

# INSTRUCTIONS FOR PETITION FOR SPECIAL LETTERS OF ADMINISTRATION

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The appointment of a special administrator is a special, temporary situation where a person is appointed to do the limited tasks of checking into a decedent's assets, accounting the assets, marshaling the assets, protecting the assets, and/or acting as a real party in interest in lawsuits involving the estate. ***The appointment of a special administrator does not give the special administrator the right to disburse or keep any assets.*** Common situations where a special administrator is required are when: (1) no one knows what the estate consists of or no one knows the value of the estate; (2) someone needs to be appointed right away to protect the assets of the estate; and (3) when there is a lawsuit pending involving the decedent and someone needs to step in and defend or participate in that lawsuit. Special administrators are governed by Nevada Revised Statutes Title 12, Chapter 140.

In order to be appointed special administrator, follow the 11 steps:

## **Step 1: Decide if this is the right application for you.**

Read and answer the following questions.

1. Do you understand that becoming special administrator does not entitle you to any assets or give you the authority to disburse the assets? (**WARNING:** Sometimes you will get information from a bank or other agency that asks for Letters of Administration. This is different from this petition for special administration. Also, beware, because terminology gets mixed up from different states. So an agency from another state might tell you that this is what you need, but Nevada law might be different.)
2. Do you really not know the value of the decedent's estate? (Make sure you've done your own research. Real property values can be found online; car values can be found online; bank account values can be found by checking the decedent's mail.)

If you answered "no" to either or both questions, you should review Administration of Estates at [www.civillawselfhelpcenter.org](http://www.civillawselfhelpcenter.org) to see if there is another process that might work for you. However, if your answer was "yes" to both questions, this might be the right application for you, and you can proceed to the next step.

**WARNING!!!** Many people erroneously file Petitions for Special Letters of Administration—do not be one of them!!! Just because someone told you to become appointed “executor” or “administrator” of the estate doesn’t necessarily mean it is true, especially if you already know the value of the entire estate. Make sure being appointed special administrator is really what you need; otherwise, you might waste a lot of time on a process that isn’t necessary and can cause more complications with disbursing the assets later. There are many duties and liabilities of special administrators, so it is not something to be taken lightly. Make sure you’ve done your

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research on special administrators and have visited [www.civillawselfhelpcenter.org](http://www.civillawselfhelpcenter.org) for more information.

## **Step 2: Decide if you are eligible to serve as special administrator.**

In order to be appointed as special administrator, you must:

1. Be a resident of Nevada,
2. Be over the age of 18, and
3. Never have been convicted of a felony. (If you do have a felony on your record, you can still petition to become special administrator, but it will be up to the judge to decide if you can still be appointed. Felonies related to moral turpitude, theft, and financial-related crimes will bar appointment. For drug-related felonies and other felonies, it will be up to the judge to decide, based on the time that has passed since the crime and the severity of the crime.)

(NRS 139.010.)

If you are eligible to be special administrator, move on to Step 3.

## **Step 3: Collect information.**

Collect the names, ages, and addresses of any persons who have equal or higher priority than you to be appointed special administrator. Nevada law (NRS 139.040) lists the order of priority of persons who are entitled to petition to be special administrator as follows:

The order of priority for appointment as administrator is as follows (NRS 139.040):

1. Surviving spouse
2. Adult Children
3. Father or mother
4. Brother or sister
5. Grandchildren
6. Anyone entitled to share in the estate
7. Public administrator
8. Creditors
9. Any kindred within 4th degree of consanguinity (aunts, uncles, nieces, nephews, first cousins)
10. Any person legally qualified

Find out where you are in the list above, then gather the names, ages, and addresses of all the people who are equal or higher than you on the list. This will include, of course, a surviving spouse, and any children of the decedent, amongst all others.

### **Step 4: 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. Do not forget to sign the petition and verification.

This packet also includes the nomination form in Step 5. (Remember, you do not fill out the consent form. Read through Step 5 for more information.)

