

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT - PROBATE DIVISION

Case No. _____ Calendar _____

Estate of _____
Deceased

WAIVER OF NOTICE

The undersigned heirs of the decedent,

*and the undersigned legatees under the decedent's Will dated _____
[date of will]

* _____
(, and Codicil dated _____)

having been advised that a **PETITION** has been filed by _____
[printed name of the Petitioner]

*(a) for the admission to probate of that Will, and

(b) for the appointment of _____
[printed name of the proposed representative]

as _____ representative of the estate, consent to that appointment and waive:
(independent) (supervised)

(a) notice of the hearing on the **PETITION** and of the entry of an **ORDER** appointing the representative.

* (b) notice of the entry of an **ORDER** admitting the Will to probate or of an **ORDER** denying admission of the Will to probate.

* (c) notice of rights to require formal proof of the Will and to contest the admission or denial of admission of the Will to probate.

** (d) notice of rights in independent administration.

/s/ _____
[signature of heir or legatee]

/s/ _____
[signature of heir or legatee]

/s/ _____
[signature of heir or legatee]

/s/ _____
[signature of heir or legatee]

* **Strike if there is no Will.**

** **Strike if supervised administration.**

**RIGHTS OF HEIRS OR LEGATEES
(APPLICABLE WHERE DECEDENT LEFT A WILL)**

Within 42 days after the effective date of the original order admitting a Will to probate, any heir or legatee may file a petition with the court to require proof of the Will by testimony of the witnesses to the Will in open court or other evidence, as provided in §6-21 of the Probate Act of 1975 (“Probate Act”) [755 ILCS 5/6-21].

Each heir or legatee also has the right under §8-1 or §8-2 of the Probate Act [755 ILCS 5/8-1 or 5/8-2] to contest the validity of the Will or the denial of admission by filing a petition with the court within 6 months after entry of the order admitting or denying admission of the Will.

**RIGHTS OF INTERESTED PERSONS DURING INDEPENDENT ADMINISTRATION
(APPLICABLE WHERE AN INDEPENDENT REPRESENTATIVE IS APPOINTED)**

Independent administration means that the Executor or Administrator will not have to obtain court orders or file estate papers in Court during probate. The estate will be administered without court supervision, unless an interested person asks the Court to become involved.

Under §28-4 of the Probate Act of 1975 (“Probate Act”) [755 ILCS 5/28-4] any interested person may terminate independent administration at any time by mailing or delivering a petition to terminate to the clerk of the court. However, if there is a Will which directs independent administration, independent administration will be terminated only if the court finds there is good cause to require supervised administration; and if the Petitioner is a creditor or nonresiduary legatee, independent administration will be terminated only if the court finds that termination is necessary to protect the Petitioner’s interest.

In addition to the right to terminate independent administration, any interested person may petition the court to hold a hearing and resolve any particular question that may arise during independent administration, even though supervised administration has not been requested (§28-5 of the Probate Act [755 ILCS 5/28-5]). The independent representative must mail or deliver a copy of the estate Inventory and the final Account to each interested person and must send notice to or obtain the approval of each interested person before the estate can be closed (§28-11 of the Probate Act [755 ILCS 5/28-6, 5/28-11]). Any interested person has the right to question or object to any item included in or omitted from an Inventory or Account or to insist on a full court accounting of all receipts and disbursements with prior notice, as required in supervised administration (§28-11 of the Probate Act [755 ILCS 5/28-11]).

Attorney Number _____

Name _____

Firm Name _____

Attorneys for _____

Address _____

City/State/Zip _____

Telephone _____

Email _____