

INSTRUCTIONS FOR PETITION TO SET ASIDE ESTATE WITHOUT ADMINISTRATION

Nevada law allows a process called the "set aside" for estates that are less than \$100,000.00 in value (the sum of the decedent's assets minus his/her liabilities). (NRS 146.070.) The "set aside" process can begin 30 days after the decedent's death and requires mailing notice to the decedent's heirs, devisees, and creditors, and possibly publishing notice. The "set aside" process does require a court hearing, but generally requires fewer hearings than the probate administration processes of larger estates.

In order to request that the court set aside the estate without administration, follow these 12 steps:

Step 1: Decide if this is the right process for you.

If you can answer "yes" to the following questions, the "set aside" process might be the process for you:

- Have at least 30 days passed since the death?
- Is the gross value of the estate (the sum of the decedent's assets minus his/her liabilities) less than \$100,000?
- Are you entitled to the decedent's estate pursuant to the laws of intestate succession? (The laws of intestate succession govern which family members might be entitled to the estate. For more information regarding the laws of intestate succession, visit the Civil Law Self-Help Center in person or at www.civillawselfhelpcenter.org.)

Once you have determined that the "set aside" process is the one for you, then move on to the following steps for the set aside.

Step 2: Gather information.

Collect the following information and documents:

1. Specific descriptions of all the property of the decedent. This includes bank accounts, CDs, stock certificates, etc. Gather names of the institutions where property is held (*i.e.*, bank names) and account numbers. For example, gather the year, make and model of the vehicles and their VINs (vehicle identification numbers), furniture, jewelry, and cash. For real property, gather the street address, legal description of the property, and the assessor's parcel number (APN). Legal descriptions and APNs can be found on the Clark County Assessor page (www.clarkcountynv.gov/assessor).

This document has been prepared as a courtesy and to assist you with completing your court filing. It is not to be construed as providing legal advice or representation on how to prepare your case.

2. Proof of all the liens and mortgages of record at the time of decedent's death. This includes all secured debt--debt where if the payments are not made, the lender can take property back. Home mortgages and car loans are the most common types of secured debt. Collect the most recent statements from the lienholders or banks.
3. An estimate of the value of the property. You can use Kelly Blue Book for car estimates and Zillow for real property. You will need to print out value estimates of the property and attach these to your petition as exhibits.
4. Proof of the known debts of the decedent. This can include credit card bills, medical bills, and any statements that show what the decedent owed.
5. The names, ages, and addresses of any heirs or devisees to the decedent's estate. If there is a surviving spouse or minor child, you will need their information. If you cannot find this information after doing your best research, you will have to explain to the judge why you do not have this information in an affidavit in Step 4.

Step 3: Fill out the packet.

Fill out the attached packet and complete all the forms carefully, providing all the requested information in all blanks. You, the person completing the packet, are the petitioner. Since you already collected all your information in Step 2, much of the packet will be you plugging that information into the petition. Do not forget to sign the petition and verification.

Step 4: Fill out declaration, if necessary.

Refer back to your list of family members that you compiled in Step 2. Each family member must be listed in your documents with their addresses. If you don't have a complete name or address, an explanation for each of those family members needs to be provided in an affidavit/declaration. Also think about any creditors or interested people whose complete names or address you don't know. An explanation for those parties will have to be provided as well. You will explain to the judge why you do not have the names or addresses of certain devisees or heirs (*e.g.*, no one knows how to contact the decedent's son, who has been estranged for 20 years, etc.), as well as any creditors or interested parties. You can pick up a blank Affidavit/Declaration from the Civil Law Self-Help Center or get one from www.civillawselfhelpcenter.org.

Step 5: Complete fee waiver, if necessary.

The fee to file a Petition to Set Aside without Administration is generally \$284.50, unless you think the value of the estate is between \$2500.01 and \$20,000.00, then the filing fee is \$185.50. If the estate is valued at less than \$2,500.00, then there is no fee to file. If you cannot afford to pay the filing fee, you can ask the court to waive that fee by filing an Application to Proceed in Forma Pauperis (usually called a "fee waiver application"). If the court grants your fee waiver application, the fee will be waived. However, if the fees are not waived, you will receive a call

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from the court clerk, who will ask you to pay the filing fee if you want the petition to move forward.

The Application to Proceed In Forma Pauperis, or fee waiver, is available free of charge at the Civil Law Self-Help Center, or you can print one out from www.civillawselfhelpcenter.org.

Step 6: Attach documents to the packet.

