# INSTRUCTIONS FOR PETITION TO PROVE WILL AND 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 mailed notice to the decedent's heirs, devisees, and creditors. 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 prove the will and 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 will or do you wish for the estate to be distributed the way the will says it should be distributed?

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).
- 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. This includes every person named in the will as a devisee, and any person who would have a right to the property if there was no will. 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, you will plug in a lot of 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 Prove Will and 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 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 <a href="https://www.civillawselfhelpcenter.org">www.civillawselfhelpcenter.org</a>.

#### **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 the will.
- 3. A copy of your picture ID.
- 4. Proof of the values of the estate property that you collected in Step 1.
- 5. Proof of the decedent's liens and mortgages that you collected in Step 1.
- 6. Proof of the decedent's debts that you collected in Step 1.
- 7. 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 "Certificate of Service" is the number of copies of the "Notice of Hearing" you will need to make.

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 (<a href="https://www.clarkcountycourts.us/Anonymous/default.aspx">https://www.clarkcountycourts.us/Anonymous/default.aspx</a>) 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

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 <a href="https://www.civillawselfhelpcenter.org">www.civillawselfhelpcenter.org</a> 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.

PPW	
(Name)	
(Address)	
(City, State, Zip Code)	
(Telephone number/Fax Number)	
(E-Mail address) Petitioner, Self-Represented	
EIGHTH JUDICIAL DIS	STRICT COURT
CLARK COUNTY	, NEVADA
In the Matter of the Estate of:	Case No.: P
	Dept. No.: PC-1
Deceased.	
DETITION TO DROVE WIL	L AND CET ACIDE
PETITION TO PROVE WII ESTATE WITHOUT AD	
Petitioner, (your name)	, appearing
self-represented, hereby petitions the Court for an Or	der proving the Will and setting aside the
estate of (name of person who passed away)	, Deceased, without
administration pursuant to NRS 146.070. In support	
-	or this retition, retitioner respectivity states
the following:	
1. Petitioner is the (your relation to the decedent)	of Decedent and resides
at (your address)	A
copy of Petitioner's identification is attached hereto a	as Exhibit A.

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1	2. Decedent died on the (day, month, and year of death), in
2	(county where the decedent died) and, on the date of death, Decedent was a
3	resident of (city and state where the decedent lived at time of death) A certified
4	copy of Decedent's death certificate is attached herein as <b>Exhibit B</b> .
5	3. Jurisdiction is proper in this proceeding.
6	4. Petitioner believes that Decedent executed his/her Last Will and Testament on the (day,
7	month, and year Will was executed or signed) day of, 20, and the Will names the
8	following devisees: (list all the people who are written in the Will to receive something)
9	
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11	The original Will was filed with the Clerk of the Court on the (day, month, and year Will was filed) day
12	of, 20, and a copy of said Will is attached as <b>Exhibit C.</b> I believe the Will is
13	valid based on the following (state all the evidence that you know that proves the Will is valid):
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1	5. The Decedent left an estate in Clark County	, Nevada, consisting of the following
2	separate property:	
3	(List all the property in decedent's estate, and be specific.  • For bank accounts, CDs, stock certificates, etc., include the name of the final	ncial institution & account number
4	<ul> <li>For vehicles, include year, make, model, &amp; vehicle identification number (VI</li> <li>List all personal property, including furniture, jewelry, cash, etc.</li> </ul>	N).
5	For real property (houses, land, etc.), include property street address, legal The "Estimated Gross Value" is the value of the property, before deductions. Fo any liens or mortgages.)	
6	Type of Property & Description	Estimated Gross Value
7		
8		
9		
10		
11	Proof of the value of the above assets is attached as <b>E</b> .	khibit D.
12	6. The gross value of the estate is (add up the number)	ers in the "Estimated Gross Value" column)
13	s    \$·	
14	7. At the date of Decedent's death, there were	liens and mortgages on the above property
15	g as follows:	
16	[	r" column, list the names of the entities holding the liens or
17	mortgages; under "Estimated Amount Owed," list the estimated amount owed to you might believe are unenforceable, and explain why you believe this.)	each lienholder. Also include any liens and encumbrances that
18	<u>Lienholder</u>	Estimated Amount Owed
19		
20		
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23	Proof of the above liens and mortgages is attached as	Exhibit E.
24	<b>↓</b>	

