Probate Forms

SNODGRASS
FUNERAL HOME
Honoring Life

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ITEMS NEEDED FOR PROBATE (see probate worksheets)

- ☐ **Social Security Number of the Decedent**
- ☐ **Certified Death Certificate**
- ☐ **List of all Assets in Decedents Name**
  Prepare a list of all Assets in the Decedent's Name including joint accounts and ownership. Assets may include but are not limited too: bank accounts, insurance policies, investment accounts, retirement accounts, stocks, bonds, real estate, automobiles, recreational vehicles, personal items, cash, etc….
- ☐ **Fiduciary - Executor / Executrix – Proof of Identification**
  You will need to take with you one form of Photo ID such as a valid Drivers License, Passport or other State or Federal Issued Photo ID..
- ☐ **Names and Addresses of Beneficiaries Listed in the Will or Heirs at Law**
  The list should include all beneficiaries (may include churches, charities, trustees of trusts, etc.) and heirs at law (spouse, children, children of any deceased children, if no spouse or children, list Mother, Father, Brothers, Sisters, Nieces or Nephews).
- ☐ **Real Estate Deed and Tax Ticket**
  You will need to have copies of any Deeds and Tax Tickets for any and all Real Estate and Mineral Rights owned by the decedent at the date of death. If you are using an Attorney this is not necessary.
- ☐ **Consent**
  If there is no surviving spouse or no beneficiary listed, you will need the consent from the majority of the heirs to be appointed over the Estate of the deceased. This consent must be NOTARIZED and accepted by the Office of the Fiduciary within the first 30 days after death of the decedent. After 30 days ANYONE may be appointed over the Estate WITHOUT consent. There are forms provided for this through the probate court.
- ☐ **Fees**
  Fiduciary and Recording Fees will apply. The amount will be determined by the Deputy at the time you are appointed, these are typically not more than $300.00.
- ☐ **Probate Attorney**
  You may elect to obtain a Probate Attorney to assist you in the Probation process. It is not required that you hire an attorney to go through Probate. This is merely and option for you, however if the decedents Estate is in excess of 1 million dollars, it is required that you have a Probate Attorney.
- ☐ **Bondsman**
  When you begin the Probate process, you may find that you will need a bondsman to provide a surety on your behalf. Click here for a list of bondsmen in the local area that may be able to assist you in this matter.
- ☐ **Estate Federal Tax I.D. (EIN #)**
  *Required to open an **Estate Account** for the deceased using the appointment papers to obtain from the I.R.S. web site. This is **FREE** and the ID number will be available immediately and printable upon completion of the application process on line. The bank can then open an Estate Account for you using that I.D. number.*

ITEMS NEEDED FOR PROBATE (cont.)

☐ **Original Will – select the one(s) that apply from the list below**

☐ **"Without Bond" (is stated in the will); Lists Named Executor/Executrix and is Correctly Notarized**
The named Executor or Executrix must be the one to probate the will – no Bondsman or Witnesses are needed.

☐ **The Will DOES NOT state "Without Bond"; Listing Names Executor/Executrix and is Notarized Correctly**
The named Executor or Executrix must be the one to probate the will – you must have a Bondsman present.

☐ **The Will IS NOT Notarized Correctly**
If the Will is not properly Notarized you must bring the Original Witnesses listed on the Will if possible OR two people who will swear under oath that they are familiar with the handwriting and signature of the decedent.

☐ **Holographic Will (Handwritten Will)**
You must have two witnesses who are NOT related to the heir/beneficiary who can swear/affirm under oath that they are familiar with the handwriting and signature of the decedent. Both witnesses must bring a photo ID and be present at Probate.

☐ **Intestate – The Decedent Did Not Leave a Will**

☐ **Bondsman is Needed if: the Will DOES NOT list the Fiduciary to Serve "Without Bond" OR if there is NO WILL – select from the list below the type of Bondsman needed**
*Bonding companies are listed in the Yellow Pages of the Phone Book under "Bonds – Surety & Fidelity" *Note: the Bondsman must come with you*

☐ **Personal Surety/Jusification of Surety: if assets in the deceased name ONLY are under $10,000.00 (NOT including Real Estate)**
You must bring a person with you that owns Real Estate or holds joint Real Estate with you, in the State of West Virginia. Justification of Surety Bond may be obtained in the County Clerk's office in the county in which the property is located. You cannot Bond yourself. The Personal Surety must bring a photo ID with them and be present at probate.

