

CHAPTER 141 - LETTERS GENERALLY; CHANGES IN ADMINISTRATION

FORM OF LETTERS

- [SECTION 141.010](#) Signing and sealing.
- [SECTION 141.020](#) Letters testamentary.
- [SECTION 141.030](#) Letters of administration with will annexed.
- [SECTION 141.040](#) Letters of administration.
- [SECTION 141.045](#) Letters of special administration.

DISABILITY AND SUBSTITUTION

- [SECTION 141.050](#) Effect of subsequent probate.
- [SECTION 141.060](#) Incapacity of joint personal representatives.
- [SECTION 141.070](#) Incapacity of all personal representatives.

RESIGNATION, SUSPENSION AND REMOVAL

- [SECTION 141.080](#) Procedure for resigning appointment of personal representative.
- [SECTION 141.090](#) Causes for suspending appointment of personal representative.
- [SECTION 141.095](#) Powers of personal representative limited after receiving notice of proceeding to suspend or remove his appointment; disposition or transfer of assets after removal.
- [SECTION 141.100](#) Appointment of special administrator during suspension of personal representative; bond.
- [SECTION 141.110](#) Personal representative cited to show cause after suspension; service of citation.
- [SECTION 141.120](#) Interested person may file charges for removal of personal representative.
- [SECTION 141.130](#) Hearing for removal of personal representative; powers of court.
- [SECTION 141.140](#) Acts of personal representative before revocation.

FORM OF LETTERS

SECTION 141.010 Signing and sealing. Letters testamentary, letters of administration with the will annexed, letters of special administration and letters of administration must be signed by the clerk and under the seal of the court.

SECTION 141.020 Letters testamentary. Letters testamentary may be in substantially the following form, after properly entitling the court:

In the Matter of the Estate of)
) Case No.
)
 deceased.) Letters Testamentary
)

On (day) (month) (year), the court entered an order admitting the decedent’s will to probate and appointing (name) as executor of the decedent’s estate. The order includes:

- a directive for the establishment of a blocked account for sums in excess of \$.....;
- a directive for the posting of a bond in the sum of \$.....; or
- a directive for both the establishment of a blocked account for sums in excess of \$..... and the posting of a bond in the sum of \$.....

The executor, after being duly qualified, may act and has the authority and duties of an executor. In testimony of which, I have this date signed these letters and affixed the seal of the court.

CLERK OF THE COURT
By
Deputy Clerk (date)

OATH

I,, whose mailing address is, solemnly affirm that I will faithfully perform according to law the duties of executor, and that all matters stated in any petition or paper filed with the court by me are true of my own knowledge or, if any matters are stated on information and belief, I believe them to be true.

.....
Executor

SUBSCRIBED AND AFFIRMED before me this (day) of (month) of (year).

CLERK OF COURT
By
Deputy Clerk
(or)
NOTARY PUBLIC
County of State of

SECTION 141.030 Letters of administration with will annexed. Letters of administration with the will annexed may be in substantially the following form, after properly entitling the court:

In the Matter of the Estate of)
) Case No.
)
deceased.) Letters of Administration With the Will Annexed
.....)

On (day) (month) (year), the court entered an order admitting the decedent's will to probate and appointing (name) as administrator with the will annexed of the decedent's estate. The order includes:
[] a directive for the establishment of a blocked account for sums in excess of \$;
[] a directive for the posting of a bond in the sum of \$; or
[] a directive for both the establishment of a blocked account for sums in excess of \$ and the posting of a bond in the sum of \$

The administrator with the will annexed, after being duly qualified, may act and has the authority and duties of administrator with the will annexed.

In testimony of which, I have this date signed these letters and affixed the seal of the court.

CLERK OF THE COURT
By
Deputy Clerk (date)

OATH

I,, whose mailing address is, solemnly affirm that I will faithfully perform according to law the duties of administrator with the will annexed, and that all matters stated in any petition or paper filed with the court by me are true of my own knowledge or, if any matters are stated on information and belief, I believe them to be true.

.....
Administrator With the Will Annexed

SUBSCRIBED AND AFFIRMED before me this (day) of (month) of (year).

CLERK OF COURT
By
Deputy Clerk
(or)
NOTARY PUBLIC
County of State of

SECTION 141.040 Letters of administration. Letters of administration may be in substantially the following form, after properly entitling the court:

In the Matter of the Estate of)
) Case No.
)
deceased.) Letters of Administration
.....)

On (day) (month) (year), the court entered an order appointing (name) as administrator of the decedent's estate. The order includes:

- a directive for the establishment of a blocked account for sums in excess of \$
- a directive for the posting of a bond in the sum of \$; or
- a directive for both the establishment of a blocked account for sums in excess of \$ and the posting of a bond in the sum of \$

The administrator, after being duly qualified, may act and has the authority and duties of administrator. In testimony of which, I have this date signed these letters and affixed the seal of the court.

CLERK OF THE COURT
By
Deputy Clerk (date)

OATH

I,, whose mailing address is, solemnly affirm that I will faithfully perform according to law the duties of administrator, and that all matters stated in any petition or paper filed with the court by me are true of my own knowledge or, if any matters are stated on information and belief, I believe them to be true.

.....
Administrator

SUBSCRIBED AND AFFIRMED before me this (day) of (month) of (year).

CLERK OF COURT
By
Deputy Clerk
(or)
NOTARY PUBLIC
County of State of

SECTION 141.045 Letters of special administration. Letters of special administration may be in substantially the following form, after properly entitling the court:

In the Matter of the Estate of)
) Case No.
)
deceased.) Letters of Special Administration

.....)

