

# PROBATE

# 1

## EMERGENCY AUTHORITY FOR FUNERAL ARRANGMENTS

(Application for Emergency Appointment  
of “Special Administrator”)

(Forms and Instructions)

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## SELF-SERVICE CENTER

### APPLICATION FOR EMERGENCY APPOINTMENT OF “SPECIAL ADMINISTRATOR” (for funeral arrangements)

This packet contains court forms and instructions to file an emergency request for the formal appointment of a “Special Administrator” when there is no living spouse of the deceased or other person currently authorized or immediately available to make urgent funeral arrangements. The documents should appear in the following order:

| Order | File Number | Title   | # pages |
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## SELF-SERVICE CENTER

# FORMAL PROBATE APPLICATION FOR EMERGENCY APPOINTMENT OF SPECIAL ADMINISTRATOR (for Funeral Arrangements)

## CHECKLIST

*You may use the forms and instructions in this packet if . . .*

- ✓ Someone has died and there is no living spouse, no court-appointed Personal Representative of the Estate (executor), or other person currently authorized or immediately available to make necessary funeral arrangements, and
- ✓ You want to be appointed “Special Administrator” with authority to make urgent funeral arrangements ONLY, and
- ✓ You do not want to be appointed “Personal Representative” (commonly known as “executor”) of the Estate at this time.

**NOTE:** There is a filing fee of \$206 for this request.

- You may apply to have this fee deferred (to pay later), or waived (to not pay at all).
- If appointed, you are entitled to reimbursement *from the estate* (if funds available) for reasonable expenses incurred in performing the duties of “Special Administrator”, including this filing fee.

**READ ME:** Consulting a lawyer before filing documents with the court may help prevent unexpected results. The Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self-Service Centers or on the Internet at:

[www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/LawyersAndMediators/](http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/LawyersAndMediators/)

## SELF-SERVICE CENTER

# INSTRUCTIONS: HOW TO APPLY FOR EMERGENCY APPOINTMENT AS SPECIAL ADMINISTRATOR FOR FUNERAL ARRANGEMENTS

These are the steps to ask the Court to make an **emergency** appointment of a “**Special Administrator**” with authority to make arrangements for handling the remains of a deceased person when no one has yet been appointed as “Personal Representative” (executor) of the estate.

This is an emergency request to be given authority to make decisions and arrangements without advance notice to other parties who would otherwise be entitled to know about it ahead of time. **This is a serious matter and the Court will not grant this request unless it is satisfied this is an urgent situation.**

1. **Complete All Forms:** Fill out all the forms completely and in **black ink except for those portions for Court use.** You will need to complete all or part of the following forms:

- **PROBATE COVER SHEET.**
- **APPLICATION FOR EMERGENCY APPOINTMENT OF SPECIAL ADMINISTRATOR.**
- **LETTERS OF APPOINTMENT AND ACCEPTANCE OF APPOINTMENT.**
- **ORDER APPOINTING SPECIAL ADMINISTRATOR.**

### **“PROBATE COVER SHEET”**

- Leave “Case Number” *blank*. The Court will supply a case number when you file the papers.
- Write in the information requested about the person who died (the decedent), and the person who is applying to be appointed Special Administrator (called “Petitioner” on this form).
- Leave “Reason Fees Not Paid” and “Court Location Requested” *blank* for Court use.
- Under “Nature of Action”, under Section 200 for “Estates”, check the box next to **210** for “**OTHER**”, and write in “Emergency Special Administrator” (which you may abbreviate to “Emergency Special Admin”).
- Sign your name on page 2 (No other information is required on page 2 for this process).

### **“APPLICATION FOR EMERGENCY APPOINTMENT OF SPECIAL ADMINISTRATOR”**

**Read** this form and write in the information requested. Signing and filing this form is a statement to the Court that the information you have supplied is true and correct, under penalty of perjury.

### **“LETTERS OF APPOINTMENT” and “ACCEPTANCE OF APPOINTMENT”** (both on 1 page).

- Write in only the name of the person who died and the name of the person requesting appointment as Special Administrator.
- Leave the date and signature spaces under “Letters of Appointment” *blank* for Court use.
- You will **later** need to sign at the bottom of the form *under “Acceptance of Appointment”*.
- Do not sign until you are in the presence of a Clerk of the Court or a Notary Public.

### **“ORDER APPOINTING SPECIAL ADMINISTRATOR”**

- Write in only the name of the person who died and the name of the person to be appointed as Special Administrator.
- Leave the date and signature spaces blank for Court use only.

## WHAT TO DO NEXT, AFTER YOU HAVE COMPLETED ALL FORMS:

**Go to the “PROCEDURES” page, the last document in this packet, and follow the steps listed concerning the number of copies to be made, filing your papers, and getting your Court Order.**



PROBATE COVER SHEET - Continued

NAME(S) OF MINOR CHILD(REN):

BIRTH DATE(S) OF MINOR CHILD(REN):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If you need additional space, use the next page.)

