



SUBDIVISION APPLICATION

Department of Planning & Development
P.O. Box 2128

Dothan, Alabama 36302-2128

334-615-4410 – Office 334-615-4419 – Facsimile

(PLEASE PRINT OR TYPE ON APPLICATION)

SUBDIVISION NAME: _____

APPLICANT NAME: _____

ADDRESS OR LOCATION OF PROPERTY _____

CONTACT PERSON (If other than Applicant) _____

PROPERTY OWNER & ADDRESS (If other than Applicant) _____

ACREAGE OF PROPERTY: _____ PRESENT ZONING: _____ TYPE: Residential Commercial

PROPERTY INFO.: Section: _____ Zip Code: _____

Township: _____

COUNTY: _____ Range: _____ Flood Zone: _____

- | | | | | |
|---|---|--|---|--|
| <input type="checkbox"/> PRELIMINARY PLAT
See Subdivision Regulations
Section 90-76--90-77 | <input type="checkbox"/> FINAL PLAT
See Subdivision Regulations
Section 90-101--90-104 | <input type="checkbox"/> MINOR
See Subdivision Regulations
Section 90-7 | <input type="checkbox"/> RESUBDIVISION
See Subdivision Regulations
Section 90-10 | <input type="checkbox"/> RESURVEY
See Subdivision Regulations
Section 90-10 |
|---|---|--|---|--|

CONTACT INFORMATION: (Staff reports will be mailed to this address only.)

MAILING ADDRESS: _____ TELEPHONE NO(S): _____

_____ FAX NO: _____

E-MAIL: _____

ACKNOWLEDGEMENT (Read Carefully)

I, the undersigned applicant, hereby apply for favorable consideration to subdivide the above described land as depicted on the drawing and legal description accompanying this application. I understand that the payment of fees does not entitle me to approval of this plat and no refund will be made. I further waive the requirements of Ala. Code 11-52-32 as amended, that a decision is rendered within 30 days.

I acknowledge that I have received a copy of the attached plat checklist and understand that it is a guide to assist in the preparation of my plat and understand it is my responsibility to observe the provisions of the City of Dothan Subdivision Regulations. I acknowledge that it is the policy of the Planning Commission to consider the application only if all of the requirements of the checklist have been met and that I must be present at the date of the hearing.

If applicable:

I also understand that I am responsible having posted, at my expense, one or more Public Notice signs on the property as required by the City of Dothan. Signs shall be posted as directed at least fourteen (14) days prior to the scheduled Planning Commission meeting and that the content and format of the sign(s) must conform to the Planning Commission's requirements.

PRINTED NAME: _____

REPRESENTING: _____

SIGNATURE: _____

POSTING PUBLIC NOTICE SIGN DEADLINE: _____

Office Use Only:

Date of Receipt Receipt Number

Case Number Zoning District

Case Manager

Note to the reader: The following check lists are provided for the purpose of assisting in the preparation of subdivision applications. They are not substitutes for the actual Subdivision Regulations. The check lists may be amended without notice.



CHECK LIST FOR PRELIMINARY PLAT APPLICATION SUBMITTAL

Department of Planning & Development

P.O. Box 2128

Dothan, Alabama 36302-2128

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The Engineering Services Office and Planning and Development Office of the City of Dothan, Alabama will verify the items listed below when a preliminary plat is submitted for approval.

