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Probate Law
and Practice

With Forms

THIRD EDITION

By

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of the Massachusetts Bar

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Introduction to the Third Edition of Probate Law and Practice with Forms

Probate Law and Practice with Forms (Massachusetts Practice Series, Volumes 21 and 22) is an invaluable guide to the probate of any estate and provides extensive forms and expert analysis. These volumes include comprehensive treatment of will contests, taxation, guardians, personal representatives, trusts and trustees, sales, mortgages, and appeals and review.

Highlights from the new features and recent developments in this new Third Edition include:

- Updates to all relevant statutes, rules and case law
- Updates to official forms
- Extensive new discussion of non-judicial settlement agreements
- Updated discussions of antenuptial and postnuptial agreements; descent and distribution of property; settlements and advancements; estates of deceased nonresidents; insolvent estates of deceased persons; probate titles to property; administration of intestate estates; kinds of administration; appointment of personal representative in probate of will; bonds of fiduciaries; payment of debts; payment of legacies; suits on probate bonds; death, resignation or removal of personal representative; nature and kinds of trusts; appointment and removal of trustees; accounts of trustees; guardianship; and temporary guardianship

Dedication

These volumes are dedicated to the many clients I have worked with over the last 30 years. Their journey and stories continue to be an inspirational learning experience.

About the Author

Patricia M. Annino is a partner with the Boston office of global law firm, Rimon, P.C. nationally recognized authority on estate planning with more than 30 years of experience serving the estate planning needs of families, individuals, and owners of closely held and family owned businesses.

Patricia has been voted by her peers as one of the Best Lawyers in America (trust and estates), a Super Lawyer, a top 50 Massachusetts Female Lawyer, Boston Estate Planning Council's Estate Planner of the Year.

Patricia is also the author of *Estate Planning with Forms*, Volumes 23 and 24 of the Thomson Reuters Massachusetts Practice Series.

Patricia is a graduate of Smith College (A.B.), Suffolk University School of Law (J.D.) and Boston University School of Law (L.L.M. in Taxation). She is a Fellow of ACTEC (American College of Trust and Estates Council).

Preface

Originally John Lombard wrote a five-volume series for Massachusetts Practice entitled *Probate Law and Practice*. The estate planning volume was one chapter in this set. When it came time to update the volumes a lot had changed. The Honorable Sean T. Dunphy wrote the two-volume series on Probate Law and Practice and I wrote the two-volume series on Estate Planning. I am privileged to author these probate volumes after Judge Dunphy's death. In the 20 years since these volumes were published it is clear that once again the law pertaining to probate and estate planning is interwoven. Over the cycles of time the areas practitioners pay attention to changes. There have been and will be significant tax law and statutory law changes that impact the way that we view this practice area. These four volumes together present a comprehensive view of estate planning and probate law in Massachusetts. I look forward to updating these volumes annually from the combined perspective of estate planning and probate. Thank you for your continued support of these volumes.

Note on Use

Although the term “personal representative” is used in the Massachusetts Uniform Probate Code, the term “executor” is still used in other parts of the Massachusetts General Laws and in prior case law that remains good precedent. These terms should generally be regarded as interchangeable as used throughout this book.



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