### **Step 5: Gather any nominations.**

Sometimes the family wants a specific person to serve as special administrator. For example, when there are siblings who are arguing over the estate, there might be a cousin who all the siblings trust to serve as administrator. If there are family members who wish to nominate you as special administrator, they can fill out a nomination form.

Refer back to your list of family members that you compiled in Step 3. Each person on that list who wants to nominate you as special administrator should fill out the nomination form. Remember, you do not fill out this form; the family members nominating you do. Also remember that if you are the person of highest priority, or if you do *not* have the nominations of the family members of equal or higher priority than you, then you will not need this step. You might need to ask for, copy, or print out more than one nomination form depending on how many family members are nominating you.

### **Step 6: Fill out affidavit.**

Refer back to your list of family members that you compiled in Step 3. Go through that list and note which family members on that list did not fill out a nomination in Step 5. An explanation for each of those family members needs to be provided in an affidavit. You can pick up a blank affidavit from the Civil Law Self-Help Center or get one from [www.civillawselfhelpcenter.org](http://www.civillawselfhelpcenter.org).

You will need to explain what efforts you have used to contact the family members, and why they cannot be found. If there are no heirs or family that you know of, you will also have to complete the affidavit explaining your relationship to the decedent, and why you do not know of any heirs (*e.g.*, "I lived with the decedent for 15 years, and he never mentioned a wife or kids. I know his parents and siblings are all deceased.") Once you have completed the affidavit, get it notarized by a notary public.

### **Step 7: Attach documents to your petition.**

Gather the following documents and attach them to the back of your petition behind the appropriate Exhibit sheet:

1. A copy of your picture ID.
2. A copy of the will, if there was one.

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3. A copy of the decedent's death certificate.
4. The nomination(s), if you have them.
5. An affidavit filled out by you explaining why the people of equal or higher priority than you have not filled out a nomination form, if there are such people.

### **Step 8: File the packet.**

After you complete the petition and order and the packet is ready, submit everything with the Eighth Judicial District Court. The clerk's office where you can submit the packet is on the 3rd floor with the Regional Justice Center at 200 Lewis Avenue, Las Vegas, NV 89155.

There is no fee to file initially. However, if the probate progresses, and the clerk's office discovers that the estate was valued between \$25,000.01 and \$299,999.99 and you file another petition to distribute the assets, the clerk's office will require a filing fee. The fees are: \$0 if the estate is valued at less than \$2,500.00; \$185.50 if the estate is between \$2,500.01 and \$20,000.00; \$284.50 if the estate is between \$20,000.01 and \$200,000.00; and \$537.50 if the estate is valued at \$200,000.01 or more.

### **Step 9: Check status of your 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, the court might set the matter for hearing. Note that hearing date and attend the hearing. However, if there are no objections, generally the court will not set the matter for hearing.

You should also continuously check the probate court's matter listing or "Pickup List" to see if the court has granted your petition. Go to the probate webpage (<http://www.clarkcountycourts.us/departments/probate/>) and click on the link for "The District Court Probate Pickup List." Search for the decedent's name under the column "Name of the Estate" then follow it to the "Status" column. If your petition has been granted, you will see the list will reflect "OK," and that means the judge has signed off on the order.

### **Step 10: Get order.**

Once the judge has signed off on the order, you can wait for the order to be mailed to you. If there are no objections filed to your petition, you can expect to receive the order in the mail about 3 to 4 weeks after filing your petition. You will receive a plain order as well as a certified copy of the order in the mail. You can also pick up a certified copy of the order at the clerk's office on the 3rd floor where you filed. Some institutions might request to see a certified copy of the order, so make sure you have one.

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**Step 11: Get Letters of Administration signed by the clerk.**

Once you have the order, fill out the remaining blanks on the Letters of Special Administration, and take it to the clerk's office on the 3rd floor. The clerk will witness you taking the oath and sign off on the Letters, then return it to you. You can use these Letters of Special Administration to present to any entities who require this before sharing any information about the estate.