1. A completed Subdivision Application requesting review and approval of the preliminary plat.
2. Eight (8) copies of the preliminary plat clearly and legibly drawn at a scale no smaller than 200 feet to one inch, a digital copy in a PDF, JPEG, or similar format on electronic media and a \$100.00 filing fee plus actual cost of advertising and legal notice (check made payable to the City of Dothan).
3. Ground elevations – the preliminary plat shall show ground elevations based on the datum plan of the NAVD 88 (updated standard). Contours at vertical intervals of not more than five (5) feet are required unless specified by the Planning Commission. A tie to one or more benchmarks shall be shown. Verification of the existing land contour is essential. A centerline profile of the proposed streets will be required by the Public Works Director on construction plans.
4. Name and address of owner of record and sub-divider and name and registration number of surveyor and/or engineer.
5. Proposed name of subdivision and its acreage.
6. Total number of lots and blocks and a table listing the square footage of each lot and any non-residential use proposed (common area, detention, etc.)
7. North arrow and graphic scale and date.
8. Vicinity map showing location of the subdivision and north point.
9. Approximate boundary lines of the tract.
10. List of names and mailing address for all adjacent property owners on all sides and across the street according to the official tax records of Houston County. This list may be obtained from the Revenue Commissioner's office at the Houston County Administrative Building, 462 North Oates Street, Fifth Floor.
11. Existing streets, utilities and easements on and adjacent to the tract, including the size and width of each.
12. Proposed layout including streets, alleys and easements with both approximate dimensions and proposed street names; lot lines with approximate dimensions; land to be reserved or dedicated for public uses; and any land to be used for purposes other than single-family dwellings.
13. Block letters (excluding the letters "I" and "O") and lot numbers.
14. Indication of zoning district boundaries; such boundaries, if they exist, to be shown and dimensioned on the plan.
15. Provisions for water supply, sewerage and drainage, including detention ponds, as required by the City Engineer and proposed by the design engineer.
16. Provide a conceptual plan for any adjacent property that is owned by developer.
17. Minimum building setback lines.
18. Location of streams, lakes and swamps and land subject to flooding as determined from history of flooding, and as delineated by available USGS or U.S. Army Corps of Engineers Information.
19. Location of land dedicated for a neighborhood park or open space.
20. Any other information that may be considered necessary by the Public Works Director for full and proper consideration of the proposed subdivision.
21. Flood hazard review – If the proposed subdivision is located in an area which is subject to flooding, the Planning Commission shall require a thorough review by the Public Works Director. This review may require additional information to be provided by the subdivider in regards to valley cross sections, topography information, flood occurrence records or whatever is available to determine the potential of flooding on the proposed site or adjacent property. Any report issued to the Planning Commission concerning the flood hazard area must be prepared by a professional

engineer.

22. Approval from the Health Department – the County Health Department must be notified by the developer by letter of the intent to construct a subdivision with individual wells and/or septic tanks if applicable. A copy of this letter shall be submitted with the preliminary plat.
23. Certificate of Preliminary Approval – a certificate of approval of the preliminary plat by the Planning Commission shall be inscribed on the plat as follows:
“All the requirements of preliminary approval having been fulfilled, this subdivision plat was given preliminary approval by the City of Dothan Planning Commission on _____ 20____. The preliminary approval does not constitute approval of the final plat. This certificate of preliminary approval shall be in effect for 12 months or subject to review at that time.
24. Construction and approval of physical improvements - the subdivider shall submit detailed construction plans and stormwater runoff siltation control plan (developments greater than one acre requires a NPDES permit) for the subdivision for review and approval by the Public Works Director prior to commencing any construction activity on the site. Such plans shall be prepared by a professional engineer.
25. Digital format – a digital copy of the preliminary plat shall be submitted to the City with the application in digital form in a .PDF, .JPEG or similar format on electronic media.

The Public Works Director, in consultation with the Planning Director, may allow a cash performance bond to be submitted in lieu of full completion of the subdivision construction for final approval. The amount of the performance bond shall be agreed to by the Public Works Director. The amount of the bond shall be equal to 125% of the estimated cost of the incomplete construction. The City is not obligated to accept the cash performance bond in lieu of construction. The subdivider must substantiate the circumstances which warrant this action.

NOTICE: The applicant is responsible for posting a public notice sign(s) at least 14 days prior to the public hearing date. The format and location of the sign(s) should conform to the Planning Commission's requirements.

