

Index

ACCOUNTS AND ACCOUNTING

- Appeals, form for refusal to accept account of administrator, **8:17**
- Fiduciary litigation, **4:4**
- Judgments and decrees, rectification of intermediate accounts, **7:4**

ACCUMULATION OF INCOME AND PRINCIPAL

- Fiduciary litigation, **4:12, 4:13**

ACTIONS ON PROBATE BONDS

- Probate Bonds** (this index)

ADEMPMENT

- Construction of wills and trusts, **2:4**

ADMINISTRATION AND ADMINISTRATORS

- Executors and Administrators** (this index)

ADMISSIONS AND DECLARATIONS

- Generally, **5:7**
- Donative or testamentary declarations of testator, **5:9**
- Fiduciary litigation, testator in, **5:5**
- Intent to revoke by testator, declarations of, **5:8**

ADOPTION

- Intestate share for children born or adopted after execution of parent's will, **1:26**

ADVANCEMENTS

- Construction of wills and trusts, **2:4**

ADVICE

- Construction of wills and trusts, form for complaint by trustee for advice, **2:13, 2:14**

AFTER-ACQUIRED PROPERTY

- Construction of wills and trusts, **2:4**

AFTER-DISCOVERED WILLS

- Judgments and decrees, form for admission to probate, **7:12, 7:13**

AGGRIEVEMENT

- Who can appeal, **8:2**

AGREEMENTS AND CONTRACTS

- Fiduciary Litigation** (this index)
- Will Contests** (this index)

ALLOCATION

- Fiduciary litigation, allocation and accumulation of income and principal, **4:12, 4:13**
- Probate bonds, allocation of loss between sureties, **6:5**

AMOUNT

- Probate bonds, amount of recovery for breach, **6:7**

ANSWER

- Appeals, form for answer to reasons of appeal from decree refusing to admit will to probate, **8:16**
- Construction of wills, form for answer and claim of certain defendants in action for construction of, **2:15**

APPEALS

- Generally, **8:1 et seq.**
- Account of administrator, form for refusal to accept, **8:17**
- Administrators. Forms, below
- Aggrievement, who can appeal, **8:2**
- Answer to reasons of appeal from decree refusing to admit will to probate, form for, **8:16**
- Applications. Forms, below
- Compromise of appeal, forms, **8:20 to 8:21**
- Costs and expenses, **8:10**
- Effect of appeals, **8:6**
- Executors and administrators. Forms, below
- Expenses, **8:10**
- Forms
 - account of administrator, refusal to accept, **8:17**
 - administrators
 - account of administrator, refusal to accept, **8:17**
 - removal, reasons for appeal from decree refusing, **8:18**
 - answer to reasons of appeal from decree refusing to admit will to probate, **8:16**
 - applications
 - compromise of appeal, **8:20**
 - mandamus writ, **8:22, 8:25**
 - compromise of appeal, **8:20 to 8:21**
 - decree admitting or refusing to admit will to probate, **8:14 to 8:16**
 - executors and administrators. Administrators, above in this group

APPEALS—Cont’d

Forms—Cont’d

- judgments and decrees, generally, **8:19**
- mandamus writs, **8:22 to 8:25**
- motion for appeal, **8:13**
- order of hearing on compromise of appeal, **8:21**
- removal of administrator, reasons for appeal from decree refusing, **8:18**
- return to writ of mandamus, **8:24**
- Hearing on compromise of appeal, form for order of, **8:21**
- Irregularities, **8:5**
- Judgments and decrees, generally, **7:9**
- Mandamus writs, **8:11, 8:22 to 8:25**
- Motions for appeal, **8:13**
- Notice, **8:5**
- Order of hearing on compromise of appeal, form for, **8:21**
- Pleadings, **8:7**
- Post-judgment interest, **8:10**
- Probate, trials of appeals, **8:8**
- Removal of administrator, form for reasons for appeal from decree refusing, **8:18**
- Service of notice, **8:5**
- Superior courts
 - generally, **8:9**
 - judgments and decrees, appeals from probate and superior court litigation, **7:9**
- Time for appeals, **8:4**
- Trial, **8:18**
- What can appeal, **8:3**
- Who can appeal, **8:2**

APPEARANCE

- Will contests, attorneys’ appearance from other jurisdictions, **1:5**

APPLICATIONS

- Appeals, forms
 - compromise of appeal, **8:20**
 - mandamus writ, **8:22, 8:25**
- Involuntary conservator, application for, **3:2 to 3:4**
- Judgments and decrees, applications to revoke, **7:3, 7:10 to 7:15**
- Probate bonds, forms
 - judge of superior court, permission to sue on bond, **6:12**
 - permission to sue on bond, **6:10**

APPOINTMENT, POWERS OF

- Conservators, jurisdiction to appoint, **3:5**
- Construction of wills and trusts, **2:5**