1	8. The estimated value of Decedent's property is (take the total "Estimated Gross Value" that you listed in				
2	#5 and subtract the estimated amounts owed above) $\$$				
3	9. At the date of Decedent's death, Decedent owed the following unsecured debts:				
4	Under "Unsecured Creditor," list t	it is not backed by some kind of asset o he name of the entity to whom the deb			
5	amount owed.)	-1 C 1'4	E-4:4-1 A		
6	Unsecur	ed Creditor	Estimated A	mount Owed	
0					
7					
8					
9					
10					
11	Proof of the above unse	cured debts is attached as	Exhibit F.		
12	10. The nam	es, relationships, ages of	minors, and residence ac	ldresses of all the	
		1			
13	devisees, legatees, heirs	, and next-of-kin of Dece	dent, so far as known to	remoner, are:	
14	all other devisees, legatees, heirs, a	nship, age (if under 18) and address o nd next-of kin. If there was no spouse, have children, or had no living childre	write "No spouse" or if the spouse	is deceased, write "Spouse	
15	regardless of age, even if estranged information will go in the first set o	or out of state. Include all addresses; f boxes.)	if unknown, include last known add	ress or state "unknown." Your	
16	<u>Name</u>	Relationship to Decedent	Age (if under 18, list age; if over 18, write "adult.")	<u>Address</u>	
17	Your name here.	Your relationship to decedent.	Your age or "adult."	Your address.	
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24		☐ Check he	re if you have more people to inclu	de, and attach a continuation sheet.	

1	4. For all other nec	cessary and 1	proper orders.	
2	DATED THIS d	ay of	, 20	
3			Respectfully submitted,	
4			(signature)	
5			(Signature)  (Your name)	
6			(Your address)	
7			(Your city, state, and zip)	
8			(Your phone number)	
9			(Your email) PETITIONER, SELF-REPRESENT	ED
10	VEDIFICATION IN SUPI	PORT OF I	PETITION TO PROVE WILL AND	SET ASIDE
11			ADMINISTRATION	SET ASIDE
12	STATE OF NEVADA )			
13	)ss COUNTY OF CLARK )			
14			1	1 1, 0
15	(Your name)		, being first duly sworn, declares ur	ider penalty of
16	perjury under the law of the Sta	ate of Nevad	la that the foregoing and following is tr	ue and correct:
17	I am the Petitioner in th	e above-ent	itled action. I have read the foregoing	Petition to
	Prove Will and Set Aside with	out Adminis	tration, and that the same is true of my	own
18	knowledge, except for matters	stated therei	n on information and belief, and as for	those matters, I
19	believe them to be true.			
20	DATED THIS d	ay of	, 20 .	
21			<del></del>	
22			(signature)	
23			(Your name)	
24				
25			6 of 6	© 11/21/19 Civil Law Self-Hel <sub>l</sub>

NOHE	
(Name)	
(Address)	
(City, State, Zip Code)	
(Telephone number/Fax Number)	
(E-Mail address) Petitioner, Self-Represented	
EIGHTH .	JUDICIAL DISTRICT COURT
CLA	RK COUNTY, NEVADA
In the Matter of the Estate of:	Case No.: P Dept. No.: PC-1
Deceased.	
NOTICE OF HEARING RE: ESTATE V	PETITION TO PROVE WILL AND SET ASIDE WITHOUT ADMINISTRATION
PLEASE TAKE NOTICE th	nat Petitioner, (your name),
	re Will and Set Aside the Estate to (your name and names of any persons
who will receive estate if your petition is granted)	C 11 III and Set Piside the Estate to (your name and names of any persons
wno wiii receive esiaie y your peiiion is graniea)	
	of the above-named Decedent; that a hearing on the Petition
has been set for the day of	, 20, at the hour of 9:30 a.m., in the Probate
	al Justice Center at 200 Lewis Avenue, Las Vegas, NV.
///	

