09-31 Order Allowing and Authorizing Payment of Claim
09-31A Receipt and Release
09-32 Petition for Payment of Expenses of Administration
09-33 Order Allowing and Authorizing Payment of Expenses of Administration
09-34 Notice of Hearing to Approve Estate Expenses
09-35 Notice of Hearing on Claim
09-36 Petition for Authority to Sell Real Property
09-37 Order for Hearing on Petition to Sell Real Property
09-38 Notice of Hearing on Petition to Sell Real Property
09-39 Appraisalment
09-40 Order Authorizing [Sale/Mortgage/Lease] of Real Property
09-41 Notice of Sale of Real Estate at Public Auction
09-42 Report of Sale
09-43 Consent to Immediate Confirmation of Sale
09-44 Order Confirming Sale of Real Estate
09-45 Petition for Authority to Sell Personal Property
09-46 Order Setting Hearing on Petition for Authority to Sell Personal Property
09-47 Notice of Hearing on Petition to Sell Personal Property
09-48 Order Authorizing Sale of Personal Property
09-49 Report of Sale of Perishable Property
09-50 Order Approving Sale of Perishable Property
09-51 Affidavit for Discovery of Assets
09-52 Order Directing Appearance for Examination
09-53 Petition to Determine Heirship
09-54 Order Determining Heirship
09-55 Accounting by Personal Representative
09-56 Order Settling and Approving Account of Personal Representative
09-57 Petition for Allowance and Payment of Fees
09-58 Order Allowing and Authorizing Payment of Fees
09-59 Petition for Authority to Make Partial Distribution
09-60 Order for Hearing on Petition for Partial Distribution
09-61 Notice of Hearing on Petition for Partial Distribution
09-62 Order Authorizing Partial Distribution

09-63 Petition for Approval of Final Accounting, Final Distribution, and for Discharge of Personal Representative

09-64 Order of Hearing on Final Accounting, Approval of Final Accounting, and Petition for Final Distribution and Discharge

09-65 Notice of Hearing on Final Distribution

09-66 Order Approving Final Accounting, Final Distribution, and Discharging Personal Representative

09-67 Report of Final Distribution

09-68 Order Approving Report of Final Distribution

09-68A Receipt of Distributee

09-69 Demand for Notice of Proceedings for Probate of Will or Appointment of Personal Representative

09-70 Request for Special Notice of Hearings

09-71 Motion for Citation to Cause Production of Last Will and Testament

09-72 Citation to Produce Last Will and Testament

09-73 Contest of Last Will and Testament: Statement of Grounds of Objection to Admitting Last Will and Testament to Probate

09-74 Notice of Contest of Last Will and Testament: Before Probate

09-75 Notice of Contest of Last Will and Testament: After Probate

09-76 Petition to Probate Last Will and Testament of Non-Resident and Application for Ancillary Letters

09-77 Order to Probate Last Will and Testament of Non-Resident and Granting Issuance of Ancillary Letters

09-78 Petition for Removal of Personal Representative and to Revoke Letters Testamentary or of Administration

09-79 Order Removing or Confirming Personal Representative and Revoking Letters

09-80 Petition for Order for Disposition of Property of Decedent Not Paid For

09-81 Order Directing Disposition of Property Not Paid For

09-82 Petition for Disposition of Mortgaged Property of the Estate

09-83 Order Authorizing Disposition of Mortgaged Property

09-84 Petition to Abandon Property

09-85 Order Authorizing Abandonment of Property

09-86 Petition for Authority to File Suit on Behalf of Estate

09-87 Order Authorizing Personal Representative to File Suit

09-88 Petition to Continue Business of Decedent

09-89 Order Authorizing Continuation of Business

09-90 Petition by Personal Representative to Borrow Money

09-91 Order Authorizing Personal Representative to Borrow Money

09-92 Petition to Perform Decedent's Contract of Sale

09-93 Order Authorizing Personal Representative to Perform Decedent's Contract of Sale

09-94 Petition by Interested Party for Sale, Mortgage, Lease or Exchange of Property

09-95 Order for Sale, Mortgage, Lease or Exchange of Property

09-96 Bond for Sale, Mortgage, Lease or Exchange of Property

09-97 Bond to Prevent the Sale, Mortgage, Lease or Exchange of Property

09-98 Application for Substitution of Foreign Personal Representative

09-99 Order of Substitution

09-100 Affidavit for Collection of Small Estate by Distributee
09-101 Petition for Probate of Will Without Administration
09-102 Order Admitting Will to Probate Without Administration
09-103 Disclaimer
Appendix A: Checklist for Probate Administration
Appendix B: Desktop Checklist for Probate Administration

CHAPTER 17

WILLS AND TRUSTS

17-01 Last Will and Testament
17-02 Additional Last Will and Testament Clauses
 A. Specific Bequests
 B. Appointment of Guardian
 C. Payment and Distributions to Minors
 D. Adopted Child Clause
 E. Change of Life Insurance Policy Beneficiary
 F. Common Disaster Clause
 G. Rule Against Perpetuities Savings Clause
 H. Spendthrift Provision
 I. Distributions in Absence of Spouse or Descendants
 J. Testamentary Trust
 K. Annual Accountings
 L. Tax Elections of Trustee
 M. Subchapter S
 N. Principal and Income
 O. Generation-Skipping Tax
17-03 Codicil to Last Will and Testament
17-04 “Pour-over” Will Designed to Add Probate Assets to Testator’s Existing Revocable Trust
17-05 Revocable Trust of an Unmarried Grantor Having an Estate Valued Below
 the Federal Tax Exemption
17-06 Revocable Trust of a Married Grantor Having an Estate Valued Above the
 Federal Estate Tax Exemption (Often Accompanied by a Mirror or Reciprocal Trust
 by Grantor’s Spouse)
17-07 Joint Revocable Trust by a Married Couple Having an Estate Valued Below
 the Federal Estate Tax Exemption
17-08 Short Trust Agreement
17-09 Certification of Trust
17-10 Amendment to Revocable Trust

CHAPTER 20

MISCELLANEOUS

Note: Formatting Instructions
20-01 Durable Power of Attorney
20-02 General Power of Attorney

- 20-03A Statutory Form POA
- 20-03B Statutory POA Certification
- 20-04 Living Will Declaration
- 20-05 Optional Organ and Tissue Donation
- 20-06 Petition for Change of Name
- 20-07 Order for Name Chang
- 20-08 Petition for Removal of Disabilities
- 20-09 Order for Removal of Disabilities
- 20-10 Notice of Representation
- 20-11 School Records Authorization

Assignments

- 20-12 Assignment on Written Instrument
- 20-13 Assignment of Open Account
- 20-14 Assignment by Separate Instrument
- 20-15 Assignment of Mortgage and Note
- 20-16 Assignment of Judgment
- 20-17 Assignment of Lease

HIPAA - Health Insurance Portability and Accountability Act

- 20-18 HIPAA-Compliant Medical Records Release
- 20-19 Checklist for Valid Authorization
- 20-20 Business Associate Agreement
- 20-21 Request for Information – Individual
- 20-22 Request for Information – Covered Entity
- 20-23 Joint Qualified Protective Order
- 20-24 Confidentiality Agreement for Subcontractor of Business Associate