APPROVAL

- Fiduciary litigation, approval of settlements and other actions, **4:23**

ATTORNEYS

- Certificate of appointment of judge as agent for service, **1:31**
- Conservatorship proceedings, role in, **3:8**
- Evidence, attorney-client privilege in will contests, **5:10**
- Fee reimbursement, construction of wills and trusts, **2:8**
- Fiduciaries, application of Rules of Professional Conduct to, **4:25**
- Out-of-state attorney
 - affidavit supporting motion to permit appearance, **1:30**
 - motion to permit appearance, **1:29**
- Will contests, attorneys’ appearance from other jurisdictions, **1:5**

ATTORNEYS’ FEES

- Construction of wills and trusts, reimbursement, **2:8**

BENEFICIARIES

- Construction of wills and trusts, representation of beneficiary in trust matters, **2:9**
- Will Contests** (this index)

BONDS AND UNDERTAKINGS

- Probate Bonds** (this index)

BREACH OF PROBATE BONDS

- Generally, **6:6, 6:7**

BURDEN OF PROOF AND PRESUMPTIONS

- Generally, **5:11**
- Will Contests** (this index)

CAPACITY

- Mental Capacity or Condition** (this index)

CHALLENGING PROBATE COURT DECREES

- Judgments and Decrees** (this index)

CHARITABLE BEQUESTS

- Construction of wills and trusts, **2:7**

CHILDREN

- Intestate share for children born or adopted after execution of parent’s will, **1:26**
- Will contests, revocation, **1:18**

CLAIMS AGAINST ESTATES

- Fiduciary litigation, **4:2**
- Survival of actions on death, **4:2**

INDEX

COLLATERAL ATTACK

Fraud and mistake, **7:6**

COLLATERAL ESTOPPEL

Generally, **7:5**

COMPENSATION

Fiduciary litigation, promises to compensate by will, **4:3, 4:26**

COMPLAINT

Pleadings (this index)

COMPROMISE AND SETTLEMENT

Appeals, forms, **8:20 to 8:21**

Will contests, **1:28**

CONNECTICUT PRINCIPAL AND INCOME ACT OF 1999

Fiduciary litigation, **4:12**

CONSERVATORS

Involuntary conservatorship proceedings, **3:1 et seq.**

Jurisdiction to appoint conservator, **3:5**

CONSTRUCTION OF PROBATE BONDS

Generally, **6:2**

CONSTRUCTION OF WILLS AND TRUSTS

Generally, **2:1 to 2:16**

Ademption, **2:4**

Advancements, **2:4**

Advice, form for complaint by trustee for advice, **2:13, 2:14**

After-acquired property, **2:4**

Answer and claim of certain defendants in action for construction of will, form for, **2:15**

Appointment, powers of, **2:5**

Attorneys' fees, reimbursement of, **2:8**

Charitable bequests, **2:7**

Complaint, forms, **2:11 to 2:14**

Cy pres, **2:7**

Dividends, **2:4**

Expenses and attorneys' fees, reimbursement of, **2:8**

Fee simple absolute, **2:4**

Forms

advice, complaint by trustee for advice, **2:13, 2:14**

answer and claim of certain defendants in action for construction of will, **2:15**

