

## **Section 10 - Applications for Letters - Supervised Administration**

### **10.10 Applications, Where Filed**

All applications for letters of administration or letters testamentary in estates to be administered in Kansas City should be electronically filed with the Probate Division and designated for administration for Kansas City. All applications for letters of administration or letters testamentary in estates to be administered in Independence should be electronically filed with the Probate Division and designated for administration in Independence (See § 478.473). All applications must be accompanied by the appropriate filing fee (See § 483.580). The attorney shall designate in the application the periodical in which notice of the issuance of letters shall be published. If the periodical is not designated, the Court will select the periodical. It is the attorney's responsibility to forward the required payment to the designated periodical.

References: §§ 473.010, 473.033, 478.473, 483.580

### **10.20 Form and Contents**

#### **10.20.1 Court Form, Relationship to Decedent**

The Court encourages the use of its own forms for application for letters of administration or testamentary, forms 10030 and 10070 respectively.

The relationship to the decedent of the persons listed on the application must be accurately and adequately shown since the application is the foundation upon which the order of distribution is predicated. The relationship of an heir or devisee to a deceased ancestor must be shown. For example, if the heirs of the decedent are two brothers and a niece and nephew who are the children of a deceased brother, they should be listed as follows:

John Doe	Brother
Richard Doe	Brother
Harold Doe (Date of Death)	Brother, survived by:
James Doe (Son of Harold Doe)	Nephew
Alice Brown (Daughter of Harold Doe)	Niece

**Practice Tip:** Putative children of the decedent should be included and listed as children on the application. If there is no surviving spouse, that fact must be stated specifically. See additional examples showing common scenarios at the conclusion of this section.

References: Form 10030, Form 10070  
§§ 473.017, 474.010

#### **10.20.2 Letters Testamentary**

In an application for letters testamentary, state the names, relationships to the decedent and residence addresses of the decedent at the time of death, and the residence addresses of the surviving spouse, heirs, devisees (including trustees) and lineal descendants of devisees who were relatives of and predeceased the testator. See Section 10.20.1 for examples to assist in the proper identification of interested persons. For persons named in the will, the application must indicate the provision, i.e., the article, in which they are named. Indicate those believed by the applicant to be mentally incapacitated and the birth dates of those who are minors. Also state, so far as is known to the applicant, the names and addresses of the custodians named in the will for a minor or adult and the conservators of any minor or mentally incapacitated devisees or heirs, including the surviving spouse, and their relationship to the decedent. Any devisee or heir who survived the decedent but is not living on the date the application is filed, shall be listed with his/her date of death.

References: Form 10070

#### 10.20.3 Letters, of Administration

In an application for letters of administration, state the names, relationships to the decedent and residence addresses of the surviving spouse and heirs. Indicate those believed by the applicant to be mentally incapacitated and the birth dates of those who are minors. Also state, so far as is known to applicant, the names and addresses of the conservators of those who are minors or disabled. For any heir who died subsequently to the decedent, list that deceased heir's personal representative, location of estate and, if in Jackson County, number of estate, if the information is available. Any heir who survived the decedent but is not living on the date the application is filed shall be listed with his/her date of death.

**Practice Tip:** Indicate whether or not the children of the decedent were also children of the surviving spouse so that proper distribution will be made pursuant to § 474.010.

References: Form 10030  
§§ 474.010(1)(b), 474.010(1)(c)

#### 10.20.4 Current Addresses

Names and addresses of all heirs or devisees in the Court file should be kept current by form 10444 or its equivalent. Failure to do so may cause delay in the administration of the estate due to inadequate notice. The Court does not assume the responsibility for making name or address changes from collateral documents or other pleadings filed. When other information on the application needs to be corrected or supplemented, a new application with the word "amended" must be filed.

References: Form 10030, Form 10070, Form 10444  
§§ 473.017, 473.020

## 10.30 Hearing on Applications for Letters

### 10.30.1 Intestate Estate.

In intestate estates, an application for letters of administration must be set for hearing at the request of applicant unless all entitled to serve pursuant to § 473.110, renounce that right and consent to the appointment of the applicant. Please note that this is not required when an Order Directing Issuance of Letters was previously issued, pursuant to § 473.020.

A person entitled to letters pursuant to § 473.110.2(1) or (2) may, if eighteen years of age or older and not incapacitated, nominate a qualified person to act as personal representative. If persons entitled to letters do not consent to the nomination of another, the application for letters must be set for hearing.

References: §§ 473.020, 473.110, 473.113

### 10.30.2 Testate Estates

In testate estates, a person named as the personal representative in a duly admitted Last Will and Testament will be appointed without a hearing. Where a named personal representative (or co-personal representative) has not filed an application or a refusal to serve, any other applicant (including the other co-personal representative), whether named or not, must request a hearing on his/her application. Where a named personal representative (or any co-personal representatives) has filed a refusal to serve, renunciations from all others entitled to serve must be obtained to avoid a hearing.

References: §§ 473.110, 473.113

### 10.30.3 Notice

Generally, persons entitled to serve as personal representative (other than the applicant or those who have waived notice) must be notified by certified mail when a hearing is required. The Court will prepare the required Notice. It is the attorney's responsibility to serve the Notice by certified mail and electronically file a completed return receipt seven days prior to the hearing.

**Practice Tip:** Notices to minors should be sent to the address of the custodial parent or the duly appointed guardian for the minor, and the return receipt should be signed by the custodial parent or guardian.