To the best of my knowledge, all information is true and correct.

\_\_\_\_\_  
Petitioner or Attorney Signature

## NOTICE

Effective July 1, 1987 and pursuant to Superior Court (Maricopa County) Local Rule 3.1 (a), the Superior Court requests that a "Cover Sheet", which categorizes the cause of action, accompany any new action filed with the Superior Court in Maricopa County. For this reason, this form has been developed. The Cover Sheet will result in increased accuracy of court records and statistics, and in reduced processing time for new case filings.

Copies of this Cover Sheet will be made available at the Probate Registrar's Office for the Clerk of the Superior Court.

PLEASE DO NOT INCLUDE THIS FORM WITH CASES THAT HAVE ALREADY BEEN FILED. This form can only be processed **at the time of filing** New Complaints and Petitions.

Thank you for assisting us with our efforts to improve service.

Person Filing/Applicant: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Day/Evening Phone: \_\_\_\_\_ / \_\_\_\_\_  
Represented by  SELF (No Attorney) OR  Attorney  
If Attorney, Bar No.: \_\_\_\_\_ Atty. Phone: \_\_\_\_\_

FOR CLERK'S USE ONLY

## SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of the Estate of \_\_\_\_\_

Case No. PB \_\_\_\_\_

Deceased.

### APPLICATION FOR EMERGENCY APPOINTMENT OF SPECIAL ADMINISTRATOR (for Funeral Arrangements) A.R.S. § 14-3614

1. My name is \_\_\_\_\_, and I hereby apply to the Court for emergency formal appointment of a Special Administrator for the estate of the above-named deceased for the express limited purpose of making funeral arrangements.
2. My relationship to the deceased is: \_\_\_\_\_
3. The deceased died on this date: (Month, Date, Year) \_\_\_\_\_.
4. VENUE: The deceased was domiciled in Maricopa County in the State of Arizona, at the time of death, making this the proper venue for this request.
5. There is no Personal Representative presently qualified and acting for this Estate.
6. It is necessary that a Special Administrator be appointed to act on behalf of the Estate for the express limited purpose of making any and all funeral arrangements for the decedent's remains because there is no other authorized person who is presently willing or able to perform these duties.
7. The estimated value of decedent's property over which the Special Administrator will have control is \$ [NONE].
8. Bond is not required because the Applicant will only be authorized for the limited purpose of making funeral arrangements for the decedent.
9. I am a proper person qualified to act as Special Administrator, and I request that I, or the following named qualified person (if applicable) \_\_\_\_\_ be appointed as Special Administrator for this Estate pending the appointment of a general Personal Representative for the express and limited purpose of being granted full authority to make any and all funeral arrangements for the decedent's remains with a local funeral home.

The information I have provided on this document is true and correct, under penalty of perjury.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Name of Applicant

**SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY**

FOR CLERK'S USE ONLY

In the Matter of the Estate of

Case No. PB \_\_\_\_\_

**LETTERS OF APPOINTMENT and  
ACCEPTANCE OF APPOINTMENT  
OF SPECIAL ADMINISTRATOR**

\_\_\_\_\_  
Deceased.

**ISSUANCE OF LETTERS**

\_\_\_\_\_ is hereby appointed

\_\_\_\_\_ as Special Administrator of this estate.

The Special Administrator shall only be permitted to exercise the following powers:

- The Special Administrator is expressly authorized to make all funeral arrangements for the decedent at a local funeral home.

The appointment shall terminate upon the earlier of the appointment of a general Personal Representative for the Estate or the completion of funeral arrangements.

Dated this \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
Judicial Officer

**ACCEPTANCE OF APPOINTMENT**

I accept the duties of Special Administrator of the Estate of the above-named person who has died and affirm or swear that I will perform the duties assigned.

\_\_\_\_\_  
Signature of Special Administrator

Sworn to or affirmed before me this date:

\_\_\_\_\_

Michael K. Jeanes, Clerk of Superior Court

\_\_\_\_\_  
Notary

**OR**

Seal/My commission expires: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Clerk of Court

**SUPERIOR COURT OF ARIZONA  
IN MARICOPA COUNTY**

FOR CLERK'S USE ONLY

In the Matter of the Estate of

Case No. PB \_\_\_\_\_

**ORDER FOR  
EMERGENCY APPOINTMENT OF  
SPECIAL ADMINISTRATOR  
(for FUNERAL ARRANGEMENTS)**

\_\_\_\_\_  
Deceased.

An Emergency Application for formal Appointment of Special Administrator has been submitted by \_\_\_\_\_ ("the Applicant") requesting appointment as the Special Administrator.

The undersigned is satisfied that the Applicant is a proper person qualified to act as Special Administrator pursuant to all applicable provisions of A.R.S. Title 14, Chapter 3, Article 6.

THEREFORE, \_\_\_\_\_ is appointed as Special Administrator of decedent's Estate, without bond, for the express limited purpose of authorizing any and all funeral arrangements for the decedent's remains with a local funeral home.