GENERAL COMMENTS PRELIMINARY PLAT

1. Provide the name and location of the subdivision to the 1/4 of a 1/4 Section, Township, and Range, Flood Zone, Zoning and/or Proposed Zoning, Acreage, month and year of review in the Title Block.
2. The boundary of the subdivision should be the most solid bold line. The ROW should be the next most bold line. All lot lines shall be solid lines.
3. Location of water services, fire hydrants, water valves and sewer service locations shall be permanently marked on curb.
4. Show all easements on adjacent property abutting or adjacent to platted property including the recording information for the easement.
5. Concrete monuments shall be set at all street corners, and at all points where the street lines intersect the exterior boundaries of the subdivision and at all angle points of the boundary of the subdivision and at all angle points and points of curve in each street.
6. Zone designation with zoning boundaries clearly shown. Show zoning for all adjacent properties.
7. The 1% Annual Change Flood Hazard Area and Base Flood Elevations (BFE's) shall be shown on plat.
8. Detention ponds shall be labeled as a drainage easement and shall also be common area. The City of Dothan will maintain public drainage easements associated with the detention pond for structural maintenance of the pond and structures only. All aesthetic maintenance shall be by a homeowner's association or the property owner. All other public drainage easements shall also be aesthetically maintained by a homeowner's association or the property owner. The City of Dothan will not maintain drainage easements or detention ponds in a private subdivision or commercial subdivisions.
9. We will require storm drainage calculations as submitted to support a storm drainage plan for review and approval for this subdivision with the complete set of construction plans. The post-development peak discharge rate shall be limited to the pre-development peak discharge rate for the 2-, 10-, and 25-year storm events unless site conditions dictate differently.
10. Any subdivision containing 5 acres or more or containing more than 50 lots will be required to provide a detailed flood study and hydraulic analysis for any areas which are currently FEMA designated as being in Flood Zone "A." If the property being developed does not currently have an established floodway, the same applies for providing a detailed flood study and hydraulic analysis to determine the floodway.
11. The designs for all utilities are to be submitted in the complete set of construction plans, including electric, gas, cable TV, and telephone. Locations of junction boxes and conduits should be shown. A pre-design meeting shall be set up by the developer or design engineer with all applicable utility representatives and the City of Dothan.
12. The owner/developer is responsible for relocating any utility facilities (water services, fire hydrants, street lights, utility poles, telephone boxes, etc.) that may interfere or require relocating due to this development.
13. Fire hydrants shall be located per the fire code as required by the fire marshal.
14. The designer or contractor must submit a site plan depicting the placement and scheduling of erosion and/or sedimentation control prior to the commencement of work on this project.
15. Provide a note on the construction plans stating that all erosion control measures shall be in place as required by the engineer, plans, and City of Dothan representative. Silt fencing shall be measured and dated on each run. An inspection log will be required to be submitted to the City of Dothan. Siltation control measures shall be inspected after each rain event and at a minimum once a month. Any deficiencies shall be corrected immediately and no further work will proceed until said deficiencies are corrected to the City of Dothan or engineer's approval.
16. A maintenance surety is required before the final plat will be signed. This surety is required for 25% of the cost of all improvements in this development. Provide a cost schedule for these items. A 2 year maintenance warranty on these items is also required. The developer must provide a letter agreeing to maintain these items for 2 years from the day the final plat is signed or when all punchlist items are corrected, whichever is later.

17. A copy of any NPDES, State, or other permits associated with this development shall be provided to the City of Dothan before construction plans will be approved or before the construction associated with the permit will be allowed to begin.
18. After receiving approval of the preliminary plat by the Planning Commission and approval of construction plans by the Public Works Director, the subdivider may proceed to clear the land, grade the streets and install all improvements in accordance with the approved construction plans. Deviations may be made from the approved construction plans which do not alter the scope of the project and which are authorized by the design engineer and approved by the Public Works Director. Approval of construction by the Public Works Director in no way approves or sanctions any noncompliance with ADEM/EPA NPDES permitting regulations or any other state or federal laws, rules or regulations.
19. Design Engineer's Certification of completion has been received and final inspection completed or a cash or performance maintenance bond must be provided before the final plat will be signed.
20. Provide certified as-built construction drawings, to include plans submitted in Auto Cad on DXF format on electronic media. Compaction test reports, water/sewer test reports, and paving density test reports have been received. The City of Dothan Public Works Department requires the submission of the following for update of the GIS system prior to having the final plat or resubdivision signed:
 - A. Provide one (1) digital drawing name "(name of project) _as_constructed" in state plane coordinates with:
 - (1) A circle with the sanitary sewer lateral length and depth, plus a distance to the downstream sanitary sewer manhole for all sanitary sewer laterals. All of this information should be on one layer named "ss_lats".
 - (2) Symbols in the drawing for all sanitary sewer structures. All structures will have a description, northing and easting coordinates, elevation of top, depth and direction of inverts, line sizes and type of material used for the lines. All of the structures and text shall be on layers named "ss_structures" and "ss_text", respectively.
 - (3) Symbols in the drawing for all storm drainage structures. All structures will have a detailed (i.e.: Type II inlet, slope paved headwall, etc) description, northing and easting coordinates, elevation of top, depth and direction of inverts, line sizes and type of material used for the lines. All of the structures and text shall be on layers named "d_structures" and "d_text", respectively.
 - (4) Symbols in the drawing for all water structures. All structures will have a description and northing and easting coordinates. All fire hydrants will be located with a point on the side of the fire hydrant closest to the roadway. Only water valves and water manholes need elevation listed. All of the structures and text shall be on layers named "w_structures" and "w_text", respectively.
 - (5) The edge of pavement and/or back of curb on a layer named "eop" or "curb", respectively.
 - (6) All easements and descriptions on a layer named "easements".
 - B. After the information submitted on the as-constructed drawing is deemed correct by Engineering Services and the as-constructed drawing is approved, a digital drawing in state plane of the final plat or resubdivision will be required. This drawing will be named "(name of project) _final_plat".
21. Condominium agreement, if applicable and/or Home Owners Agreement providing for maintenance of Common Elements/Areas shall be provided to the Planning & Development Department.