After the packet is completed, attach the following documents behind the appropriate Exhibit sheets:

1. The decedent's death certificate.
2. A copy of your picture ID.
3. Proof of the values of the estate property that you collected in Step 2.
4. Proof of the decedent's liens and mortgages that you collected in Step 2.
5. Proof of the decedent's debts that you collected in Step 2.
6. An affidavit explaining why you do not have the names, ages, or addresses for any of the devisees or heirs, if necessary (Step 4).

Step 7: File packet and get hearing date.

After you complete the packet and you have all the necessary attachments to it, submit everything to the Eighth Judicial District Court. The clerk's office where you can submit the packet is on the 3rd floor of the Regional Justice Center at 200 Lewis Avenue, Las Vegas, NV 89155.

When you are at the clerk's office, the clerk will fill out the blanks on the page in your packet called the "Notice of Hearing" with the date and time of your hearing. Make sure you make a note of that hearing date and time and remember it. If you completed Step 4 because there is a family member whose name or address you don't know, you will have to publish notice (Step 9). If you have to publish notice, ask the clerk for a later hearing date so that you will have time to publish.

Step 8: Mail Notice and publish, if necessary.

After your packet is filed and the clerk gives you back the "Notice of Hearing" with the hearing date and time, find the page of your packet titled "Certificate of Service." You should have filled out those lines on the "Certificate of Service" with the names and addresses of the decedent's heirs, devisees, and creditors in Step 3. The number of lines you have filled out in the

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"Certificate of Service" is the number of copies of the "Notice of Hearing" you will need to mail notice.

Make copies of the "Notice of Hearing" and mail to each person or entity listed on your "Certificate of Service" list. This includes mailing notice to the State of Nevada Department of Health & Human Services, Medicaid Estate Recovery, which is already included on the Certificate of Service. The State of Nevada Department of Health & Human Services, Medicaid Estate Recovery must be noticed of this petition whether or not you think the decedent owed anything to Medicaid or had Medicaid.

If you completed Step 4 because there is a family member whose name or address you don't know, or if there is a creditor or interested person whose name or address you don't know, you will have to publish notice of the hearing. If you have to publish, the publication must run once a week for 3 weeks, and the last publication has to run at least 10 days before the date set for your hearing.

To get the Notice of Hearing published, contact a newspaper directly. Newspapers commonly used in Clark County are Nevada Legal News (702-382-2747) and the Las Vegas Review-Journal and the Las Vegas Sun (702-383-0383). You will have to give them your Notice of Hearing. The newspaper will usually file an Affidavit of Publication once complete. If they do not, be sure to bring the affidavit to the courthouse for filing.

Step 9: Check status of case.

After filing your petition, you should continuously check the court docket to see if anyone has filed an objection. You can go to the Eighth Judicial Court website (<https://www.clarkcountycourts.us/Anonymous/default.aspx>) and search under "Family Records" by the decedent's name to see if anyone has filed an objection. If an objection gets filed, you can go to the clerk's office on the third floor of the Regional Justice Center where you filed your documents to get a copy of the objection. It will be important to review any objections before the hearing.

The week of your hearing, you should also continuously check the probate court's "Friday Probate Calendar List" to check the status of your case and see how the court might rule if no one objects at the hearing. Go to the probate webpage (www.clarkcountycourts.us/departments/probate/) and click on the link for for "The District Court Friday Probate Calendar List." Search for the decedent's name under the column "Name of the Estate" then follow it to the "Notes" column. If no objections have been filed, you will see

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the list will reflect "OK," and that means the judge will hear your case and probably grant your petition if no objections appear at the hearing.

Step 10: Appear at the hearing.

Your hearing will be held at the time and place listed in your Notice of Hearing. Remember to arrive early and wait patiently in the gallery of the courtroom. If no objections have been filed, then at the beginning of the hearing, you'll likely hear the probate judge call a list of names and cases in which no objections have been filed. This is called the "Approved List." Listen for the name of your case, which will be called by the decedent's name, not your name. The judge will instruct all the people involved in the cases he called to pick up their orders. When the judge has finished calling the Approved list, wait in line for the clerk to hand you the order.

If objections have been filed in your case, both sides will have to make their arguments before the judge. Wait for your matter to be called, then walk up to the tables in front of the judge.

Step 11: File the order.

If there were no objections in your case, and the clerk handed you an order, then take that order up to the third floor at the clerk's office to have it filed. Ask the clerk for certified copies of the order.

