**Form 8-1: Petition to Caveat**

[[Text Box Start]]

Caveator's Petition to the Court alleging that the Decedent's Will is invalid

and requesting appointment of Special Administrator

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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 name of Decedent*) \*

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

**Petition to Caveat and**

**Petition for Appointment of Special Administrator**

UNTO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition to Caveat and Petition for Appointment of Special Administrator of (*insert name of Caveator*), by and through his counsel, respectfully presents unto this Honorable Court that:

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

2. Acting upon a Petition for Administrative Probate filed by (*insert name of Caveatee*) on (*insert date of filing),* 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*) (the "**Purported (*insert year*) Will**"), 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. Attached hereto and filed herewith is a list of the names and addresses of all interested persons who could be affected by these proceedings to the extent known by your Petitioners.

5. Petitioner is a friend of Decedent and the residuary legatee under the Last Will and Testament executed by Decedent on (*insert date*) (the "**(*insert year)* Will**"), which is attached hereto and incorporated herein.

6. Petitioner believes and avers that Decedent's (*insert year*) Will is the true and correct Last Will and Testament of Decedent.

7. Petitioner's address is (*insert address of Caveator*).

8. Petitioner believes and further represents and charges that the Purported (*insert year*) Will is not a valid Last Will and Testament and state as reasons in support thereof the following:

a. The Purported (*insert year*) Will was not executed in accordance with Maryland law, and accordingly, it is invalid and without legal effect.

b. The Purported (*insert year*) Will was not signed by Decedent (or by some other person in Decedent’s presence and by Decedent’s express direction) and/or was not attested and subscribed in Decedent’s presence by two or more credible witnesses.

c. The contents of the Purported (*insert year*) Will were not read to or by Decedent or known to her at or before the time of its alleged execution.

d. If the Purported (*insert year*) Will was signed by Decedent (or by some other person in her presence and by her express direction), it was signed at a time when Decedent: (i) was not legally competent or of sound mind to make a Will and therefore, was not legally competent or of sound mind to revoke the (*insert year*) Will; or (ii) was suffering from an insane delusion and the Purported (*insert year*) Will was the product of such delusion.

e. All or part of the Purported (*insert year*) Will was procured by the exercise of undue influence upon Decedent by (*insert name of Caveatee or by some other person*) and is, therefore, without legal effect.

f. All or part of the Purported (*insert year*) Will was procured by the exercise of undue influence upon Decedent and is, therefore, without legal effect.

g. All or part of the Purported (*insert year*) Will was a result of the exercise of dominion and control over Decedent by (*insert name of Caveatee* or by some other person) and is, therefore, without legal effect.

h. All or part of the Purported (*insert year*) Will was a result of the exercise of dominion and control over Decedent and is, therefore, without legal effect.

i. All or part of the Purported (*insert year*) Will was procured by fraud exercised and practiced upon Decedent by (*insert name of Caveatee*). (or by some other person at his direction) and is, therefore, without legal effect.

j. All or part of the Purported (*insert year*) Will was procured by fraud exercised upon Decedent and is, therefore, without legal effect.

WHEREFORE, your Petitioner prays:

(a) That (*insert name of Caveatee*), as the Personal Representative of the Estate, be required to answer this matter.

(b) That in order to best protect and preserve the assets of Decedent's Estate, the Letters of Administration granted to (*insert name of Caveatee*) be revoked, and that Letters of Administration be granted to Petitioner as Special Administrators, or in the alternative, that Letters of Administration be granted to such other independent third party designated by the Court as Special Administrator of the Estate.

(c) That the Special Administrator be directed not to sell or otherwise dispose of any property in the Estate until the resolution of this matter.

(d) That the alleged Last Will and Testament of (*insert Decedent's name*), dated (*insert date*), be declared invalid and of no legal effect.

(e) That the Last Will and Testament of (*insert Decedent's name*), dated (*insert date*), be declared Decedent's final Last Will and Testament, and that this Court admit said Will to probate.

(f) That upon acceptance of the (*insert date*) Will for probate, Petitioner be appointed Personal Representative of the Estate to serve without bond.

(g) That Petitioner be granted costs.

(h) That Petitioner be granted such further 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 DO HEREBY CERTIFY that the Petition to Caveat and Petition for Appointment of Special Administrator was mailed, postage prepaid, on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to each of the following persons:

[i*nsert names and addresses of interested persons unless consented and waived notice*]

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

(*insert name of Attorney*)