

HARRELL LAW

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STAGES OF A PROBATE ESTATE IN INDIANA

1. **OPENING ESTATE.** In order to open an estate, several pleadings need to be prepared and filed with the appropriate Court, giving the Court basic information about the Decedent and a brief overview of the estate assets. There are several upfront costs including the filing fee, a bonding fee, and the publication fee (all can vary). A bond may or may not be required, depending on the county and individualized circumstances.
2. **APPOINT A PERSONAL REPRESENTATIVE OR ADMINISTRATOR.** The person filing to open the estate is called the Petitioner, and that person is asking the Court to appoint them as the Personal Representative or Administrator of the deceased's estate so that they may legally exercise control over, including sell or transfer, the deceased's property. In supervised estates, the Administrator must obtain court permission prior to selling or transferring property.
3. **OBTAIN A FEDERAL TAX ID NUMBER AND OPEN ESTATE CHECKING ACCOUNT.** Do not use your Social Security number or decedent's Social Security number.
4. **PROTECTION AND INVENTORY OF ASSETS.** Locate, collect and maintain all property owned by the decedent. Keep motor vehicles and real estate insured and protected. Immediately fill out a change of address at the Post Office to have the decedent's mail forwarded to you. Appraisals may be necessary. Within two (2) months of your appointment you must prepare an inventory of the estate and file a report with the Court saying that you have done so, then you must distribute a copy of the inventory itself to all heirs, devisees, and beneficiaries.
5. **CLAIMS PERIOD.** Once the Notice of Administration is published, there is a three (3) month period in which creditors may file claims alleging that the decedent owed them funds. These may include the expenses of the deceased's last illness and burial, credit cards, mortgages, and/or other loans.

After the Claims Period expires, a report is filed with the Court advising which claims were timely filed and valid, and therefore allowed and paid by the Estate, and those claims which were late or invalid, and therefore disallowed and not paid by the Estate.

6. PARTIAL DISTRIBUTION OF ESTATE ASSETS. Specific bequests and partial distributions can be made if desired and warranted after claim period expires if estate is solvent.
7. PREPARE AND FILE TAX RETURNS, including the Decedent's Final Income Tax Return, and, if necessary, the Federal Estate Tax Return and/or the Fiduciary Income Tax Return. You will work with our office and your tax professional to establish which filings are necessary.
8. FINAL ACCOUNTING. Includes an overview of all opening estate assets, all expenses of administration paid, and what amounts are to be distributed to heirs, devisees, and legatees.
9. CLOSING PERIOD. Several pleadings are filed with the Court, including a copy of the Final Accounting, and the Personal Representative or Administrator asks the Court to close the probate estate. Most estates are closed within 9-12 months.