If there were objections in your case, the judge might ask you or the other side to prepare the order. If you are required to prepare it, you will need to draft and prepare the order with the specifics of what the judge ordered. You can visit the Civil Law Self-Help Center or www.civillawselfhelpcenter.org for generic orders to fill out. Prepare one and submit it with the court for the judge's signature, and after the judge signs it, you will need to file it with the court.

Step 12: Take order to appropriate places.

If your petition is granted, and you get the estate set aside to you, you can take that order to the places where you need property transferred over to you. For example, if the estate included a home that was set aside to you, you can take the order to the Clark County Recorder's Office to change title. You can also take the order to the banks to have them turn over bank accounts over to you. Because some financial institutions might request to see a certified copy of the order, make sure you get one from the court clerk's office at the Regional Justice Center.

1 **PSWA**

2 _____
(Name)

3 _____
(Address)

4 _____
(City, State, Zip Code)

5 _____
(Telephone number/Fax Number)

6 _____
(E-Mail address)

Petitioner, Self-Represented

7 **EIGHTH JUDICIAL DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9
10 In the Matter of the Estate of:

Case No.: P _____

Dept. No.: PC-1

11 _____,
12 Deceased.
13
14

15 **PETITION TO SET ASIDE**
ESTATE WITHOUT ADMINISTRATION

16 Petitioner, (your name) _____, appearing
17 self-represented, hereby petitions the Court for an Order setting aside the estate of (name of person who
18 passed away) _____, Deceased, without administration pursuant to
19 NRS 146.070. In support of this Petition, Petitioner respectfully states the following:

20 1. Petitioner is the (your relation to the decedent) _____ of Decedent and resides
21 at (your address) _____. A
22 copy of Petitioner's identification is attached hereto as **Exhibit A**.

23 2. Decedent died on the (day, month, and year of death) _____, in
24 (county where the decedent died) _____ and, on the date of death, Decedent was a

resident of (city and state where the decedent lived at time of death)_____. A certified copy of Decedent's death certificate is attached herein as **Exhibit B**.

3. Jurisdiction is proper in this proceeding.

4. There is no record of a Last Will and Testament and, therefore, Petitioner believes the Decedent died intestate.

5. The Decedent left an estate in Clark County, Nevada, consisting of the following separate property:

(List all the property in decedent's estate, and be specific.

- For bank accounts, CDs, stock certificates, etc., include the name of the financial institution & account number.
- For vehicles, include year, make, model, & vehicle identification number (VIN).
- List all personal property, including furniture, jewelry, cash, etc.
- For real property (houses, land, etc.), include property street address, legal description, & assessor's parcel number (APN).

The "Estimated Gross Value" is the value of the property, before deductions. For example, it is the value of a house or a car without subtracting any liens or mortgages.)

<u>Type of Property & Description</u>	<u>Estimated Gross Value</u>

The estimated values of the above assets were determined by the proofs of value attached as **Exhibit C**.

6. The gross value of the estate is (add up the numbers in the "Estimated Gross Value" column)

\$_____.

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7. At the date of Decedent's death, there were liens and mortgages on the above property as follows:

(List all secured debt—debt where if payments are not made, the lender or lienholder can take the property back. The most common lienholders are mortgage companies and car loan finance companies. Under the "Lienholder" column, list the names of the entities holding the liens or mortgages; under "Estimated Amount Owed," list the estimated amount owed to each lienholder. Also include any liens and encumbrances that you might believe are unenforceable, and explain why you believe this.)

<u>Lienholder</u>	<u>Estimated Amount Owed</u>

Proof of the above liens and mortgages is attached as **Exhibit D**.

8. The estimated value of Decedent's property is (take the total "Estimated Gross Value" that you listed in #5 and subtract the estimated amounts owed above) \$_____.

9. At the date of Decedent's death, Decedent owed the following unsecured debts:

(List all unsecured debt—a debt that is not backed by some kind of asset or collateral. This generally includes credit card bills and medical bills. Under "Unsecured Creditor," list the name of the entity to whom the debt is owed, and under "Estimated Amount Owed," list the estimated amount owed.)

<u>Unsecured Creditor</u>	<u>Estimated Amount Owed</u>

Proof of the above unsecured debts is attached as **Exhibit E**.