The appointment shall terminate, in accordance with A.R.S. §14-3618, upon the earlier of the appointment of a general Personal Representative or the completion of all funeral arrangements for the decedent.

DATED this \_\_\_ day of \_\_\_\_\_, 20\_\_\_

\_\_\_\_\_  
Judicial Officer

## SELF-SERVICE CENTER

### PROCEDURES: WHAT TO DO AFTER COMPLETING ALL FORMS TO GET AN EMERGENCY COURT ORDER APPOINTING A SPECIAL ADMINISTRATOR FOR FUNERAL ARRANGEMENTS

**STEP 1:** Make 2 copies of the following documents after you have filled them out.

- “*Application for Emergency Appointment of Special Administrator*” \*
- “*Letters of Appointment and Acceptance of Appointment*” \*

*and: Make 1 copy of the “Order Appointing Special Administrator” \**

\* These documents are referred to below, respectively, as:

“*The Application*”, “*Letters and Acceptance*”, and “*Order Appointing*”

**STEP 2:** SEPARATE YOUR DOCUMENTS INTO ONE SET of ORIGINALS, and  
TWO SETS of COPIES:

|  |   |
|--|---|
| <b>SET 1 - ORIGINALS FOR CLERK OF COURT:</b> <ul style="list-style-type: none"><li>• “<i>Probate Cover Sheet</i>”</li><li>• “<i>The Application</i>”</li><li>• “<i>Letters and Acceptance</i>”</li><li>• “<i>Order Appointing</i>”</li></ul> | <b>SET 2 – COPIES FOR YOU:</b> <ul style="list-style-type: none"><li>• “<i>The Application</i>”</li><li>• “<i>Letters and Acceptance</i>”</li><li>• “<i>Order Appointing</i>”</li></ul> |
| <b>SET 3 – COPIES FOR JUDICIAL OFFICER</b> <ul style="list-style-type: none"><li>• “<i>The Application</i>”</li><li>• “<i>Letters and Acceptance</i>”</li><li>• “<i>Order Appointing</i>”</li></ul>  |   |

**STEP 3:** FILE THE PAPERS AT THE COURT:

**GO TO THE CLERK OF COURT’S FILING COUNTER:** The Court is open from 8am-5pm, Monday-Friday. You may file your court papers at any of the following Superior Court locations:

**Downtown Phoenix - Old Courthouse**

125 W. Washington Street, 1st floor  
Phoenix, Arizona 85003

**Southeast Court Complex**

222 East Javelina Drive, 1st floor  
Mesa, Arizona 85210

**Northwest Court Complex**

14264 West Tierra Buena Lane  
Surprise, Arizona 85374

**Northeast Court Complex**

18380 North 40<sup>th</sup> Street  
Phoenix, Arizona 85032

Present the originals and both sets of copies to the Clerk at the filing counter *and pay the filing fee.*

**Note that you are entitled to reimbursement from the estate of the deceased** (if funds are available) for this and other reasonable expenses incurred in performing the duties of Special Administrator (**Keep records and receipts**). Cash, checks, money orders, VISA and MasterCard are accepted. If paying by check or money order, make payable to “Clerk of the Superior Court”.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a **deferral** (payment plan) when you file your papers with the Clerk of the Court. **Deferral Applications** are available at **no charge** from the Self-Service Center.

The Clerk will keep the originals, stamp the extra copies to show that these are copies of papers you have filed with the Court, *and return the stamped copies to you*. These stamped sets of copies are now called "conformed" copies.

**STEP 4: TAKE THE CONFORMED COPIES TO COURT ADMINISTRATION, or**

- Ask the Clerk at the Filing Counter to direct you to Court Administration.
- If there is no Court Administration office where you are filing these papers, ask to be directed to the appropriate location.
- Present the sets of stamped copies to Court Administration or staff at appropriate location.

**WHAT COURT ADMINISTRATION (or other court staff) WILL DO:**

- Attempt to locate a Judicial Officer available to hear your request *immediately*.
- Take all sets of copies or direct you to take the copies with you into a Courtroom.

**STEP 5: IF THE COURT GRANTS YOUR REQUEST:**

- **Take the "Letters and Acceptance" to the filing counter.**
- **You will need to present a government-issued photo ID and to sign the "Acceptance"** (on the bottom half of the "Letters and Acceptance" document) in front of the Clerk at the counter.
- The Clerk will witness your signature and issue the "**Letters of Appointment**".

**STEP 6: PURCHASE A CERTIFIED COPY OF "THE LETTERS" TO GIVE TO THE FUNERAL HOME.**

- This is proof you have been appointed by the Court and that you have the legal authority to make arrangements as described in the "**Letters of Appointment**".
- **There is a fee for the Certified Copy.** Cash, personal in-state check or money order payable to "Clerk of Superior Court", VISA or MasterCard are accepted. Go online to <http://clerkofcourt.maricopa.gov/fees.asp> or the Self-Service Center for a list of current fees