complaint, **2:11 to 2:14**

instructions, complaint by trustee for, **2:14**

judgment construing will, **2:16**

CONSTRUCTION OF WILLS AND TRUSTS

—**Cont'd**

Heirs, identification of, **2:3**

Identification

heirs, **2:3**

property and property interests, **2:4**

Instructions, form for complaint by trustee for, **2:14**

Judgment construing will, form for, **2:16**

Lapse, **2:3**

Life estates and remaindermen, **2:4, 2:6**

Powers of appointment, **2:5**

Reimbursement of expenses and attorneys' fees, **2:8**

Representation of beneficiary in trust matters, **2:9**

Stock splits, **2:4**

Title, determination of, **2:2**

CONTESTS

Lifetime transfers, **1:24 et seq.**

Will contests

generally, **1:1 et seq.**

agreements

not to contest, **1:6**

premarital agreements, **1:27**

attorney-client privilege, **5:10**

attorneys' appearance from other jurisdictions, **1:5**

beneficiaries' rights, generally, **1:4**

burden of proof. Presumptions and burden of proof, below

capacity. Mental capacity, below

children, revocation, **1:18**

contracts and agreements. Agreements, above

costs and expenses, **1:3**

dependent relative, revocation, **1:18**

election against will, **1:24**

evidence

mental capacity, **1:10 to 1:13**

presumptions and burden of proof, below

undue influence, **1:15 to 1:17**

expenses, **1:3**

expert and opinion evidence as to mental condition, **1:12, 1:13**

fraud, **1:21**

grounds, generally, **1:9 to 1:23**

hearing, issues arising from, **1:7**

husband and wife

election against will, **1:24**

premarital agreements, **1:27**

revocation, **1:18**

inadequate formalities, **1:20**

lay opinion as to mental condition, **1:12, 1:13**

lost wills, presumption of revocation of, **1:19**

CONTESTS—Cont’d

- Will contests—Cont’d
 - marital relations. Husband and wife, above mental capacity
 - generally, **1:9 to 1:13**
 - presumption of capacity, **1:10**
 - mistake, **1:21**
 - opinion evidence as to mental condition, **1:12, 1:13**
 - perpetuities, rule against, **1:22, 1:23**
 - premarital agreements, **1:27**
 - presumptions and burden of proof
 - generally, **1:2**
 - mental capacity, **1:10**
 - revocation of lost wills, **1:19**
 - undue influence, **1:15**
 - proof. Evidence, above
 - revocation, **1:18, 1:19**
 - rule against perpetuities, **1:22, 1:23**
 - settlement, **1:28**
 - spouse. Husband and wife, above
 - surrounding circumstances, undue influence, **1:17**
 - undue influence, **1:14 to 1:17**
 - uniform Statutory Rule Against Perpetuities Act, **1:23**
 - wife. Husband and wife, above

CONTRACTS AND AGREEMENTS

- Fiduciary Litigation** (this index)
- Will Contests** (this index)

COPIES

- Evidence, records of probate court, **5:2**

COSTS AND EXPENSES

- Appeals, **8:10**
- Construction of wills and trusts, reimbursement, **2:8**
- Contests of wills, **1:3**
- Post-judgment interest, **8:10**

COUNSEL

- Evidence, attorney-client privilege in will contests, **5:10**
- Fee reimbursement, construction of wills and trusts, **2:8**
- Will contests, attorneys’ appearance from other jurisdictions, **1:5**

CREDITORS’ RIGHTS

- Fiduciary litigation, creditors’ rights to trust distributions, **4:16**

CY PRES

- Construction of wills and trusts, **2:7**

DECLARATIONS AND ADMISSIONS

- Generally, **5:7**
- Donative or testamentary declarations of testator, **5:9**
- Fiduciary litigation, testator in, **5:5**
- Intent to revoke by testator, declarations of, **5:8**

DECREES

- Judgments and Decrees** (this index)

DEFECTS AND IRREGULARITIES

- Appeals, **8:5**
- Judgments and decrees, jurisdictional defects, **7:7, 7:8**

DEPENDENT RELATIVES

- Will contests, revocation, **1:18**

DISTRIBUTIONS

- Fiduciary litigation
 - creditors’ rights to trust distributions, **4:16**
 - “equal” estate shares, distribution of, **4:17**
- Judgments and decrees, rectification of distributions in final probate court proceedings, **7:4**

DIVIDENDS

- Construction of wills and trusts, **2:4**

DONATIVE DECLARATIONS OF TESTATOR

- Generally, **5:9**

ELECTION AGAINST WILL

- Contests of will, **1:24**

ENTRIES

- Evidence** (this index)

ENVIRONMENTAL LIABILITY

- Fiduciary litigation, **4:18**

“EQUAL” ESTATE SHARES

- Fiduciary litigation, distribution, **4:17**

ERROR

- Judgments and Decrees** (this index)

EVIDENCE

- Generally, **5:1 et seq.**
- Admissions and Declarations** (this index)
- Attorney-client privilege in will contests, **5:10**
- Burden of proof and presumptions
 - generally, **5:11**
 - Will Contests** (this index)
- Copies of records of probate court, **5:2**
- Declarations. **Admissions and Declarations** (this index)
- Discovery, **5:13, 5:14**

INDEX

EVIDENCE—Cont'd

- Entries. Memoranda and entries, below
- Extrinsic evidence. **Parol Evidence** (this index)
- Fiduciary litigation, declarations, entries, and memoranda of testator in, **5:5**
- Hearing management conferences, **5:15**
- Hearsay, **5:4**
- Memoranda and entries
 - fiduciary litigation, testator in, **5:5**
 - mentally incapable persons, **5:6**
- Mentally incapable persons, memoranda and entries of, **5:6**
- Parol evidence
 - records of probate court, **5:3**
 - Scrivener's error, **5:12**
- Post-hearing evidence, **5:16**
- Presumptions and burden of proof
 - generally, **5:11**
 - Will Contests** (this index)
- Privileged communications, attorney-client privilege in will contests, **5:10**
- Records of probate court, **5:2, 5:3**
- Rules of procedure for discovery in probate court, **5:14**
- Will contests, attorney-client privilege in, **5:10**
- Will Contests** (this index)

EXECUTORS AND ADMINISTRATORS

- Appeals** (this index)
- Fiduciary litigation, suit against executor for services rendered on promise of deceased to compensate by will, **4:26**
- Judgments and decrees, form to revoke administration, **7:12, 7:13**