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10. The names, relationships, ages of minors, and residence addresses of all the devisees, legatees, heirs, and next-of-kin of Decedent, so far as known to Petitioner, are:

(You must include the name, relationship, age (if under 18) and address of (1) decedent's legally married spouse, (2) all decedent's children; (3) all other devisees, legatees, heirs, and next-of kin. If there was no spouse, write "No spouse" or if the spouse is deceased, write "Spouse deceased." If the Decedent did not have children, or had no living children at the time of death, write "No living children." List all persons, regardless of age, even if estranged or out of state. Include all addresses; if unknown, include last known address or state "unknown." Your information will go in the first set of boxes.)

<u>Name</u>	<u>Relationship to Decedent</u>	<u>Age</u> (if under 18, list age; if over 18, write "adult.")	<u>Address</u>
<i>Your name here.</i>	<i>Your relationship to decedent.</i>	<i>Your age or "adult."</i>	<i>Your address.</i>

☐ Check here if you have more people to include, and attach a continuation sheet.

11. The devisees, legatees, heirs, and next-of-kin of Decedent who are listed above will be noticed of the instant Petition; otherwise, an Affidavit in Support of Petition to Set Aside explaining their whereabouts is herein attached as **Exhibit F**.

12. The gross value of the Estate of Decedent, after deducting encumbrances, does not exceed \$100,000.00, and therefore the estate may be set aside in its entirety pursuant to NRS 146.070(1) or pursuant to the laws of intestate succession and NRS 134.

WHEREFORE, the Petitioner prays:

1. That the gross value of the Estate of Decedent, after deducting any encumbrances, does not exceed \$100,000.00.

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2. That the Decedent's estate be set aside in the following manner pursuant to NRS 146.070(1) or pursuant to the laws of intestate succession and NRS 134:

(List all the people who you are asking to receive property, and in what percentage they'll receive property, or what they will be receiving. For example, if you are asking that everything goes to you, you might say, "The entirety of the estate to John Doe." Or if you want to split the estate between you and two others, you might say, "50% of the estate to John Doe and 50% of the estate to Bob Brown." Or, if you can be more specific as to items, you might say, "The Chase Checking Account #123456 to John Doe; the 2014 Toyota Camry, VIN 123456, to Bob Brown; and the gold ring to Jane Doe.")

3. For all other necessary and proper orders.

DATED THIS ____ day of _____, 20__.

Respectfully submitted,

(signature)

(Your name)

(Your address)

(Your city, state, and zip)

(Your phone number)

(Your email)

PETITIONER, SELF-REPRESENTED

**VERIFICATION IN SUPPORT OF PETITION TO SET ASIDE WITHOUT
ADMINISTRATION**

STATE OF NEVADA)
)ss
COUNTY OF CLARK)

(Your name) _____, being first duly sworn, declares under penalty of perjury under the law of the State of Nevada that the foregoing and following is true and correct:

I am the Petitioner in the above-entitled action. I have read the foregoing Petition to Set Aside without Administration, and that the same is true of my own knowledge, except for matters stated therein on information and belief, and as for those matters, I believe them to be true.

DATED THIS _____ day of _____, 20____.

(Signature)

(Your name)

1 **NOHE**

2 _____
(Name)

3 _____
(Address)

4 _____
(City, State, Zip Code)

5 _____
(Telephone number/Fax Number)

6 _____
(E-Mail address)

Petitioner, Self-Represented

7 **EIGHTH JUDICIAL DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9
10 In the Matter of the Estate of:

Case No.: P

Dept. No.: PC-1

11 _____,
12 Deceased.
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15 **NOTICE OF HEARING RE: PETITION TO SET ASIDE**
ESTATE WITHOUT ADMINISTRATION

16 **PLEASE TAKE NOTICE** that Petitioner, (your name) _____,
17 filed with the Court a Petition Set Aside the Estate to (your name and names of any persons who will receive estate if
18 your petition is granted)
19 _____
20 _____

21 without Administration in the matter of the above-named Decedent; that a hearing on the Petition
22 has been set for the ____ day of _____, 20____, at the hour of 9:30 a.m., in the Probate
23 Court, which is located at the Regional Justice Center at 200 Lewis Avenue, Las Vegas, NV
24 89155.

Further details concerning this Petition can be obtained by reviewing the Court file at the Office of the Clerk of Court at 200 Lewis Avenue in Las Vegas, Nevada, or by contacting the Petitioner(s) whose name, address, and telephone number is:

(your name) _____

(your address) _____

(your city, state, zip) _____

(your phone number) _____

DATED this ____ day of _____, 20____.