SIGN CONTRACTORS
Department of Planning & Development
P.O. Box 2128

Dothan, Alabama 36302-2128
334-615-4410 – Office; 334-615-4419 – Facsimile

The following sign companies have indicated their interest in doing **PUBLIC NOTICE** signs for Planning Commission applicants. They are private contractors and set their own prices for the signs. The City does not endorse or recommend any of these contractors.

Complete Signs Justin Holland 334-405-6067	Dothan Sign Designs Brad Glover 334-712-0110	Dick Whatley Sign Svc. Dick Whatley 334-790-3692 334-693-3551
FASTSIGNS of Dothan Shane A. Jeter 334 226 5716	Neal’s Sign Service Neal McLendon 334-714-0266	Sign Erectors Brad Sanders William Browning 334-702-0656
Signs Etc. Tom Cozart 334-678-9507		

SIGN SPECIFICATIONS:

BOARD

The sign shall be painted in black letters on a white background on a 4’ x 8’ sheet of plywood at least ½” thick or with sufficient bracing to make the sign stable. The sign shall be of sufficient quality that it may be easily read from the street and shall be placed at the front of the lot using no less than 2’ x 4’s for posts.

LETTERS

A three-inch space shall be between each line. The words PUBLIC NOTICE shall be in six-inch high letters with each remaining line in three-inch high letters. Letters shall be one and one-half inch in width with the letter “I” at least one inch in width with appropriate spacing between words. There is a maximum of 48 letters per line. This takes 72 inches leaving 24 inches for the margin and appropriate spacing.

RULES

The sign shall be erected on the lot no less than 14 days in advance of the Planning Commission meeting day at which the request is to be considered. The sign shall remain erect until the day after the meeting in which the applicant will be responsible for removing the sign from the site. Any tabled items from the agenda until the next month will need to have the sign changed to note the new date.

Any failure to adhere to the above specifications would result in the failure of the applicant’s request to be considered by the Planning Commission.

EXAMPLE OF PRELIMINARY PLAT PUBLIC NOTICE SIGN

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION
OF THE CITY OF DOTHAN WILL, ON WEDNESDAY,
MONTH, DAY YEAR, AT 9:00 A.M. CONSIDER
APPROVAL OF A PRELIMINARY PLAT FOR A SUBDIVISION AT THIS SITE.

PLANNING & DEVELOPMENT DEPARTMENT

(334) 615-4410



CHECK LIST FOR APPLICATION SUBMITTAL OF FINAL PLAT OR RESUBDIVISION THAT INCREASES THE NUMBER OF LOTS

Department of Planning & Development
P.O. Box 2128
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After the preliminary plat of a proposed subdivision has been given approval, the subdivider may within one year or within such additional time as may be granted by the planning commission, submit a final plat.

The Engineering Services Office and Planning and Development Office of the City of Dothan, Alabama will verify the items listed below when a final plat or resubdivision that increases the number of lots in the subdivision is submitted for approval.

