

Rules of Probate Procedure

Rule 80.2. Ancillary Administration

(a) **Petition and attachments.** An ancillary estate shall be opened when the following are filed:

(1) A petition requesting administration of the Vermont estate including:

(i) A request for appointment of an administrator or executor for the Vermont estate with the name of the proposed administrator or executor;

(ii) A description of the real and personal property of the testator in Vermont;

(iii) The names and addresses of all interested persons as defined in Rule 17; and

(iv) The entry fee.

(2) An authenticated copy of the will and the probate thereof, or such substitute for the copy as is allowed by law.

The petition shall be signed by the executor or administrator appointed in the state in which the will is probated, or some other interested person.

(b) **Notice.** The petitioner shall give notice to all interested persons pursuant to Rule 4. The notice shall specify the obligation to file a written reply to object to allowance of the will and a date for hearing or allowance of the will if no hearing is required. A reply shall be served within 14 days after service of the notice on the person making the reply. The date for hearing or, if no reply is filed, for allowing the will shall be at least 21 days after the completion of service on all parties to be served.

(c) **Objection.** Any objection to the allowance of the will is waived unless a timely written answer is filed. The answer shall specify the reason why the will should not be allowed or state other objection to the action requested in the petition. The answer shall be served pursuant to Rule 5 on all interested persons.

(d) **Allowance; hearing.** If no answer is filed and the court finds that the petition satisfies the requirements of subdivision (a), it shall allow the will on the date specified in the notice and issue letters testamentary or of administration. If an answer is filed, the court shall hold a hearing on the date specified and issue an order based on the hearing.

(e) **Application of rules.** Except as provided in this rule, the Rules of Probate Procedure shall apply to proceedings governed by this rule. Notice to creditors in the state of principal administration under Rule 64 need not be provided if the fiduciary submits an affidavit that all debts in the state of principal administration have been paid in full. However, Rule 5.1 shall apply only to the surviving spouse of a decedent and to the devisees and legatees mentioned in the will.

(f) **Foreign wills not probated in domicile state.** A petition to commence the administration of an estate of a person who was domiciled in another state or country on the date of death, where no will has been probated in or otherwise become effective under the laws of the state or country of domicile, shall not be governed by this rule. The petition shall be governed by the Rules of Probate Procedure as if the person were domiciled in this state on the date of death.

Amended Nov. 5, 1987, eff. March 1, 1988; Dec. 8, 1988, eff. March 1, 1989.