

## PROBATE GENERAL INFORMATION & WORKSHEET

When a loved one dies, it can be difficult to understand the necessary procedures to take in order to manage his or her estate. This hand-out seeks to provide a general overview of the necessary steps to begin the probate process.

Frequently asked questions:

### 1. What is probate?

Probate is the procedure of recording a Will and qualifying the Executor(s) named in the Will to handle the estate. This happens when someone dies with a Will (Dying with a will is called Testate).

Probate also refers to the process of appointing an Administrator to handle an estate when someone dies without a will. (Dying without a will is called Intestate)

#### a. Who administers the estate if there is no Will?

Virginia Code 64.2-200 outlines the heirs at law of an Intestate Decedent. This code section defines who will inherit the assets of the deceased and also helps the Clerk's Office identify the best candidate for Administrator.

### 2. When is Probate required?

Qualification of an Executor or Administrator is not always required. Depending on assets, it is sometimes necessary for someone to be able to do business on behalf of the estate, ie. Pay claims, sell assets, distribute to beneficiaries. However, some assets can be transferred without qualification. For Example: assets owned jointly with another, Benefits or policies with a named beneficiary or payable on death benefits do not require qualification.

### 3. How do I begin the Probate Process?

1. Please fill out the attached worksheet to the best of your knowledge.

2. Either mail or hand-deliver the Estate Worksheet to:

Circuit Court in the city or county of the decedent's residence

3. Once an appointment has been made, please bring: Original Will (if applicable), Proof of death of Decedent (ie Death Certificate), Valid ID, applicable fees.

## ESTATE INFORMATION & ASSET WORKSHEET

Please fill out this form to the best of your knowledge. This will help expedite the process in our office.

Please either mail or hand-deliver this form to the Circuit Court Clerk's Office.

Your Name: \_\_\_\_\_

Contact phone number: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Relationship to the decedent (person who is deceased): \_\_\_\_\_

### Decedent information:

Name of Decedent: \_\_\_\_\_

Date of Death: \_\_\_\_\_

Decedent's Place of Residence: \_\_\_\_\_

The Decedent died ☐ with a will or ☐ without a will?

If the Decedent had a will, is it hand-written? ☐ Yes or ☐ No

Is the will witnessed by at least 2 people? ☐ Yes or ☐ No

Is the will Notarized? ☐ Yes or ☐ No

Please list all named Executor(s) of the will? \_\_\_\_\_

At the time of death was the Decedent ☐ Married? ☐ Single? ☐ Divorced? ☐ Widowed?

Please use the box below to fill out the List of Heirs at Law. Heirs at Law are determined by kinship to the deceased (as defined by VA Code 64.2-200)

Full Name	Address	Relationship	Age

## ESTATE ASSETS

Estate assets are assets that are in the DECEDENT'S NAME ONLY. Do NOT include property held jointly with a right of survivorship, assets payable to a named beneficiary or assets payable on death.

Please fill out this Asset chart to the best of your knowledge at this time.

Asset	Value as of Date of Death
Checking Accounts	
Savings Accounts	
Stocks	
Bonds	
Certificates of Deposit	
Life Insurance payable to the Estate	
Personal belongings	
Household Furnishings	
Vehicles	
Boats, Trailers, RVs, Motorcycles, etc	
Other	
Subtotal – Personal Property	
Real Estate in _____ (city/county)	
Real Estate in _____ (city/county)	
Other Real Estate in Virginia	
Subtotal – Real Property	