- 1	I			
1	Further detail	s concerning this P	etition can be obtained by reviewing the	Court file at the
2	Office of the Clerk of	f Court at 200 Lewi	is Avenue in Las Vegas, Nevada, or by	contacting the
3	Petitioner(s) or the at	torney for the Petit	ioner(s) whose name, address, and telep	hone number is:
4		(your name)		
5		(your address)		
6		(your city, state, zip) (your phone number)		
7	DATED this _	day of	, 20	
8				
9				_
			(Your name)	_
10			(10ur name)	
11				
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1	CERT	
2	(Name)	
3	(Address)	
4	(City, State, Zip Code)	
	(Telephone number/Fax Number)	
5	(E-Mail address) Petitioner, Self-Represented	
7	EIGHTH JUDICIAL	DISTRICT COURT
8	CLARK COUN	TY, NEVADA
9	In the Matter of the Estate of:	
10		Case No.: P Dept. No.: PC-1
11		
12	Deceased.	
13		
14	CERTIFICATE	OF MAILING
15	I HEREBY CERTIFY that service of the 1	Notice of Hearing re: Petition to Prove Will and
16	Set Aside the Estate Without Administration was	s made this (day of mailing) day of (month of mailing)
17	, 20(year of mailing), by	depositing a copy of the same in the U.S.
18	Mail, postage prepaid, regular mail, addressed to	: (You are required by statute to mail a Notice of
19	Hearing to Medicaid Estate Recovery, regardless of wheth	er Decedent received Medicaid or not, or owed to
20	Medicaid or not. You are also required to mail a Notice of	Hearing to all beneficiaries, heirs, and creditors.)
21	HMS, on behalf of State of Nevada Dept.     Medicaid Estate Recovery,	of Health and Human Services,
22	P.O. Box 97337 Las Vegas, NV 89193	
23		
24		
25	1 of	2

(Include l	below the names and ad	ldresses of every entity o	and/or person you listed in Question #7, 9, & 10 of your Petition.)
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3.			
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6.			
7.			
8.			
9.			
10.	•		
			(Signature) (Your name)

1	OSEA
2	(Name)
3	(Address)
4	(City, State, Zip Code)
5	(Telephone number/E-mail Address) Petitioner, Self-Represented
6	
7	EIGHTH JUDICIAL DISTRICT COURT
8	CLARK COUNTY, NEVADA
9	In the Matter of the Estate of:
10	Case No.: P Dept. No.: PC-1
11	
	Deceased.
12	
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14	ORDER TO PROVE WILL AND SET ASIDE ESTATE WITHOUT ADMINISTRATION
15	It appearing to the satisfaction of the Court that a Petition to Prove Will and Set Aside
16	The Estate Without Administration of the above named Decedent has been filed, and that notice
17	of the time and place of the hearing thereon has been duly given in the manner prescribed by
18	law, and that no one has objected or presented any reason why said Petition should not be
19	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 the Last Will and Testament of
23	the Decedent and NRS 146.070(1) or pursuant to NRS 146.020(2).

