**Sample Petition for Letters Testamentary (involving disposition of a law practice)**

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**IN THE CIRCUIT COURT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, ILLINOIS**

**IN PROBATE**

IN THE MATTER OF THE ESTATE OF ESTATE NO.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Deceased. \_\_-P-\_\_\_\_

**PETITION FOR LETTERS TESTAMENTARY**

To the Honorable Presiding Judge of the Court:

Your petitioner, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, being first duly sworn, state that:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a resident of **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, State of Illinois, whose post office address was \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Illinois \_\_\_\_\_\_, died on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Illinois.

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ left a will dated \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, which Petitioner believes to be the valid last will of the testator. In the will \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was named as executor.

3. The approximate value of the real and personal estate of the decedent in this State is as follows:

|  |  |
| --- | --- |
| Personal Estate (Estimated) | net probate estate is undetermined but for bond purposes is estimated at $\_\_\_\_\_\_\_.00 |
| Real Estate | net probate estate is undetermined but for bond purposes is estimated at $\_\_\_\_\_\_\_.00 |

4. The following are the names and post office addresses of all heirs and legatees and of all persons entitled to preference over, or equally entitled with petitioners to nominate an executor or administrator:

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Relationship | Minor/Disabled | Post Office Address |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Surviving spouse | adult | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Son/daughter | adult | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Son/daughter | adult | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

5. Your petitioner, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, whose residence address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Illinois \_\_\_\_\_\_\_\_\_\_, is a resident of the State of Illinois, is the surviving spouse of the decedent, and is legally qualified to petition for letters or to nominate a resident of the State of Illinois.

6. Petitioner prays that letters testamentary issue to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as Executor, who is qualified and willing to act. His/her name and post office address are as follows:

|  |  |
| --- | --- |
| Name | Address |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

7. That, further, as provided in the Probate Act, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, whose residence address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Illinois \_\_\_\_\_\_\_\_\_\_, a resident of the State of Illinois, be appointed as Executor and the estate be administered under the Independent Administration of Decedents' Estates provisions of the Illinois Probate Act, *755 ILCS 5/28-1* through *5/28-12*.

8. That the Court hereby provides the Executor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, with the following specific additional powers and directions because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, at the time of his/her death practiced law as a sole practitioner as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a/k/a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, P.C., in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Illinois. In order to provide a smooth transition for his/her clients, to protect his/her practice assets, and assist his/her family, the Court provide the following to the Executor and any attorney(s) representing the Executor.

If his practice can be sold to a competent lawyer, the Court authorizes the Executor to make such sale for such price and upon such terms as the Executor may negotiate subject, however, to compliance with the Illinois Code of Professional Responsibility and other applicable provisions of law. If there is any dispute as to value, the value shall be set by the Court.

Regardless of the method of disposing of the practice, the Court, in addition to the other powers granted in his/her will and by law, the Court hereby specifically grants the Executor full power and authority without court order to take any and all actions necessary or appropriate to operate and close the decedent’s law practice and dispose of its assets. In doing so and without limiting the foregoing, the Executor and the attorneys engaged by him/her to assist in closing the practice may do each of the following:

1. Engage one or more attorneys to wind up the law practice, make arrangements to complete work on active files and to allocate compensation for past and future services.
2. Continue employment of staff members to assist in closing the practice and arrange for their payment, and to offer key staff members such incentives as they deem appropriate to continue in such employment for as long as the Executor deems it appropriate.
3. Enter the office, utilize the equipment and supplies as helpful in closing the practice and, take possession and control of all assets of the law practice including but not limited to, all bank, trust and financial accounts of any kind, client files and records and to access computers and take steps to obtain passwords or to take all necessary steps to access the computers if passwords are unavailable, and access any and all other password-protected or other encrypted electronic files or accounts for the purposes of administering the estate and law practice. In addition. the Executor may hire and manage computer technicians to access and administer electronic documents, systems, networks and electronic files or accounts for the purposes of administering the estate and law practice.
4. Take all actions that are necessary or appropriate to protect clients and operate the office in an appropriate manner in order to sell or close the practice. The operation of the practice shall comply with all the requirements of the Illinois Code of Professional Responsibility.

(e) In performing the foregoing, the Executor is to preserve client confidences and secrets and the attorney-client privilege and to make disclosure only to the extent necessary for such purposes. For example: Client files are to be reviewed only by employees of the firm, to whom attorney-client privilege attaches (e.g., the Executor as the estate representative, the firm secretary, the firm paralegal, firm associates (if any), or attorneys retained by the Executor to assist her in closing the practice). It is for this reason that the Court hereby authorizes the Executor to retain the services of these personnel, and to give them sufficient incentives to remain in the employ of the firm through its wind-up. The Executor and the attorneys engaged by him or her for the estate are authorized to and may rely, without independent investigation, on employees of the firm to:

(i) supply data and information concerning the operation of his or her practice and client files;

(ii) supply data concerning the outstanding fees owed by his or her clients at the time of the decedents death, and the unused retainers paid by clients for which services have not yet been rendered;

(iii) to communicate with clients concerning the disposition of their files; and

(iv) to review clients’ files in response to any inquiries that arise in the course of the estate administration or as may be appropriate to carry out the transition and closing of the law practice.

9. That sureties on the Executor's bond be waived because sureties on the bond are waived in the will.

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Petitioner

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Petitioner

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, his/her attorney

**VERIFICATION**

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

Date: \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Petitioner

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