

ESTATE ADMINISTRATION/PROBATE PROCESS

Please be advised that the Fiduciary Supervisor is NOT an attorney and therefore, cannot provide any legal advice. This information is very general and is only to assist in the estate process. It is recommended that for specific questions about your situation or complex estates, you should consult with an attorney.

The County Commission of Greenbrier County does have jurisdiction over any probate matters within Greenbrier County, West Virginia. If problems arise during the administration of an estate, a Fiduciary Commissioner will be chosen to oversee the completion of the probate process.

Definitions:

Administrator/Administratrix – the individual/entity that is given authority (appointed) when the decedent does not leave a Will.

Appraisement – this is a form that will be provided to you and which will include all assets either owned individually or jointly.

Assets – items owned by decedent that will be broken down into two categories:

Non-probate assets – items owned by the decedent that are jointly owned or are payable upon death to a beneficiary. These items do not pass through the estate.

Probate assets - items owned SOLELY (strictly in the decedents name only) by the decedent. These items will pass through the estate.

Beneficiary – an individual or entity that is named in the decedent's Last Will and Testament, which will receive either property (personal/real) or any monetary gift.

Bond – is a guarantee that can be provided by a corporation or an insurance company, which serves as security, for the individual/entity who is performing the appointed duties in good faith and to be accountable for any deficits that may occur.

Claim – any debt that is filed against the estate of the decedent by a creditor.

Executor/Executrix – the individual named in a Last Will and Testament or Codicil that is given the authority to perform the administrative duties of the Estate.

Fiduciary – an individual or entity that manages the Estate of the decedent. Also known as; Executor/Executrix, Administrator/Administratrix, or Personal Representative.

Heir – individual(s) that are related to the decedent and who can inherit from the decedent's estate who did not leave a Last Will and Testament.

Holographic Will – A will that is written entirely by the decedent, in his/her own hand, but is not witnessed.

Intestate – a decedent that does not leave a valid Last Will and Testament.

Probate – is the legal process that needs to happen after a person dies, leaving an estate. This process assists in the gathering of information of the decedent's assets for distribution.

Testate – a decedent that leaves a valid Last Will and Testament.

Valid – in reference to a Last Will and Testament that has been properly signed, witnessed and notarized.

The Probate Process: