§ 1403. Persons to be served; content of process

1. In a proceeding for the probate of a will process must issue to the following persons if not petitioners:

(a) The distributees of the testator.

(b) The person or persons designated in the will as executor except that a person designated in the will as substitute or successor executor in the event the designated executor cannot act or fails to qualify need not be served where the designated executor is under no disability.

(c) Any person designated in the will as beneficiary, executor, trustee or guardian, whose rights or interests are adversely affected by any other instrument offered for probate that is later in date of execution or which amends or modifies an instrument offered for probate.

(d) Any person designated as beneficiary, executor, trustee or guardian in any other will of the same testator filed in the surrogate's court of the county in which the propounded will is filed whose rights or interests are adversely affected by the instrument offered for probate.

(e) If the propounded will expressly refers to an instrument which created a power of appointment and purports to exercise such power of appointment, any persons designated in the instrument that created such power of appointment whose rights or interests are adversely affected by the instrument offered for probate.

(f) The testator in any case where the petition alleges that the testator is believed to be dead.

(g) The state tax commission in the case of a non-domiciliary testator.

(h) Where any person to whom process is required to be issued has died, process shall issue to his fiduciary and if none has been appointed, to all persons interested as distributees, nominated fiduciaries or named as legatees or devisees under any will of the deceased filed in the court.

(i) The provisions of section three hundred fifteen shall apply to a proceeding under this section.

2. The process must set forth the name of the proponent and if the will is nuncupative, that fact.