EX PARTE DECREES

- Revocation, form for, **7:11**

EXPENSES AND COSTS

- Appeals, **8:10**
- Construction of wills and trusts, reimbursement, **2:8**
- Contests of wills, **1:3**
- Post-judgment interest, **8:10**

EXPERT AND OPINION EVIDENCE

- Will contests, mental condition, **1:12, 1:13**

EXTRINSIC EVIDENCE

- Parol Evidence** (this index)

FAMILY ALLOWANCES

- Fiduciary litigation, **4:15**

FEES

- Fiduciary litigation, **4:21**

FEE SIMPLE ABSOLUTE

- Construction of wills and trusts, **2:4**

FIDUCIARY LITIGATION

- Generally, **4:1 et seq.**
- Accountings, **4:4**
- Accumulation of income and principal, **4:12, 4:13**
- Allocation and accumulation of income and principal, **4:12, 4:13**
- Approval of settlements and other actions, **4:23**
- Attorney fiduciaries, application of Rules of Professional Conduct to, **4:25**
- Claims against estates, **4:2**
- Compensation by will, promises for, **4:3, 4:26**
- Connecticut Principal and Income Act of 1999, **4:12**
- Contracts
 - generally, **4:10**
 - promises to compensate by will (contracts to make will), **4:3, 4:26**
- Creditors' rights to trust distributions, **4:16**
- Distributions
 - creditors' rights to trust distributions, **4:16**
 - "equal" estate shares, distribution of, **4:17**
- Environmental liability, **4:18**
- "Equal" estate shares, distribution of, **4:17**
- Evidence, declarations, entries, and memoranda of testator, **5:5**
- Executors, form for suit against executor for services rendered on promise of deceased to compensate by will, **4:26**
- Family allowances during probate, **4:15**
- Fees, **4:21**
- Form, suit against executor for services rendered on promise of deceased to compensate by will, **4:26**
- Income and principal, allocation and accumulation of, **4:12, 4:13**
- Investments
 - generally, **4:5**
 - Uniform Prudent Investor Act (1997), **4:6, 4:7**
- Judgments and decrees, liability for payments for made under erroneous decrees, **4:14**
- Jury trial, right to, **4:20**
- Long-arm jurisdiction, **4:1**
- Mediation, **4:22**
- Mistakes, liability for payments for made under erroneous decrees, **4:14**
- Nonjudicial settlement agreements, **4:24**
- Payments for made under erroneous decrees, liability for, **4:14**
- Powers of attorney, **4:19**

FIDUCIARY LITIGATION—Cont'd

- Principal and income, allocation and accumulation of, **4:12, 4:13**
- Promises to compensate by will, **4:3, 4:26**
- Removal, **4:9**
- Self-dealing, **4:8**
- Settlements and other actions, approval, **4:23**
- Tort actions, **4:11**
- Trust distributions, creditors' rights to, **4:16**
- Uniform Prudent Investor Act (1997), **4:6, 4:7**

FINAL PROBATE COURT PROCEEDINGS

- Judgments and decrees, rectification of distributions in final probate court proceedings, **7:4**

FORMS

- Appeals
 - account of administrator, refusal to accept, **8:17**
 - administrators
 - account of administrator, refusal to accept, **8:17**
 - removal, reasons for appeal from decree refusing, **8:18**
 - answer to reasons of appeal from decree refusing to admit will to probate, **8:16**
 - applications
 - compromise of appeal, **8:20**
 - mandamus writ, **8:22, 8:25**
 - compromise of appeal, **8:20 to 8:21**
 - decree admitting or refusing to admit will to probate, **8:14 to 8:16**
 - executors and administrators. Administrators, above in this group
 - judgments and decrees, generally, **8:19**
 - mandamus writs, **8:22 to 8:25**
 - motion for appeal, **8:13**
 - order of hearing on compromise of appeal, **8:21**
 - removal of administrator, reasons for appeal from decree refusing, **8:18**
 - return to writ of mandamus, **8:24**
- Construction of wills and trusts
 - advice, complaint by trustee for advice, **2:13, 2:14**
 - answer and claim of certain defendants in action for construction of will, **2:15**
 - complaint, **2:11 to 2:14**
 - instructions, complaint by trustee for, **2:14**
 - judgment construing will, **2:16**
- Fiduciary litigation, suit against executor for services rendered on promise of deceased to compensate by will, **4:26**
- Judgments and decrees
 - generally, **7:2**

