

## CHECKLIST FOR CLOSING AN ESTATE

(BY LARRY PRIMEAUX)

- \_\_\_\_ Judgment opening the estate or admitting will to probate is filed, and there is no contest.
- \_\_\_\_ Oath of Executor/Administrator filed.
- \_\_\_\_ The Executor/Administrator has properly filed his or her bond, or it was waived by the will or by sworn petition of all heirs with entry of a court order authorizing the waiver.
- \_\_\_\_ Letters Testamentary or of Administration issued.
- \_\_\_\_ The affidavit of known creditors required by MCA § 91-7-145 was properly executed by the Executor/Administrator and filed before publication to creditors.
- \_\_\_\_ Publication of Notice to Creditors was made in “some newspaper in the county” that meets the criteria in MCA § 13-3-31, for three consecutive weeks, and it has been more than ninety days since the first publication.
- \_\_\_\_ Inventory and appraisal were done and timely filed, or were waived by the will or by all heirs by sworn petition with order so waiving.
- \_\_\_\_ All accountings were timely filed and approved by court order (other than the final accounting, which is now before the court), or waived by the will or excused by the court.
- \_\_\_\_ In the case of an administration, publication for unknown heirs has been completed, and a judgment determining heirs has been presented, or will be presented in advance of presenting the final accounting.
- \_\_\_\_ All interested parties to this estate have been served with the petition to close and all other closing documents, including the final account, and they have joined in the petition or have been duly served with a Rule 81 summons, and there is a proper return or properly executed waiver or joinder for each interested party.
- \_\_\_\_ All probated claims have been paid, and evidence of such payment is in the court file, or the probated claims will be paid in the course of closing the estate, and a final report will be filed evidencing payment.
- \_\_\_\_ The attorney’s fees and expenses, as well as those of the Executor/Administrator have been disclosed to all interested persons, and they have no objection.