(Signature)

(Your name)

1 **CERT**

2 _____
(Name)

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(Address)

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(City, State, Zip Code)

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(Telephone number/Fax Number)

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(E-Mail address)

Petitioner, Self-Represented

7 **EIGHTH JUDICIAL DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9
10 In the Matter of the Estate of:

Case No.: P

Dept. No.: PC-1

11 _____,
12 Deceased.
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15 **CERTIFICATE OF MAILING**

16 I HEREBY CERTIFY that service of the Notice of Hearing re: Petition Set Aside the
17 Estate Without Administration was made this (day of mailing) ____ day of (month of mailing)

18 _____, 20(year of mailing) _____, by depositing a copy of the same in the U.S.

19 Mail, postage prepaid, regular mail, addressed to: (You are required by statute to mail a Notice of
20 Hearing to Medicaid Estate Recovery, regardless of whether Decedent received Medicaid or not, or owed to
21 Medicaid or not. You are also required to mail a Notice of Hearing to all beneficiaries, heirs, and creditors.)

- 22 1. HMS, on behalf of State of Nevada Dept. of Health and Human Services, Medicaid
23 Estate Recovery,
24 P.O. Box 97337
25 Las Vegas, NV 89193

(Include below the names and addresses of every entity and/or person you listed in Question #7, 9, & 10 of your Petition.)

2. _____
3. _____
4. _____
5. _____
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8. _____
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10. _____

DATED THIS _____ day of _____, 20____.

(Signature)

(Your name)

1 **OSEA**

2 _____
(Name)

3 _____
(Address)

4 _____
(City, State, Zip Code)

5 _____
(Telephone number/Fax Number)

6 _____
(E-Mail address)

Petitioner, Self-Represented

7 **EIGHTH JUDICIAL DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9
10 In the Matter of the Estate of:

Case No.: P

Dept. No.: PC-1

11 _____,
12 Deceased.
13
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15 **ORDER TO SET ASIDE ESTATE WITHOUT ADMINISTRATION**

16 It appearing to the satisfaction of the Court that a Petition to Set Aside the Estate Without
17 Administration of the above named Decedent has been filed, and that notice of the time and
18 place of the hearing thereon has been duly given in the manner prescribed by law, and that no
19 one has objected or presented any reason why said Petition should not be granted.

20 The Court finds that the gross value of the Nevada Estate of the Decedent, after deducting
21 any encumbrances, does not exceed One Hundred Thousand Dollars (\$100,000.00), and this is a
22 proper case for the whole of the Estate to be set aside, pursuant to NRS 146.070(1) or pursuant to
23 the laws of intestate succession and NRS 134.
24
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IT IS HEREBY ORDERED, ADJUDICATED AND DECREED:

1. That the Nevada Estate of *(decedent's name)* _____,

Decedent, is hereby found to include:

(List, with specificity, all the property in decedent's estate.

- *For bank accounts, CDs, stock certificates, etc., include the name of the financial institution & account number.*
- *For vehicles, include year, make, model, & vehicle identification number (VIN).*
- *List all personal property, including furniture, jewelry, cash, etc.*
- *For real property (houses, land, etc.), include property street address, legal description, & assessor's parcel number (APN).*
- *The "Estimated Gross Value" is the value of the property, before deductions. For example, it is the value of a house or a car without subtracting any liens or mortgages.)*

Type of Property & Description	Estimated Gross Value

2. That this Order shall be used as the document transferring the title to said property; and that Decedent's Estate is hereby transferred, assigned and set aside in the following manner:

(List all the people who will receive property, and in what percentage they'll receive property, or what they will be receiving. For example, if everything goes to you, you might say, "The entirety of the estate to John Doe." Or if you want to split the estate between you and two others, you might say, "50% of the estate to John Doe and 50% of the estate to Bob Brown." Or, if you can be more specific as to items, you might say, "The Chase Checking Account #123456 to John Doe; the 2014 Toyota Camry, VIN 123456, to Bob Brown; and the gold ring to Jane Doe.")

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4. That said Estate shall not be further administered upon.

DATED this ____ day of _____, 20____.

DISTRICT COURT JUDGE

Respectfully submitted,

By:

(signature)

(*print name*)

SELF-REPRESENTED

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EXHIBIT A
(Petitioner's Identification)

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EXHIBIT B
(Death Certificate)

MAKE SURE YOU HAVE REDACTED THE DECEDENT'S SOCIAL SECURITY NUMBER!!!

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EXHIBIT C
(Proof of Value of Assets)

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EXHIBIT D
(Proof of Value of Liens & Mortgages)

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EXHIBIT E
(Proof of Unsecured Debts)

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EXHIBIT F
(Affidavit in Support of Petition)