FORMS—Cont'd

- Judgments and decrees—Cont'd
 - administration, revocation of, **7:12, 7:13**
 - after-discovered wills, admission to probate, **7:12, 7:13**
 - appeals, above
 - application to revoke, **7:10, 7:12, 7:14**
 - construction of wills and trusts, **2:16**
 - ex parte decree, revocation of, **7:11**
 - later wills, admission of, **7:14, 7:15**
 - probate bonds, decree granting permission to sue on, **6:11**
 - revocation, **7:10 to 7:15**
- Probate bonds
 - generally, **6:16**
 - action of probate bond, **6:15**
 - applications
 - judge of superior court, permission to sue on bond, **6:12**
 - permission to sue on bond, **6:10**
 - decree granting permission to sue on bond, **6:11**
 - judge of superior court, permission to sue on bond, **6:12, 6:14**
 - orders
 - judge of superior court granting permission to sue on bond, **6:14**
 - show cause order on sue on bond, **6:14**
 - show cause order on sue on bond, **6:14**

FRAUD

- Collateral attack, **7:6**
- Will contests, **1:21**

HEARINGS

- Appeals, form for order of hearing on compromise of appeal, **8:21**
- Conservatorship, hearing on application for involuntary conservator, **3:4**
- Management conferences, **5:15**
- Post-hearing evidence, **5:16**

HEARSAY

- Evidence in probate litigation, **5:4**

HEIRS

- Construction of wills and trusts, identification of heirs, **2:3**

HUSBAND AND WIFE

- Will contests
 - election against will, **1:24**
 - premarital agreements, **1:27**
 - revocation, **1:18**

INDEX

IDENTIFICATION

- Construction of wills and trusts
heirs, **2:3**
property and property interests, **2:4**

INCOME AND PRINCIPAL

- Fiduciary litigation, accumulation of income and principal, **4:12, 4:13**

INSTRUCTIONS

- Construction of wills and trusts, form for complaint by trustee for instructions, **2:14**

INTENT

- Declarations of intent to revoke by testator, **5:8**

INTERMEDIATE ACCOUNTS

- Judgments and decrees, rectification of, **7:4**

INVESTMENTS

- Fiduciary litigation
generally, **4:5**
Uniform Prudent Investor Act (1997), **4:6, 4:7**

INVOLUNTARY CONSERVATORSHIP PROCEEDINGS

- Generally, **3:1 et seq.**
- Application for involuntary conservator
application, **3:2**
hearing on, **3:4**
notice on, **3:3**
- Attorneys, role in proceedings, **3:8**
- Forms, **3:9 to 3:11**
- Jurisdiction to appoint conservator, **3:5**
- Petition for appointment of involuntary conservator, form, **3:9**
- Petition for appointment of temporary conservator, **3:11**
- Physician's evaluation/conservatorship, **3:10**
- Temporary conservator, **3:6, 3:11**
- Termination of conservatorship, **3:7**

IRREGULARITIES AND DEFECTS

- Appeals, **8:5**
- Judgments and decrees, jurisdictional defects, **7:7, 7:8**

JUDGES

- Probate bonds, form for permission to sue on bond judge of superior court, **6:12, 6:14**

JUDGMENTS AND DECREES

- Administration, form for revocation, **7:12, 7:13**
- After-discovered wills, form for admission to probate, **7:12, 7:13**
- Appeals (this index)

JUDGMENTS AND DECREES—Cont'd

- Applications to revoke, **7:3, 7:10 to 7:15**
- Challenging court decrees, generally, **7:1 et seq.**
- Collateral attack, fraud and mistake, **7:6**
- Collateral estoppel, **7:5**
- Construction of wills and trusts, form, **2:16**
- Defects, jurisdictional, **7:7, 7:8**
- Distributions in final probate court proceedings, rectification of, **7:4**
- Errors. Mistakes, below
- Ex parte decree, form for revocation of, **7:11**
- Fiduciary litigation, liability for payments for made under erroneous decrees, **4:14**
- Final probate court proceedings, rectification of distributions in, **7:4**
- Forms
generally, **7:2**
administration, revocation of, **7:12, 7:13**
after-discovered wills, admission to probate, **7:12, 7:13**
- Appeals (this index)
application to revoke, **7:10, 7:12, 7:14**
construction of wills and trusts, **2:16**
ex parte decree, revocation of, **7:11**
later wills, admission of, **7:14, 7:15**
probate bonds, decree granting permission to sue on, **6:11**
revocation, **7:10 to 7:15**
- Fraud and mistake, collateral attack, **7:6**
- Intermediate accounts, rectification of, **7:4**
- Jurisdictional defects, **7:7, 7:8**
- Later wills, form for admission of, **7:14, 7:15**
- Mistakes
collateral attack, **7:6**
fiduciary litigation, liability for payments for made under erroneous decrees, **4:14**
- Modification of decree, application for, **7:3, 7:10**
- Probate bonds, form for decree granting permission to sue on, **6:11**
- Res judicata and collateral estoppel, **7:5**
- Revocation, application for, **7:3, 7:10 to 7:15**
- Superior court litigation, appeals from, **7:9**

JUDICIAL REVIEW

- Appeals (this index)

JURISDICTION

- Conservator, appointment, **3:5**
- Fiduciary litigation, long-arm jurisdiction, **4:1**
- Judgments and decrees, jurisdictional defects, **7:7, 7:8**

