

Rule 5.510. Establishment and Probate of Lost or Destroyed Will

(a) Proceeding. The establishment and probate of a lost or destroyed will shall be in one proceeding.

(b) Petition. The petition, in addition to reciting information required under these rules for petition for administration, shall include a statement of the facts constituting grounds on which relief is sought, and a statement of the contents of the will or, if available, a copy of the will.

(c) Testimony. The testimony of each witness in the proceeding shall be reduced to writing and filed and may be used as evidence in any contest of the will if the witness has died or moved from the state.

(d) Notice. No lost or destroyed will shall be admitted to probate unless formal notice has been given to those who, but for the will, would be entitled to the property thereby devised.

(e) Order. The order admitting the will to probate shall state in full its terms and provisions.