



Hopkinton Probate Court

TOWN HOUSE ROAD, HOPKINTON, R. I. 02833

Hopkinton Probate Court

LOCAL RULES

1. REGULAR SESSIONS

The Probate Court shall hold its regular sessions on the second Wednesday of each month at 9:00 A.M.

2. PETITIONS

A. All petitions, pleadings and filings shall be submitted by and under the guidance of an Attorney.

B. The following Petitions may be heard without an Attorney;

1. Petition for Voluntary Informal Administrator – 1.9 under State Law 33-24.1
2. Petition for Voluntary Informal Executor – 1.8 under State Law 33-24.2
3. A Petition for a Name Change.

The Petitioner must be present at the scheduled Probate hearing.

It shall be the responsibility of the Petitioner to fill out the necessary forms entirely and correctly.

3. SCHEDULING

A. All petitions, pleadings and filings required to be advertised must be received by the Probate Clerk no later than the tenth day of the previous month to be on the following months Court Docket. A shorter time may be allowed with payment of a more expensive advertising fee.

B. All petitions, Pleadings and filings not required to be advertised must be received by the Probate Clerk no later than noon on the Monday prior to being placed on the Court Docket.

4. SPECIAL SESSIONS

A. Special Sessions of the Probate Court may be scheduled by the Clerk at the request of a party.

B. There shall be no charge for a special session reasonably required for hearing or continuance of a contested or otherwise lengthy matter requiring continuation from time to time.

5. ORDER OF CALENDAR

At any session of the Court formal and uncontested matters shall be heard prior to contested matters.

6. ORDERS

Unless otherwise directed by the Judge, the prevailing party in every matter heard by the Court shall prepare and promptly submit to the Court and to all parties who have entered an appearance in the case, an order accurately setting forth the action taken by the Court.

7. RECORDS

Two business days are required to obtain any Court records.

8. CERTIFICATE OF DEVISE

At or before the hearing on a Final Accounting or an Affidavit of Completed Administration rendered in order to close a decedent's estate, the Executor or Administrator of the decedent shall submit an affidavit to the Probate Court sufficient to support a Certificate of Descent; as well as a proposed Certificate of Descent for issuance by the Probate Court. The affidavit shall contain the information set forth in RIGL Section 33-9-29, and an "Exhibit A" shall accompany the Certificate of Devise.

In the event that no real estate or any portion thereof or interest therein is devised or distributed or set out or descends; the devisee(s), the heirs, and/or spouse of the descendant, or in the event that real estate is transferred during the administration of the estate; the Executor or Administrator shall submit an affidavit to the Probate Court to this effect at or before such hearing in lieu of the affidavit described hereinabove.

The affidavit described in the preceding paragraphs shall be signed by a person who has knowledge of the facts contained therein sufficient to make an affidavit thereof. The Executor or Administrator shall cause the certificate of descent, where applicable, to be recorded in the land evidence records of each city and town in which real property of the decedent has been devised, distributed, set out or descended, and shall cause the estate to pay the required cost or recording each said certificate.

9. PETITION FOR SALE OF REAL ESTATE

Petition for Sale of Real Estate requires an appraisal, qualifications of the realtor, a notice to the heirs, advertising or a waiver of notice.

10. FORMS

The Probate Court is now accepting the 2017 probate forms.

11. ACCOUNTS

All Accounts submitted by a Fiduciary must be certified to by the fiduciary and the attorney representing the fiduciary or the Certified Public Accountant who prepared the account, as required by R.I.G.L. 33-14-2.2.

The Court may, in its discretion, require appropriate detail for any accounts filed.

Accounts begin on Schedule "A" with the inventory or Schedule "C" balance of the last allowed account.

12. GUARDIAN AD LITEM

An application for Guardian Ad Litem must be completed and returned to the Probate Court. A list of Guardian Ad Litem's will be on file in the Probate Clerk's Office. The Attorney for the petitioner shall notify said individual of his/her appointment and provide to that person all relative information concerning the matter.

13. LEGAL ADVICE

The Clerks have been advised not to dispense legal advice and/or assist with completion of legal forms.