JURY TRIAL

Fiduciary litigation, **4:20**

LAPSE

Construction of wills and trusts, **2:3**

LATER WILLS

Judgments and decrees, form for admission, **7:14, 7:15**

LAWYERS

Evidence, attorney-client privilege in will contests, **5:10**

Fee reimbursement, construction of wills and trusts, **2:8**

Will contests, attorneys' appearance from other jurisdictions, **1:5**

LAY OPINION

Will contests, mental condition, **1:12, 1:13**

LIFE ESTATES AND REMAINDERMEN

Construction of wills and trusts, **2:4, 2:6**

LIFETIME TRANSFERS

Contests, **1:24 et seq.**

LONG-ARM JURISDICTION

Fiduciary litigation, **4:1**

LOST WILLS

Contests of wills, presumption of revocation of lost wills, **1:19**

MANDAMUS WRITS

Appeals, **8:11, 8:22 to 8:25**

MARITAL RELATIONS

Will contests
election against will, **1:24**
premarital agreements, **1:27**
revocation, **1:18**

MEDIATION

Fiduciary litigation, **4:22**

MEDICAID ELIGIBILITY

Asset transfer, **1:8**

MEMORANDA

Evidence
fiduciary litigation, testator in, **5:5**
mentally incapable persons, **5:6**

MENTAL CAPACITY OR CONDITION

Evidence, memoranda and entries of mentally incapable persons, **5:6**
Will Contests (this index)

MINORS

Children (this index)

MISTAKE

Judgments and Decrees (this index)
Parol evidence, scrivener's error, **5:12**
Will contests, **1:21**

MODIFICATION OF DECREES

Applications, **7:3, 7:10**

MOTIONS

Appeals, **8:13**

NOTICE

Appeals, **8:5**
Application for involuntary conservator, **3:3**

OPINION EVIDENCE

Will contests, mental condition, **1:12, 1:13**

ORDERS

Appeals, form for order of hearing on compromise of appeal, **8:21**
Probate Bonds (this index)

OUT-OF-STATE ATTORNEY

Affidavit supporting motion to permit appearance in probate court, **1:30**
Motion to permit appearance in probate court, **1:29**

PAROL EVIDENCE

Records of probate court, **5:3**
Scrivener's error, **5:12**

PAYMENT

Fiduciary litigation, liability for payments for made under erroneous decrees, **4:14**

PERPETUITIES, RULE AGAINST

Will contests, **1:22, 1:23**

PHYSICIAN

Evaluation for conservatorship, form, **3:10**

PLEADINGS

Answer (this index)
Appeals, **8:7**
Construction of wills and trusts, forms for complaint, **2:11 to 2:14**

POST-HEARING EVIDENCE

Generally, **5:16**

POST-JUDGMENT INTEREST

Appeals, **8:10**

POWERS OF APPOINTMENT

Construction of wills and trusts, **2:5**

INDEX

POWERS OF ATTORNEY

Fiduciary litigation, **4:19**

PREMARITAL AGREEMENTS

Will contests, **1:27**

PRESUMPTIONS AND BURDEN OF PROOF

Generally, **5:11**

Will Contests (this index)

PRINCIPAL AND INCOME

Fiduciary litigation, accumulation of income and principal, **4:12, 4:13**

PRIVILEGED COMMUNICATIONS

Attorney-client privilege in will contests, **5:10**

PROBATE BONDS

Generally, **6:1 et seq.**

Actions or suits on probate bonds, generally, **6:1, 6:8, 6:15**

Allocation of loss between sureties, **6:5**

Amount of recovery for breach, **6:7**

Applications. Forms, below

Breach of probate bonds, **6:6, 6:7**

Construction of probate bonds, **6:2**

Decree granting permission to sue on bond, form for, **6:11**

Extent of surety's liability, **6:3**

Forms

generally, **6:16**

action of probate bond, **6:15**

applications

judge of superior court, permission to sue on bond, **6:12**

permission to sue on bond, **6:10**

decree granting permission to sue on bond, **6:11**

judge of superior court, permission to sue on bond, **6:12, 6:14**

orders

judge of superior court granting permission to sue on bond, **6:14**

show cause order on sue on bond, **6:14**

show cause order on sue on bond, **6:14**

Judge of superior court, form for permission to sue on bond, **6:12, 6:14**

Orders. Forms, above

Reimbursement of surety, **6:4**

Rules of Probate Court procedure, **6:9**

Show cause order on sue on bond, form for, **6:14**

Subrogation of surety, **6:4**

Superior court judge, form for permission to sue on bond, **6:12, 6:14**

PRO HAC VICE

Attorney appearing, certificate of appointment of judge as agent for service, **1:31**

PROMISES

Fiduciary litigation, promises to compensate by will, **4:3, 4:26**

PROOF

Generally, **5:1 et seq.**

Admissions and Declarations (this index)