1. A completed Subdivision Application requesting review and approval of the final plat or resubdivision, including a listing of names and mailing addresses for all adjacent property owners on all sides and across the street according to the official tax records of Houston County.
2. Six (6) copies of the final plat or resubdivision and digital copy utilizing the standard city layer name structure and Auto Cad or DXF format on electronic media, a .pdf copy of the plat and a \$25.00 filing fee (check made payable to the City of Dothan).
3. The final plat shall conform to the conditions of the approved preliminary plat.
4. The final plat or resubdivision shall be clearly and legibly drawn on acceptable synthetic tracing material at a maximum scale of 100 ft. to an inch on 24" x 36" material. If the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map at a reduced scale.
5. Name and address of owner of record and subdivider and name and registration number of surveyor or engineer must be provided on the plat.
6. Provide a north arrow, subdivision acreage, graphic scale and date.
7. Provide a vicinity map showing location and north point of the subdivision.
8. Provide the location of streams, lakes, and swamps and land subject to flooding.
9. Names of owners of record of all adjoining land must be shown on the plat.
10. Bearing and distance to permanent points on the nearest existing street or bench marks or other permanent monuments (not less than three) shall be accurately described on the plat. The plat shall show the location of the subdivision in relation to the U.S. government land survey by distance and bearings to a corner of a section, one-quarter section or one-quarter of a one-quarter section. Local tie for horizontal and vertical control must be made to two or more monuments in the State (updated standard) horizontal and vertical control monumentation system, which is based on NAD 83 Horizontal and NAVD 88 (updated standard) vertical datums with State plane coordinates, established for the points of benchmarks.
11. Municipal and county lines shall be accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
12. The location of included land dedicated for a neighborhood park or open space area and designation of any commonly owned property shall be shown.
13. Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest one-hundredth (1/100) ft. and angles to the nearest second, shall be balanced and closed with an apparent error of closure not to exceed one in ten thousand.
14. Name of subdivision, exact locations, width, and names of all streets and alleys within and immediately adjoining the new subdivision shall be shown on the plat. A list of street names shall be provided to Engineering Services to eliminate any duplicate names in the E-911 system.
15. Street right-of-way shall show all curvature information including central angle, tangent length, radius length, and chord length and bearing. Lot lines along street rights-of-way shall show a

minimum of chord length and bearing for each straight section. Supply the length and bearing across each road right-of-way that crosses the boundary of the subdivision. Any existing road shall have the right-of-way width shown. Any road with varying right of way width shall have distances from the corner lot of the existing road to the right of way lines on both sides of the road.

16. Lot lines shall be shown with dimensions to the nearest one-hundredth (1/100) ft. and bearings to the nearest second.
17. Lots shall be numbered by numerical order and blocks lettered alphabetically (excluding the letters "I" and "O").
18. Each lot shall have a house number placed on the curb for identification purposes. The Public Works Director will determine the house numbers.
19. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for the public use shall be shown on the plat.
20. Accurate location, material and description of monuments and markers, shall be described on the plat.
21. The Minimum front yard building setback line shall be shown for all street frontage.
22. Provide certifications for Surveyor, Owner including Notary, Health Department, Public Works Director, Construction, County Engineer, and Planning Commission Chairman on the plat.
23. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Planning Commission and endorsed in writing on the plat. If any subdivision plat, when recorded, contains any changes, the plat shall be considered null and void, and the Planning Commission shall then file a correct plat as approved, noting the reason for such filing.
24. Upon application by the subdivider, the Planning Commission may make a reasonable extension of the approval; provided, however, that the Commission may require that the layout be revised according to any changes in regulations or ordinances applicable to the layout subsequent to the first approval.
25. Expiration of an approval shall mean that any further action will require a new filing fee as well as a review of all previous findings.



