

**PC-9.3**

**Claim of Appeal**

*formerly SW-10*

**R.I.G.L. 33-23-1**

**R.I.G.L. 33-23-11**

**R.I.G.L. 33-23-12**

**R.I.G.L. 33-23-13**

**R.I.G.L. 33-23-19**

**R.I.G.L. 33-22-21**



Form PC-9.2, Attorney of Record, should be completed and filed with the estate records.

This is the form to be filed when a party is aggrieved at the actions of the court. **Form PC-9.3, Claim of Appeal**, is used to appeal an order or decree of the Probate Court to the Superior Court of the County.

The Appellant or Attorney requests a copy of the said claim and the record of the proceedings appealed from.

**The following time frames apply:**

**1. Within 20 days after the execution of the order or decree by the probate judge:**

The Appellant must:

- File in the office of the Probate Clerk, a claim of appeal to the Superior Court.
- Also file a request for a certified copy of the claim and the record of the proceedings appealed from.
- Pay the clerk the required fees.

The Probate Clerk:

- Provides the record of the appealed proceedings.  
*(The record shall include relevant copies of documents filed with the probate court and certified by the probate clerk. Transcripts of relevant court proceedings, if any, are to be included.)*

**2. Within 30 days after the entry of the order or decree:**

The Appellant must:

- File in the Superior Court a certified copy of the claim and record of the proceedings as well as the reasons of appeal.
- File with the Probate Clerk an affidavit in proof of the filing and docketing of the probate appeal pursuant to the stated deadlines.

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PC-9.3 - continued

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The Probate Clerk:

- Charges statutory costs for copying, transcription, and transmittal of the record.
- Upon receipt of a certified copy of the final judgment of the Superior Court, enters document in Court records.
- **Should the Appellant discontinue the appeal,** files a certificate of discontinuance which will be signed by the clerk of the Superior Court.



Should the Appellant fail to enter the appeal within the time allowed, the probate court, upon petition of an interested person (and upon notice to the appellant), may affirm the decree or order appealed from. The Probate Court may make such other order or decree as justice may require.



STATE OF RHODE ISLAND  
County of \_\_\_\_\_

Estate of \_\_\_\_\_

PROBATE COURT OF THE  
No. \_\_\_\_\_ Date \_\_\_\_\_

**CLAIM OF APPEAL**

The undersigned, a party in interest, is aggrieved by an order or decree entered on \_\_\_\_\_  
Date

whereby said court, (Enter all actions of the Court): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and in consequence thereof and as a result claim an appeal from said order or decree to the Superior Court  
for said County and request a certified copy of said claim and the record of the proceedings appealed from.

\_\_\_\_\_  
Signature of Claimant