Attorney-client privilege in will contests, **5:10**

Burden of proof and presumptions
generally, **5:11**

Will Contests (this index)

Copies of records of probate court, **5:2**

Declarations. **Admissions and Declarations** (this index)

Discovery, **5:13, 5:14**

Entries. Memoranda and entries, below

Extrinsic evidence. **Parol Evidence** (this index)

Fiduciary litigation, declarations, entries, and memoranda of testator in, **5:5**

Memoranda and entries

fiduciary litigation, testator in, **5:5**

mentally incapable persons, **5:6**

Mentally incapable persons, memoranda and entries of, **5:6**

Parol evidence

records of probate court, **5:3**

Scrivener's error, **5:12**

Post-hearing evidence, **5:16**

Presumptions and burden of proof
generally, **5:11**

Will Contests (this index)

Privileged communications, attorney-client privilege in will contests, **5:10**

Records of probate court, **5:2, 5:3**

Rules of procedure for discovery in probate court, **5:14**

Will Contests (this index)

RECORDS OF PROBATE COURT

Evidence, **5:2, 5:3**

REIMBURSEMENT

Construction of wills and trusts, reimbursement of expenses and attorneys' fees, **2:8**

Probate bonds, **6:4**

REMOVAL

Appeals, form for reasons for appeal from decree refusing removal of administrator, **8:18**

Fiduciary litigation, **4:9**

**RES JUDICATA AND COLLATERAL
ESTOPPEL**

Generally, **7:5**

REVIEW

Appeals (this index)

REVOCATION

Declarations of intent to revoke by testator, **5:8**
Dependent relative revocation, will contests, **1:18**
Judgments and decrees, **7:3, 7:10 to 7:15**
Will contests, **1:18, 1:19**

RULE 35 BONDS

Probate Court rules of procedure, **6:9**

RULE AGAINST PERPETUITIES

Will contests, **1:22, 1:23**

RULES OF COURT

Probate court, Rule 35 bonds, **6:9**

RULES OF PROFESSIONAL CONDUCT

Attorney fiduciaries, application to, **4:25**

SCRIVENER'S ERROR

Parol evidence, **5:12**

SELF-DEALING

Fiduciary litigation, **4:8**

SERVICE OF NOTICE

Appeals, **8:5**

SETTLEMENT AND COMPROMISE

Appeals, forms, **8:20 to 8:21**
Fiduciary litigation, **4:23**
nonjudicial settlement agreements, **4:24**
nonjudicial settlement agreements, **4:24**
Will contests, **1:28**

SHOW CAUSE ORDERS

Probate bonds, form for show cause order on sue on bond, **6:14**

SPOUSES

Will contests
election against will, **1:24**
premarital agreements, **1:27**
revocation, **1:18**

STAYS

effect of, **8:6**

STOCK SPLITS

Construction of wills and trusts, **2:4**

SUBROGATION

Probate bonds, **6:4**

SUPERIOR COURTS

Appeals
generally, **8:9**
judgments and decrees, appeals from probate and superior court litigation, **7:9**
Probate bonds, form for permission to sue on bond judge of superior court, **6:12, 6:14**

SURETY BONDS

Probate Bonds (this index)

SURROUNDING CIRCUMSTANCES

Will contests, undue influence, **1:17**

SURVIVAL OF ACTIONS ON DEATH

Claims against estates, **4:2**

TEMPORARY CONSERVATOR

Involuntary, **3:6**

TERMINATION

Conservatorship, **3:7**

TIME

Appeals, **8:4**

TITLE

Construction of wills and trusts, **2:2**

TORT ACTIONS

Fiduciary litigation, **4:11**

TRIAL

Appeals, **8:18**
Fiduciary litigation, jury trial, **4:20**

TRUSTS AND TRUSTEES

Construction of wills and trusts
generally, **2:1 et seq.**
ademption, **2:4**
advancements, **2:4**
advice, form for complaint by trustee for advice, **2:13, 2:14**
after-acquired property, **2:4**
answer and claim of certain defendants in action for construction of will, form for, **2:15**
appointment, powers of, **2:5**
attorneys' fees, reimbursement of, **2:8**
charitable bequests, **2:7**
complaint, forms, **2:11 to 2:14**
cy pres, **2:7**
dividends, **2:4**
expenses and attorneys' fees, reimbursement of, **2:8**
fee simple absolute, **2:4**

