

Rule 108. Explanation of Rights of Heirs and Legatees When Will Admitted or Denied Probate

(a) Wills Originally Proved. When a will is admitted or denied admission to probate under section 6-4 or section 7-4 of the Probate Act of 1975, as amended, the information mailed to each heir and legatee under section 6-10 shall include an explanation of the rights of interested persons prepared by utilizing, or substantially adopting the appearance and content of, Form 1 or Form 2 provided in the Article II Forms Appendix. (Form 1 should be used when the will is admitted to probate and Form 2 when probate is denied.)

When a will is admitted or denied admission to probate under section 6-4 or section 7-4 of the Probate Act of 1975, as amended, and where notice under section 6-10 is given by publication, such notice shall be prepared by utilizing, or substantially adopting the appearance and content of, Form 3 or Form 4 provided in the Article II Forms Appendix. (Form 3 should be used when the will is admitted to probate and Form 4 when probate is denied.)

(b) Foreign Wills Proved by Copy. When a will is admitted or denied admission to probate under section 7-3 of the Probate Act of 1975, as amended (“Proof of foreign will by copy”), the information mailed to each heir and legatee under section 6-10 of the Probate Act of 1975, as amended, shall include an explanation of the rights of interested persons prepared by utilizing, or substantially adopting the appearance and content of, Form 1 or Form 2 provided in the Article II Forms Appendix. (Form 1 should be used when the will is admitted to probate and Form 2 when probate is denied.)

When a will is admitted or denied admission to probate under section 7-3 of the Probate Act of 1975, as amended (“Proof of foreign will by copy”), and where notice under section 6-10 is given by publication, such notice shall be prepared by utilizing, or substantially adopting the appearance and content of, Form 3 or Form 4 provided in the Article II Forms Appendix. (Form 3 should be used when the will is admitted to probate and Form 4 when probate is denied.)

Adopted February 1, 1980, effective March 1, 1980; amended August 9, 1983, effective October 1, 1983; amended April 1, 1992, effective August 1, 1992; [amended May 30, 2008, effective immediately](#); [amended Dec. 29, 2017, eff. Jan. 1, 2018](#).

Committee Comments

(February 1980)

This rule was adopted pursuant to amended section 6-10(a) of the Probate Act of 1975, effective January 1, 1980. The first blank in forms 3 and 4 is for the names of heirs and legatees whose addresses are unknown and for insertion of “unknown heirs” if unknown heirs are referred to in the petition.

<http://www.illinoiscourts.gov/files/122917.pdf/amendment>