

**Instructions for Completing
ASSENT AND WAIVER OF NOTICE/RENUNCIATION/NOMINATION/WAIVER OF SURETIES FORM
(MPC 455)**

Form Use:

This form may be used if you are a person interested in a probate case (excluding a guardianship of minor proceeding) and you assent (agree) to the content of a pleading being filed with the Court and you assent (agree) to waive any legal right to notice to which you are entitled, related to that specific pleading. By assenting and waiving notice, the Court or Magistrate can make a ruling on the pleading without requiring further proof of notice to you.

This form may also be used if you are a person interested in an estate administration case and you want to renounce (decline) your legal right to appointment as Personal Representative or decline your right to appointment and also nominate a Personal Representative to act in your place (if authorized by law). If you share priority for appointment with another person and you have not declined to act as Personal Representative, you **MUST** use this form to assent (agree) to the nomination of another to act with you or to apply for appointment. This form may be also used by heirs and devisees to assent to the Personal Representative serving without sureties on the bond.

Who May Use this Form:

Any person who has a legal interest in a probate case (excluding a guardianship of minor proceeding) may use this form.

Alert: This form may **NOT** be used by an incapacitated person, protected person or a minor, but it may be used on behalf of the incapacitated person, protected person or a minor by a duly appointed conservator, guardian or trustee. This form may not be used by an attorney-in-fact under a durable power of attorney.

Filing Fee:

None.

Filing with the Court:

This form must be filed in the same county Court where the pleading to which it relates has been or will be filed.

To Complete This Form

CAPTION:

Case Name: Enter the name of the case (Example: Estate of Donna Deceased).

Docket Number: If known, fill in docket number OR leave blank if not yet assigned by the Court.

Division: Enter the name and address of the county Probate and Family Court where this form will be filed (Example: Suffolk Division, 24 New Chardon Street, Boston, MA 02114, etc). This form must be filed in the same Court where any related pleadings are filed.

Section I. Assent and Waiver of Notice

Select this box if you assent (agree) to the content of the pleading being filed with the Court and you agree to waive any legal right to notice to which you are entitled, related to that specific pleading. Enter the exact name of the pleading in the space provided.

⇒ **If you are finished completing this form, please sign and verify where indicated on the form and read the important information contained in the box below.**

FOR ESTATE ADMINISTRATION CASES ONLY:

Section II. Renunciation/Nomination

Select either box A, B or C on the form:

A. To renounce your right to appointment as Personal Representative and not nominate:

Select box (A) if you wish to renounce (decline) your legal right to appointment as Personal Representative and your right, if any, to nominate another to serve in your place.

⇒ **If you are finished completing this form, please sign and verify where indicated on the form and read the important information contained in the box below.**

B. To renounce your right to appointment as Personal Representative and nominate:

Select box (B) if you wish to renounce (decline) your legal right to appointment as Personal Representative **AND** you wish to nominate another qualified person to serve in your place (if authorized by law). Enter the name of the person you nominate in the space provided. For information regarding the legal right to nominate and qualifications of a Personal Representative, see G. L. c. 190B, § 3-203.

⇒ **If you are finished completing this form, please sign and verify where indicated on the form and read the important information contained in the box below.**

C. To assent to the nomination of another when priority is shared (if applicable):

If by law you share priority for appointment as Personal Representative with any other person and you have **NOT** renounced (declined) your right to serve as Personal Representative, you **MUST** agree to any nomination of another to act as Personal Representative with you or for the nominee to petition for appointment.

To indicate that you agree to the person being nominated to serve with you, select box C, and in the space provided, enter the name of the person you agree may serve with you as Personal Representative or to petition for appointment.

⇒ **If you are finished completing this form, please sign and verify where indicated on the form and read the important information contained in the box below.**

Section III. Waiver of Sureties

If you agree that the Personal Representative(s) of the estate may serve **without** sureties on the bond, select this box. For additional information regarding the bond of a Personal Representative, see G. L. c. 190B, §§ 3-601 – 3-606.

Verification/Signature: The person interested in the case must sign his or her name, under the penalties of perjury, where indicated and CLEARLY PRINT his/her name below his/her signature and date the form in the appropriate space to the left. Enter your current address, including zip code and primary phone number, in the space provided.

*****Important Information.....Please Read*****

ONCE FILED, THIS FORM CANNOT BE WITHDRAWN WITHOUT COURT APPROVAL. IF YOU DO NOT UNDERSTAND THIS FORM OR THE CONTENTS OF THE PLEADING BEING FILED WITH THE COURT, DO NOT SIGN THIS FORM! PLEASE CONSULT AN ATTORNEY FOR LEGAL ADVICE. COURT STAFF CANNOT PROVIDE LEGAL ADVICE.