INDEX

TRUSTS AND TRUSTEES—Cont'd

Construction of wills and trusts—Cont'd forms

advice, complaint by trustee for advice, **2:13, 2:14**

answer and claim of certain defendants in action for construction of will, **2:15**

complaint, **2:11 to 2:14**

instructions, complaint by trustee for, **2:14**

judgment construing will, **2:16**

heirs, identification of, **2:3**

identification

heirs, **2:3**

property and property interests, **2:4**

instructions, form for complaint by trustee for, **2:14**

judgment construing will, form for, **2:16**

lapse, **2:3**

life estates and remaindermen, **2:4, 2:6**

modification and termination proceedings, **2:10**

powers of appointment, **2:5**

reimbursement of expenses and attorneys' fees, **2:8**

stock splits, **2:4**

termination proceedings, **2:10**

title, determination of, **2:2**

Fiduciary litigation, creditors' rights to trust distributions, **4:16**

Forms

construction of wills and trusts

advice, complaint by trustee for advice, **2:13, 2:14**

answer and claim of certain defendants in action for construction of will, **2:15**

complaint, **2:11 to 2:14**

instructions, complaint by trustee for, **2:14**

judgment construing will, **2:16**

Identification

construction of wills and trusts

heirs, **2:3**

property and property interests, **2:4**

UNDERTAKINGS

Probate Bonds (this index)

UNDUE INFLUENCE

Will contests, **1:14 to 1:17**

UNIFORM PRUDENT INVESTOR ACT (1997)

Fiduciary litigation, **4:6, 4:7**

UNIFORM STATUTORY RULE AGAINST PERPETUITIES ACT

Will contests, **1:23**

WIFE AND HUSBAND

Will contests

election against will, **1:24**

premarital agreements, **1:27**

revocation, **1:18**

WILL CONTESTS

Generally, **1:1 et seq.**

Affidavit supporting motion to permit out-of-state attorney to appear, **1:30**

Agreements

not to contest, **1:6**

premarital agreements, **1:27**

Attorney appearing pro hac vice, certificate of appointment of judge as agent for service, **1:31**

Attorney-client privilege, **5:10**

Attorneys' appearance from other jurisdictions, **1:5**

Beneficiaries' rights, generally, **1:4**

Burden of proof and presumptions

generally, **1:2**

mental capacity, **1:10**

revocation of lost wills, **1:19**

undue influence, **1:15**

Capacity

generally, **1:9 to 1:13**

presumption of capacity, **1:10**

Certificate of appointment of judge as agent for service by attorney appearing pro hac vice, **1:31**

Children, revocation, **1:18**

Contracts and agreements

not to contest, **1:6**

premarital agreements, **1:27**

Costs and expenses, **1:3**

Dependent relative, revocation, **1:18**

Election against will, **1:24**

Evidence

burden of proof and presumptions

generally, **1:2**

mental capacity, **1:10**

revocation of lost wills, **1:19**

undue influence, **1:15**

mental capacity, **1:10 to 1:13**

undue influence, **1:15 to 1:17**

Expenses, **1:3**

Expert and opinion evidence as to mental condition, **1:12, 1:13**

Forms, **1:29 to 1:31**

Fraud, **1:21**

Grounds, generally, **1:9 to 1:23**

Husband and wife

election against will, **1:24**

WILL CONTESTS—Cont'd

- Husband and wife—Cont'd
 - premarital agreements, **1:27**
 - revocation, **1:18**
- Inadequate formalities, **1:20**
- Lay opinion as to mental condition, **1:12, 1:13**
- Lost wills, presumption of revocation of, **1:19**
- Marital relations
 - election against will, **1:24**
 - premarital agreements, **1:27**
 - revocation, **1:18**
- Mental capacity
 - generally, **1:9 to 1:13**
 - presumption of capacity, **1:10**
- Mistake, **1:21**
- Motion to permit out-of-state attorney to appear in Probate Court, **1:29**
- Opinion evidence as to mental condition, **1:12, 1:13**
- Out-of-state attorney to appear
 - Affidavit supporting motion to permit, **1:30**
 - Motion to permit, **1:29**
- Perpetuities, rule against, **1:22, 1:23**
- Premarital agreements, **1:27**
- Presumptions and burden of proof
 - generally, **1:2**
 - mental capacity, **1:10**

WILL CONTESTS—Cont'd

- Presumptions and burden of proof—Cont'd
 - revocation of lost wills, **1:19**
 - undue influence, **1:15**
- Proof
 - burden of proof and presumptions
 - generally, **1:2**
 - mental capacity, **1:10**
 - revocation of lost wills, **1:19**
 - undue influence, **1:15**
 - mental capacity, **1:10 to 1:13**
 - undue influence, **1:15 to 1:17**
- Revocation, **1:18, 1:19**
- Rule against perpetuities, **1:22, 1:23**
- Settlement, **1:28**
- Spouse
 - election against will, **1:24**
 - premarital agreements, **1:27**
 - revocation, **1:18**
- Surrounding circumstances, undue influence, **1:17**
- Undue influence, **1:14 to 1:17**
- Uniform Statutory Rule Against Perpetuities Act, **1:23**
- Wife and husband
 - election against will, **1:24**
 - premarital agreements, **1:27**
 - revocation, **1:18**