1	IT IS HEREBY ORDERED, ADJUDICATED AND DE	CREED:				
2	1. That the Will of the Decedent filed herein dated the (insert date of Will) day of					
3	, 20, is hereby proved to be a legal and valid Will.					
4	2. That the Nevada Estate of (decedent's name),					
5	Decedent, is hereby found to include:					
6 7 8	<ul> <li>(List, with specificity, all the property in decedent's estate.</li> <li>For bank accounts, CDs, stock certificates, etc., include the name of the financial institution &amp; account number.</li> <li>For vehicles, include year, make, model, &amp; vehicle identification number (VIN).</li> <li>List all personal property, including furniture, jewelry, cash, etc.</li> <li>For real property (houses, land, etc.), include property street address, legal description, &amp; assessor's parcel number (APN).</li> <li>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.)</li> </ul>					
9	Type of Property & Description	Estimated Gross Value				
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14 15 16	3. That this Order shall be used as the document transf property; and that Decedent's Estate is hereby transferred, assigned					
17 18	manner: (List all the people who will receive property, and in what percentage they'll receive property, or wl everything goes to you, you might say, "The entirety of the estate to John Doe." Or if you want to sp might say, "50% of the estate to John Doe and 50% of the estate to Bob Brown." Or, if you can be n Chase Checking Account #123456 to John Doe; the 2014 Toyota Camry, VIN 123456, to Bob Brown	lit the estate between you and two others, you nore specific as to items, you might say, "The				
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1	4. That said Estate shall not b	be further administered upon.
2	DATED this day of	, 20
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4	D 45-11	DISTRICT COURT JUDGE
5	Respectfully submitted, By:	
6	(Signature)	
7	(Print name) SELF-REPRESENTED	
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EXHIBIT A
(Petitioner's Identification)

EXHIBIT B
(Death Certificate)

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

EXHIBIT C
(Last Will & Testament)

EXHIBIT D

(Proof of Value of Assets)

EXHIBIT E
(Proof of Liens & Mortgages)

EXHIBIT F
(Proof of Unsecured Debts)

**EXHIBIT G**(Affidavit in Support of Petition)

#### DISTRICT COURT CIVIL COVER SHEET

	County, Nevada		
	Case No.		
Y D	(Assigned by Clerk's C	Office)	
I. Party Information (provide both ho			
Plaintiff(s) (name/address/phone):		Defendant(s) (name/address/phone):	
Attorney (name/address/phone):		Attorney (name/address/phone):	
II Noture of Controversy	1 (4 ) 1 11 61 , 1	7 \	
<b>II. Nature of Controversy</b> (please s Civil Case Filing Types	elect the one most applicable filing type b	elow)	
Real Property			Torts
Landlord/Tenant	Negligence		Other Torts
Unlawful Detainer	Auto		Product Liability
Other Landlord/Tenant	Premises Liability		Intentional Misconduct
Title to Property	Other Negligence		Employment Tort
Judicial Foreclosure	Malpractice		Insurance Tort
Other Title to Property	Medical/Dental		Other Tort
Other Real Property	Legal		Cuter Fort
Condemnation/Eminent Domain	Accounting		
Other Real Property	Other Malpractice		
Probate	Construction Defect & Contra	ot	Judicial Review/Appeal
Probate (select case type and estate value)	Construction Defect	ici	Judicial Review
Summary Administration	Chapter 40		Foreclosure Mediation Case
General Administration	Other Construction Defect		Petition to Seal Records
Special Administration	Contract Case		Mental Competency
Set Aside	Uniform Commercial Code		Nevada State Agency Appeal
Trust/Conservatorship	Building and Construction		Department of Motor Vehicle
Other Probate	Insurance Carrier		Worker's Compensation
Estate Value	Commercial Instrument		Other Nevada State Agency
Over \$200,000	Collection of Accounts		Appeal Other
Between \$100,000 and \$200,000	Employment Contract		Appeal from Lower Court
Under \$100,000 or Unknown	Other Contract		Other Judicial Review/Appeal
Under \$2,500	Ouler Contract		Guier Judiciai Review/Appear
	l Writ		Other Civil Filing
	i wiit		
Civil Writ	Writ of Prohibition		Other Civil Filing
Writ of Habeas Corpus			Compromise of Minor's Claim
Writ of Mandamus	Other Civil Writ		Foreign Judgment
Writ of Quo Warrant			Other Civil Matters
Business C	ourt filings should be filed using the	Busines	s Court civil coversheet.

See other side for family-related case filings.

Signature of initiating party or representative

Date