References: §§ 473.110, 472.100

## 10.40 Administrator Ad Litem

Pending the hearing date, an administrator ad litem may be appointed upon a showing of need and the existence of no adequate remedy at law (e.g., wasting assets or the need for immediate attention to estate assets). The Court will normally require that the administrator ad litem file a corporate surety bond as a condition precedent to the appointment.

#### 10.50 Filing Bond

Prior to the issuance of letters, the person to be appointed personal representative shall electronically file, if required, a corporate surety bond in a sum set by the Court. See Sections 12 and 13 on requirements relating to surety bonds.

References: Form 10032 or corporate surety's bond form  
§ 473.157  
Local Court Rule 72.3

#### 10.60 Publication of Notice of Letters Granted

Once the required bond is filed and letters are granted, the Probate Division will order the initial publication. The attorney may designate the newspaper. If no designation is made by the attorney, the Court will make the designation. The attorney is responsible for the accuracy of the publication and shall direct payment to the periodical.

Upon completion of publication, it is the attorney's responsibility to make sure the Affidavit of Publication is electronically filed with the Court. Please note that the estate cannot be closed without the filing of this affidavit of publication. See § 473.033 for publication requirements and filing deadlines.

**Practice Tip:** When an intestate has left no known heirs, an additional publication notice is required, pursuant to § 473.040.

References: Form 10363  
§§ 473.033, 473.037, 473.040

[END OF SECTION]

**Example Scenarios for Listing Heirs at Law on an  
APPLICATION FOR LETTERS OF ADMINISTRATION**

Example 1:

<b>Name</b>	<b>Relationship to Decedent</b>	<b>Address</b>
Jane Doe	Spouse	111 Some St. Kansas City, MO 00000
Sally Doe	Daughter of decedent (but not of surviving spouse)	222 Some St. Independence, MO 00000
Danny Doe, Date of Death: 1/20/20. <i>No Surviving issue.</i>	Predeceased Son of decedent and surviving spouse.	
Howard Doe, Date of Death 5/20/20. <i>Survived by two sons, Ronald Doe and Donald Doe.</i>	Predeceased Son of decedent and surviving spouse.	
Ronald Doe	Grandson, (Surviving issue of predeceased son, Howard Doe.)	333 Some St. Kansas City, KS 00000
Donald Doe	Grandson, (Surviving issue of predeceased son, Howard Doe.)	444 Some St. Kansas City, MO 00000

Example 2:

<b>Name</b>	<b>Relationship to Decedent</b>	<b>Address</b>
No Surviving Spouse		
Sally Doe	Daughter	222 Some St. Independence, MO 00000
Danny Doe, Date of Death 7/7/21.	Surviving Son, now deceased.	c/o Sally Doe, Personal Representative for the Estate of Danny Doe, Jackson County Estate Number 21P9-PR00XXX 222 Some St., Independence, MO 00000
Henry Doe (Inc/Dsb)	Son	c/o Sally Doe, Conservator for Henry Doe 222 Some St., Independence, MO 00000
Sam Doe (Minor) DOB 3/15/20.	Son	c/o Sally Doe, Conservator for Sam Doe 222 Some St., Independence, MO 00000

Example 3:

<b>Name</b>	<b>Relationship to Decedent</b>	<b>Address</b>
No Surviving Spouse		
No Children (living or deceased)		
Mary Doe	Mother	111 Some St. Kansas City, MO 00000
Forest Doe	Father	111 Some St. Kansas City, MO 00000
Susie Doe	Sister	222 Some St. Independence, MO 00000
Johnny Doe, Date of Death: 2/2/20. <i>No surviving issue.</i>	Predeceased Brother	
Jimmy Doe, Date of Death: 1/1/19. <i>Survived by one son, Jack Doe.</i>	Predeceased Brother	
Jack Doe	Nephew (Surviving issue of predeceased heir, Jimmy Doe.)	333 Some St. Kansas City, KS 00000

**Example Scenario for Listing Legatees/Devisees and Heirs at Law on an  
APPLICATION FOR LETTERS TESTAMENTARY**

Example 1:

<b>Legatees/Devisees</b>	<b>Article of Will</b>	<b>Address</b>
St. Doe's Church	III	111 Church St. Kansas City, MO 00000
Land of Lost Pets	III	222 Lost Pt Dr. Kansas City, MO 00000
Joe Doe, Trustee of The ABC Trust dated 5/5/1998.	III	123 Main Lane, Raytown, MO 00000
Sue Smith, Trustee of the Doe Family Trust established pursuant to the Last Will and Testament of James Doe.	IV	789 Outer Rd, Raytown, MO 00000
Bob Smith, Date of Death 7/7/21.	III	
Mary Lou Smith, formerly known as Mary Lou Jones	III	456 That St. Kansas City, KS 00000

<b>Heirs at Law not named as beneficiaries under the will</b>	<b>Relationship to Decedent</b>	<b>Address</b>
No Surviving Spouse		
No Children (living or deceased)		
Mary Doe	Mother	111 Some St. Kansas City, MO 00000
Forest Doe	Father	111 Some St. Kansas City, MO 00000
Susie Doe	Sister	222 Some St. Independence, MO 00000
Johnny Doe, Date of Death: 2/2/20. <i>No surviving issue.</i>	Predeceased Brother	
Jimmy Doe, Date of Death: 1/1/19. <i>Survived by one son, Jack Doe.</i>	Predeceased Brother	
Jack Doe	Nephew (Surviving issue of predeceased heir, Jimmy Doe.)	333 Some St. Kansas City, KS 00000