**Form 8-2: Petition to Transmit Issues**

[[Text Box Start]]]

Caveator's request to the Orphans' Court to transmit certain issues to

the Circuit Court for determination

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In The Orphans' Court for

(or)

Before the Register of Wills

For

(*insert city/county*), Maryland

In the Estate of \*

\* Estate No.\_\_\_\_\_\_\_\_\_

(*insert Decedent's name*) \*

\* \* \* \* \* \* \* \* \* \*

**Petition to Transmit Issues**

UNTO THE HONORABLE, THE JUDGES OF SAID COURT:

(*insert name of Caveator*), by and through Caveator’s attorneys ("**Petitioner**"), respectfully presents unto this Honorable Court that:

1. (*insert name of Decedent*), died on (*insert date*) domiciled in (*insert city/county*), Maryland ("**Decedent**").

2. Acting upon a Petition for Administrative Probate filed by (*insert name of Caveatee*) the Register of Wills for (*insert city/county*) did admit for probate the document filed therewith, purported to be Decedent's Last Will and Testament dated (*insert date*), and pursuant to the terms thereof, did appoint (*insert name of Caveatee*) as Personal Representative of Decedent's Estate.

3. On (*insert date*), (*insert name of Caveatee*) did qualify as Personal Representative and Letters of Administration were issued.

4. On (*insert date*), Petitioner filed a Petition to Caveat and Petition for Appointment of Special Administrator, and thereafter an Answer was filed by (*insert name of Caveatee*).

5. Thereafter, Petitioner and (*insert name of Caveatee*) conducted limited discovery, and Petitioner now desires to transmit certain issues of fact to the Circuit Court for (*insert city/county*), Maryland.

6. Pursuant to Maryland Rule 6-434(a), a petition to transmit contested issues shall set forth each issue separately, and each issue shall present "a single, definite, and material question of fact."

7. Petitioner believes and further represents that the contested issues of fact in this case are and should be framed as follows:

(a) Was the paper writing dated (*insert date*), purported to be the Last Will and Testament of (*insert name of Decedent*), executed in accordance with Maryland law?

(b) Was the paper writing dated (*insert date*), purported to be the Last Will and Testament of (*insert name of Decedent*), signed by Decedent (or by some other person in her presence and by her expressed direction)?

(c) Was the paper writing dated (*insert date*), purported to be the Last Will and Testament of (*insert name of Decedent*), attested to and subscribed to in the presence of Decedent by two or more credible witnesses?

(d) Were the contents of the paper writing dated (*insert date*), purported to be the Last Will and Testament of (*insert name of Decedent*), read to or by Decedent or known to Decedent at or before the time of its alleged execution?

(e) Was Decedent of sound and disposing mind and legally capable of executing a valid Last Will and Testament on (*insert date*), the date on which the paper writing purported to be the Last Will and Testament of (*insert name of Decedent*) was allegedly executed?

(f) Was Decedent of sound and disposing mind and legally capable of revoking all prior Wills and Codicils on (*insert date*), the date on which the paper writing purported to be the Last Will and Testament of (*insert name of Decedent*) was allegedly executed?

(g) Was Decedent suffering from an insane delusion on (*insert date*), when the paper writing purporting to be the Last Will and Testament of (*insert name of Decedent*) was allegedly executed, and was said paper writing a product of such delusion?

(h) Was all or part of the paper writing dated (*insert date*), purported to be the Last Will and Testament of (*insert name of Decedent*), procured by the exercise of undue influence upon Decedent?

(i) Was all or part of the paper writing dated (*insert date*), purported to be the Last Will and Testament of (*insert name of Decedent*), procured by the exercise of dominion and control over Decedent?

(j) Was all or part of the paper writing dated (*insert date*), purported to be the Last Will and Testament of (*insert name of Decedent*), procured by fraud exercised and practiced upon Decedent?

WHEREFORE, your Petitioner respectfully requests that this Honorable Court:

A. Frame the contested issues of fact as set forth in Petitioner's Petition to Transmit Issues;

B. Transmit those contested issues of fact as set forth herein to the Circuit Court for *(insert city/county)*, Maryland; and

C. Grant such other relief as the proceedings may require.

AND, AS IN DUTY BOUND, ETC.

I solemnly affirm under the penalties of perjury that the contents of the foregoing document are true to the best of my knowledge, information, and belief.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(*insert name of Caveator*)

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(insert name of Attorney*)

(*insert address*)

(*insert telephone number*)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a copy of the foregoing Petition to Transmit Issues was mailed, postage prepaid, to:

(*insert name of Caveatee or name of Attorney addres*s)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(insert name of Attorney*)