**Form 8-3: Consent Order**

[[Text Box Start]]

Consent of Caveator and Caveatee as to issues

To be transmitted to

Circuit Court for determination

[[Text Box End]]

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*) \*

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

Consent Order

The above-captioned matter came before the Orphans' Court of (*insert city/county*), Maryland on (*insert date*), to determine the issues to be transmitted to the Circuit Court for (*insert city/county*), Maryland. The Court has reviewed the Request to Transmit Issues and the response thereto. The parties, by and through their respective counsel, have agreed to the entry of a Consent Order and hereby agree that:

1. The Court shall frame the following contested issues of fact:

(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 Decedent’s presence and by Decedent’s 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 made by Decedent 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 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?

(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 dominion and control over 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 fraud exercised and practiced upon Decedent?

2. The Court shall transmit said contested issues of fact to the Circuit Court for (*insert city/county*), Maryland.

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

(*insert name of Attorney*)

(*insert address*)

(*insert telephone number*)

By the Orphans' Court of (*insert city/county*), Maryland, based upon the parties' agreement, it is this\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, so ORDERED.

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

Judge

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

Judge

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

Judge