On (day) (month) (year), the court entered an order appointing (name) as special administrator of the decedent’s estate. The order includes:

a directive for the establishment of a blocked account for sums in excess of \$.....;

a directive for the posting of a bond in the sum of \$.....; or

a directive for both the establishment of a blocked account for sums in excess of \$ and the posting of a bond in the sum of \$.....

The special administrator, after being duly qualified, may act and has the authority and duties of special administrator.

In testimony of which, I have this date signed these letters and affixed the seal of the court.

CLERK OF THE COURT

By

Deputy Clerk (date)

OATH

I,, whose mailing address is, solemnly affirm that I will faithfully perform according to law the duties of special administrator, and that all matters stated in any petition or paper filed with the court by me are true of my own knowledge or, if any matters are stated on information and belief, I believe them to be true.

.....

Special Administrator

SUBSCRIBED AND AFFIRMED before me this (day) of (month) of (year).

CLERK OF COURT

By

Deputy Clerk

(or)

NOTARY PUBLIC

County of State of

DISABILITY AND SUBSTITUTION

SECTION 141.050 Effect of subsequent probate. If, after granting letters of administration on the ground of intestacy, a will of the decedent is duly proved and allowed by the court, the letters of administration must be revoked and the power of the administrator ceases, and the administrator shall render an account of his administration within such time as the court directs. In such a case, the executor of the will, or the administrator with the will annexed, is entitled to demand, maintain an action for and collect all the goods, chattels and effects of the decedent, remaining unadministered, and may prosecute to final judgment any action commenced by or against the administrator before the revocation of that administrator’s letters.

SECTION 141.060 Incapacity of joint personal representatives. If one of several personal representatives of the same estate to whom letters have been granted dies, becomes incapacitated or disqualified, or otherwise becomes incapable of executing the duties of the office, or if the letters are revoked or annulled according to law with respect to one personal representative, the remaining personal representative shall proceed and complete the administration of the estate.

SECTION 141.070 Incapacity of all personal representatives. If all the personal representatives die or from any cause become incapable of executing the duties of their office, or the authority of all of them is revoked or annulled

according to law, the court shall direct letters to be issued according to the priority established in [SECTION 139.040](#). The successor personal representative shall post such bond as the court may require.

RESIGNATION, SUSPENSION AND REMOVAL

SECTION 141.080 Procedure for resigning appointment of personal representative. A personal representative may resign the appointment at any time, by a writing filed with the court, to take effect upon the settlement of the accounts. If, however, by reason of any delay in the settlement or for any other cause, the circumstances of the estate or the rights of those interested therein require it, the court, at any time after the tendering of the resignation, may revoke the letters of the personal representative and appoint a successor personal representative in the same manner as is directed in relation to original letters. The liability of the previous personal representative or of the sureties on the bond of the personal representative is not discharged, released or affected by the resignation or appointment, but continues until the personal representative has delivered up all the estate to the successor and filed an accounting in accordance with [SECTION 150.080](#), and the accounting has been approved by the court.

SECTION 141.090 Causes for suspending appointment of personal representative. If a court has reason to believe, from its own knowledge or from credible information, that a personal representative:

1. Has wasted, converted to the personal representative's own use or mismanaged, or is about to waste or convert to the personal representative's own use, the property of the estate committed to the personal representative's charge;
 2. Has committed or is about to commit any wrong or fraud upon the estate;
 3. Has become disqualified to act;
 4. Has wrongfully neglected the estate;
 5. Has a conflict of interest with the estate; or
 6. Has unreasonably delayed the performance of necessary acts in any particular as personal representative,
- ↳ the court may, by an order entered upon the minutes, suspend the powers of the personal representative until the matter can be investigated, or take such other action as it deems appropriate under the circumstances.

SECTION 141.095 Powers of personal representative limited after receiving notice of proceeding to suspend or remove his appointment; disposition or transfer of assets after removal. After receipt of notice of a proceeding to suspend or remove a person as personal representative, the person shall not act except to account, correct malfeasance or misfeasance of administration, or preserve the estate. If removal is ordered, the court shall also order the disposition or transfer of the assets remaining in the name or under the control of the personal representative being removed.

SECTION 141.100 Appointment of special administrator during suspension of personal representative; bond. During the suspension of the powers of a personal representative, as provided in [SECTION 141.090](#) and [142.110](#), the court, if the condition of the estate requires, may appoint a special administrator to take charge of the estate. The special administrator must post such bond as the court may require.

SECTION 141.110 Personal representative cited to show cause after suspension; service of citation.

1. If an order of suspension is entered, the clerk shall issue a citation, reciting the order of suspension, to the personal representative to appear before the court at a time stated, as fixed by the court, to show cause why the letters of the personal representative should not be revoked.
2. The citation must be served as provided in [SECTION 155.050](#).
3. If the personal representative has absconded or has left the Reservation or State, the citation may be served by leaving a copy with the personal representative's attorney of record, if available, or in such manner as the court may direct, and the court has jurisdiction to proceed as if the citation had been personally served.

SECTION 141.120 Interested person may file charges for removal of personal representative. An interested person may appear at the hearing and file allegations in writing, showing that the personal representative should be removed.

SECTION 141.130 Hearing for removal of personal representative; powers of court.

1. If the personal representative fails to appear as required by the citation, or if the personal representative appears and the court is satisfied that good grounds exist for removal, the letters of the personal representative must be revoked, and new letters must issue.

2. In proceedings for the removal of a personal representative, the court may compel the attendance of the personal representative by proper process, and may require the personal representative to answer questions, on oath, relating to the administration, and, upon refusal to do so, may commit the personal representative to jail until the personal representative obeys or may revoke the letters, or both.

SECTION 141.140 Acts of personal representative before revocation. All acts of a personal representative before the revocation of the letters of the personal representative are as valid, for all intents and purposes, as if the personal representative had continued lawfully to execute the duties of the office.