**CHECK LIST FOR APPLICATION SUBMITTAL OF MINOR SUBDIVISION PLAT,
RESUBDIVISION THAT DOES NOT INCREASE THE NUMBER OF LOTS OR
RESURVEY OF EXISTING SUBDIVISION LOTS**

Department of Planning & Development
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Minor subdivisions of land (five (5) parcels or less), resubdivision of an existing subdivision that does not increase the number of lots in the subdivision or resurvey of an existing subdivision lot that does not increase the number of lots in the subdivision, shall be reviewed and approved required pursuant to the submittal requirements for a final plat or as modified by the Planning Director. The following steps are to be used in this process:

1. Preapplication Conference. A preapplication conference is **required** prior to acceptance of any application for a minor subdivision. This conference will review all documents and maps pertinent to the proposed development. It is suggested that applicants schedule an appointment to ensure staff availability.
2. Official Application and Fee. An application for a minor subdivision shall include eight (8) copies of the maps and documents meeting the stipulated requirements along with a completed application and \$25 filing fee which shall not be refunded.
3. Notice. Upon acceptance of a complete application, notice will be sent by first class mail to the owner(s) of record according to records of the county tax assessor of all abutting property. The notice shall state the purpose of the review and indicate that the plat is on file for public review at the Department of Planning and Development office for 14 days during normal business hours, which shall be Monday through Friday from 8:30 a.m. until 4:30 p.m. excluding scheduled city holidays. Failure of any owner to receive notice shall not invalidate the application.
4. Administrative Review. The application shall be reviewed by City personnel according to the following criteria:
 - (1) The proposed subdivision contains 5 lots or less, resubdivision of an existing subdivision that does not increase the number of lots in the subdivision or resurvey of an existing subdivision lot that does not increase the number of lots in the subdivision, whether for residential or commercial purposes;
 - (2) Whether the proposed land division is consistent with any policies of any plan or program of the city adopted under the general guidance of the city plan;
 - (3) Whether the proposed land division is consistent with the general development patterns of the area, so that it will not unduly or adversely affect current and future planned development opportunities on adjacent land;
 - (4) All parcels are in conformance with any zoning regulations applicable to the subject property;
 - (5) All proposed lots will have adequate water and wastewater in place or proposed facilities. The City of Dothan makes no representation that any lot eligible for

- approval by the Alabama Department of Public Health for a septic tank will be approved;
- (6) All lots must front or have access (via a legal document) to a dedicated public right-of-way;
 - (7) The proposed subdivision does not involve the dedication of existing or new streets, right-of-way or public drainage easements;
 - (8) Proposed minor subdivisions lying within 1,320 feet from an existing public street intersection will be evaluated for the provision for future roads;
 - (9) Joint access driveways may be required and designated on the plat by the Public Works Director in the interest of public safety;
 - (10) Flag lots:
 - (a) Minimum width at the right of way for flag lots for residential uses is 60 ft. Less than 60 ft. may be approved on a case by case basis.
 - (b) The distance to the building site from the nearest fire hydrant shall be no greater than 800 ft. or as otherwise approved by the Fire Marshal.
 - (c) All subdivisions utilizing flags for access shall be recorded with an easement allowing the ingress/egress for emergency vehicles. A note shall be placed on the face of the plat holding the city harmless from damage to roads, bridges, gates, fences, landscaping etc.
5. Required Revisions. Upon completion of the administrative review, the applicant will be notified of any deficiencies. The applicant must resubmit revised maps and documents within 30 days for final review or the case will be void and the applicant must reapply for subdivision approval and pay the required fees.
6. Decision. Within 30 days of the date of application or in the case of a resubmittal, the applicant shall be notified of one of the following actions:
 - (a) The application is approved and shall be processed for recording in accordance with section 90-101 of these regulations.
 - (b) The application is not approved as submitted with deficiencies specifically noted.
7. Appeal. If the application is not approved, the applicant may appeal the decision to the Planning Commission by submitting a written request for appeal within 30 days of the notification. An appeal to the Planning Commission shall be treated as an application for a Preliminary Plat according to these regulations.
8. Recording. Two mylar copies of any approved minor subdivision, resubdivision or resurvey plat shall be recorded in the Office of the Judge of Probate with one original recorded mylar being returned to the Engineering Services Office of the Public Works Department.
9. Provide a digital copy utilizing the standard city layer name structure and AutoCad or DXF format on electronic media.
10. All signatures other than the Houston County Engineers shall be affixed to the plat prior to submittal to this office for the signatures of the Planning Commission Chair or the Public Works Director before being recorded at the Office of the Judge of Probate.