

**75-3-308 Informal appointment proceedings -- Proof and findings required.**

- (1) In informal appointment proceedings, the registrar shall determine whether:
  - (a) the application for informal appointment of a personal representative is complete;
  - (b) the applicant has made oath or affirmation that the statements contained in the application are true to the best of his knowledge and belief;
  - (c) the applicant appears from the application to be an interested person as defined in Subsection 75-1-201(24);
  - (d) on the basis of the statements in the application, venue is proper;
  - (e) any will to which the requested appointment relates has been formally or informally probated; but this requirement does not apply to the appointment of a special administrator;
  - (f) any notice required by Section 75-3-204 has been given; and
  - (g) from the statements in the application, the person whose appointment is sought has priority entitling him to the appointment.
- (2) Unless Section 75-3-612 controls, the application shall be denied if it indicates that a personal representative who has not filed a written statement of resignation as provided in Subsection 75-3-610(3) has been appointed in this or another county of this state, that (unless the applicant is the domiciliary personal representative or his nominee) the decedent was not domiciled in this state, and that a personal representative whose appointment has not been terminated has been appointed by a court in the state of domicile, or that other requirements of this section have not been met.

Amended by Chapter 39, 1998 General Session