

SELF-SERVICE CENTER

PROCEDURES: WHEN AND HOW TO FILE PETITION FOR APPROVAL OF FINAL ACCOUNTING, AND APPROVAL OF FEES (if applicable)

WHEN TO FILE THE PETITION FOR APPROVAL OF FINAL ACCOUNTING, DEED OF DISTRIBUTION and/or FEES. Follow the instructions below to find out what forms you need to complete and how often you must do so.

A. Petition for Approval of Accounting: Prior to closing the case, you **may** file a Petition to ask the court to approve how the estate was managed. You are **not required** to file a PETITION FOR APPROVAL OF ACCOUNTING, but you can file this Petition if:

- You want the court to do a formal closing, **OR**
- If you have some accounting or distributions issues that you want the court to resolve.

To help you complete the Petition, you should read and follow the ACCOUNTING GUIDELINES in this packet.

B. Deed of Distribution: The DEED OF DISTRIBUTION must be used to transfer any real estate/real property. After all claims have been settled and you are ready to transfer the property to someone, you need to fill out the DEED OF DISTRIBUTION and record it with the County Recorder. If the Deed of Distribution is being used to transfer real property, it must include the legal description of the property. If the legal description is included on the Deed of Distribution, the County Recorder electronically forwards it to the County Assessor who will then change the name on the property records deed which takes approximately four to six weeks. A new deed is not issued, and the Deed of Distribution serves as the new deed instead. You can file the Deed of Distribution with the Probate Registrar, but it is not required.

C. Fee Statement: If you or anyone else is charging fees to the estate, the Petition must also include a REQUEST FOR APPROVAL OF THE FEE STATEMENT, and attach a **copy** of the FEE STATEMENT.

HOW TO FILE THE PETITION FOR APPROVAL OF ACCOUNTING OR FEES if you choose to file this document. Remember you do not have to file this document unless you want to see the Judge/Commissioner regarding some accounting issues.

1. COMPLETE THE PETITION FOR APPROVAL OF ACCOUNTING AND/OR FEES:

Complete the Petition, the Accounting and the Account Summary. If you are claiming fees, you must also complete the FEE STATEMENT.

2. COPIES: Make copies of **all** of the documents: one set for you, one set for the Court Accountant, and one set for each of the interested parties.

3. FILE THE DOCUMENTS WITH THE COURT: Follow carefully these steps:

- File the **originals** with the Probate Clerk of Court. Go to the same court location where your case is pending (Downtown Phoenix, Northeast Phoenix, Northwest (Surprise) or Southeast (Mesa)).
- Bring the extra copies of the Petition, the Accounting, and the Fee Statement (if applicable) for the Clerk to conform. The Probate Clerk of the Court will keep the original for the Court file and a copy for the Court Accountant. The Probate Clerk will give the copies for you and the other interested parties back to you.
- If you cannot or do not want to file the copies in person, you can also mail the documents to the Probate Clerk at the same location where your case is pending.

Downtown Phoenix Location

Superior Court of Arizona in Maricopa County
Clerk of the Court - Probate
125 West Washington
Phoenix, Arizona 85003

Northeast Phoenix Location

Superior Court of Arizona in Maricopa County
Clerk of the Court - Probate
18380 North 40th Street
Phoenix, Arizona 85032

OR

Northwest Location

Superior Court of Arizona in Maricopa County
 Clerk of the Court – Probate
 14264 West Tierra Buena Lane
 Surprise, Arizona 85374

Southeast Location

Superior Court of Arizona in Maricopa County
 Clerk of the Court - Probate
 222 East Javelina
 Mesa, Arizona 85210-6201

After the Court Accountant completes a review of your case, you will receive a written notice from the Court. You will receive one of two possible notices:

Notice 1: You will be asked to file a RESPONSE TO THE COURT ACCOUNTANT REPORT if the Court Accountant has concerns about the report. If you are required to file a RESPONSE TO THE COURT ACCOUNTANT REPORT, you must send a copy of the Response to the same people entitled to receive the NOTICE OF HEARING (notice is explained below). Bring the **original plus at least 4 copies** to the Probate Clerk of the Court for filing and distribution of copies in the same manner explained above.

OR

Notice 2: If the Court Accountant does not have concerns and recommends approval of your Accounting, the Court will set a non-appearance hearing and will notify you by mail of the date, time, place, and Commissioner assigned to your case for the non-appearance hearing.

4. GIVE NOTICE OF THE “NON-APPEARANCE” HEARING TO EVERYONE ENTITLED TO

NOTICE: After you receive the information about the date, time, and place of the “non-appearance” hearing, you must give NOTICE OF HEARING and a **copy** of the Accounting by mail or delivery to all interested persons. Be sure that you do this at least **14 days** before the hearing. If mailing the Notice, first class postage-prepaid mail is sufficient. Certified or registered mail with return receipt is an extra step you can take to prove that the person you want to have notice did get the notice.

5. Give copies of everything to the Judge/Commissioner: At least **10 days** before your non-appearance hearing, **mail or hand-deliver** the following documents to the Judge/Commissioner who is hearing your case. All the copies must be the ones that you had conformed by the Clerk of Court when you filed the original:

- **Copy** of NOTICE OF HEARING,
- **Copy** of PROOF OF NOTICE,
- **Original and 2 copies** of the ORDER REGARDING PETITION FOR APPROVAL OF ACCOUNTING, **AND**
- **Copy** of the PETITION FOR APPROVAL OF ACCOUNTING.

You do not need to come to the “non-appearance” hearing. The purpose of a “non-appearance” hearing is to give persons who object to the paperwork the opportunity to let the Judge/Commissioner know they have an objection. So, if someone shows up at the scheduled “non appearance hearing”, the Court will reset the hearing for a new date, time and place. You will get notice of the new hearing date in the mail from the Court. If you receive a new hearing date, you must go to the hearing.

Court approval of the Final Accounting and fees is required. At or after the “non-appearance” hearing date, the Judge/Commissioner will decide whether to approve the Petition, or ask you to for additional information. If the Petition is not approved, be sure to follow the instructions on the court order you receive from the Judge/Commissioner.

OTHER HELP: If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under “attorneys”. Also, the Self-Service Center has a list of lawyers who will help you help yourself.