



Probate Procedures: Formal Administration

What is Probate?

Probate is the legal procedure to prove that a will is valid. It confirms that the person who made the will was mentally competent, not forced and that the correct heirs and representatives are named. It also ensures that all debts are paid.

Formal Administration Process Guide

Phase 1: Gathering Information	<p>You'll need to provide us with:</p> <p>The will if one exists, a certified copy of the death certificate, the description and general value of the assets.</p> <p>You will need names and addresses of all persons named in the will, and the deceased's close relatives.</p>
Phase 2: Signing Initial Documents	<p>Within 2 to 3 weeks after our meeting and receiving the Death Certificate and Will, we'll prepare the necessary documents to inform the probate court about the decedent, their family, and any estate planning that took place (or didn't) while they were alive.</p> <p>You will sign: a Petition for Administration, which lists details like known assets, family members, and whether there was a Will.</p> <p>You will also sign other documents such as an Oath of Personal Representative, Affidavit of Heirs, and an Affidavit regarding Criminal History.</p> <p>After that:</p> <ul style="list-style-type: none">• We'll file the original will, death certificate, petition, and related documents with the court and pay any necessary fees.• We'll prepare waivers for heirs and other interested parties to sign.• If waivers aren't signed, we'll send copies of the will, petition, and waivers to heirs and interested parties by certified mail. They have 20 days to file any objections. <p>If no objections are filed, the court will admit the will to probate and grant the Personal Representative (PR) Letters of Administration, giving them the authority to manage the estate. If objections are filed, hearings will be scheduled.</p>

**Phase 3:
Administration
of the Estate**

You will need to:

- Begin gathering an inventory of estate assets, including locating, valuing, and collecting the decedent's assets.
- Open an estate bank account for depositing proceeds from asset sales, refund checks, and other estate cash. These funds will be used to pay debts, claims, and administration expenses. A new Tax ID will be used.

We will:

- Publish a newspaper notice for two weeks, giving creditors 90 days to file claims.
- Send information to known creditors, giving them 30 days to file claims.
- Prepare an inventory of the estate's assets.
- Assist the PR in managing the estate
- Determine whether the estate is subject to estate taxes and, if so, recommend that the PR hire an accountant.
- Ensure that all funds are held in estate accounts and help the PR pay bills and distribute assets to heirs.

**Phase 4:
Final
Procedures**

You will provide detailed information about:

- The estate's value and assets as listed in the original inventory.
- Any changes to the estate's assets.
- Expenses paid and amounts remaining.
- Distributions made to heirs.

We will then:

- Prepare a final accounting and a petition for discharge for the court.
- Prepare a proposed court order for the distribution of remaining assets and the discharge of the PR.
- File these documents with the court and send copies to heirs and interested parties, who have 20 days to object.
- Obtain a certified copy of the court's discharge order after the objection period ends.

This process ensures that all legal requirements are met and that the estate is properly managed and distributed to the rightful heirs.