

RULE 57.8: Relieving Estates from Administration

When an application to relieve an estate from administration has been filed, at least five (5) days notice in writing of the hearing on the application shall be given to the surviving spouse and the heirs at law unless said notices are waived or found unnecessary.

In cases of estates entitled to be relieved from administration, where there is a will, such will shall be presented for probate. If the will is admitted to probate, an application for an order relieving the estate from administration may be filed in lieu of the appointment of the executor named in the will. If probate of the will is denied, an application for an order relieving the estate from administration may be granted and distribution made under the laws of intestate succession. Where no heirs are known to the applicant, the court shall set the application for hearing not less than three (3) weeks from the date of such filing and shall require publication.

Where administration of the estate has commenced, the entry relieving the estate from administration shall contain the words “The filing of a final account is dispensed with and the fiduciary and surety, if any, are hereby discharged.”