☐ **Corporate Surety: if assets in the deceased name ONLY are over $10,000.00 (NOT including Real Estate)**
You will need to contact a Bonding Company and the representative must be present with you at probate

☐ **Out of State Fiduciary or Personal Representative MUST be bonded by a Corporate Surety:**
The bond amount must be for the total assets in the deceased name ONLY, NOT including Real Estate. You will need to contact a Bonding Company and the representative must be present at probate.

Probate – First Step: Appointment Worksheet

Kanawha County Fiduciary Supervisor
Kanawha County Commission
Kanawha County Courthouse
Virginia St, E
Charleston, WV 25301
304-357-0157
304-357-0426 Fax

Putnam County Courthouse
Fiduciary Supervisor
12093 Winfield Rd.
Winfield, WV 25213
304-586-0201
304-586-0211 Fax

Deceased: ______________________ Executor ☐ Administrator ☐ Is there a Will ? ☐ Yes ☐ No

Date of Death ____________________ SS# ______________________________ DOB: __________

Name of Person to be appointed over the estate ____

Address: ____
City State Zip

Phone Number: ________________________ ________________________
Home/Cell Work

Probate Estate Estimate $ ____________ Non Probate Estimate: $ _______________ **See Worksheet**

Will a bond be needed? ________ Bond Company ______________________ **See Common Questions**

Is the deceased Married ______ Name of Spouse and Address: ____________________________________

Are there any children born outside the marriage _____ How Many ? ______ **They may be considered Heirs at Law.**

List Beneficiaries (Persons named in the Will), address, and relation) (Use extra sheet if needed)

____

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____

(Without a Will) List Heirs at law,address, and relation: See family tree worksheet (Use extra sheet if needed)

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Probate – Second Step: Appraisal of the Estate

Include with each asset listed, the name(s) of each person(s) and their relationship to the deceased listed on the account, property, etc. as either joint owner, beneficiary or payable upon death if applicable. If the asset is in the decedents name alone, please indicate this as such. *It is very important to indicate if any of the following apply: Real estate has been sold or transferred out of the deceased name within the last three years, or if the deceased only had a life estate in the property.*

❖ The appraisal forms require that **"ALL"** assets be listed, whether solely or jointly held or payable upon death / beneficiary. These will be listed on different areas of the forms, so providing the assets with the name(s) they are listed in is very important. Only items in the decedents name alone are part of the deceased probate estate, all others are non- probate assets and belong to the person(s) listed as joint owner, beneficiary or payable upon death.

❖ All values and or balances are to be listed as of the date of death.

❑ **Real Estate / Property / Land :**

✓ Real estate tax ticket for the year of the date of death, for **EACH** property, (in and out of state; use the tax ticket to obtain the assessed value and description)
✓ Tax tickets to mineral rights (in and out of state) and what percentage the deceased owns.
✓ Market Value of property, as of the date of death.

Description / Address:____

____

Deed Name (s)/ Relationship____

Assessed Value (from tax ticket) $_________________
Appraised Value / Sell Value $______________________
(repeat on separate page as needed and attach to form)

❑ **Personal Property:**

✓ The value, year, make and model of "All" automobiles, campers, boats, motorcycles, four wheelers, trailers, etc. (anything titled – you can use the tax tickets if available for description and value or use the Kelley Blue Book).
✓ Any item, and its value specified in the deceased Last Will and Testament that is listed to go to a beneficiary (example: I want my diamond right to go to my daughter)

Description / Type of Asset	Title Held By / Beneficiary	Relationship	Value $

Personal Property (Cont.)

Description / Type of Asset	Title Held By / Beneficiary	Relationship	Value $

Personal Belongings and Household Goods of the deceased (typically valued at yard sale pricing) $500.00 more/less (this must be added to all Probate Assets)

- ❑ **Time Shares**
  - ✓ Deed/Ownership Papers

Description / Type / Location

Deed / Ownership Names:

Value at the time of death:
$

- ❑ **US Savings Bond**
  - ✓ Type of Bond (i.e.: Series E, EE, H, etc.)

Type of Bond / Bond #	Owner(s) on Bond	Relationship	$ Value at the time of death

- ❑ **Bank Accounts / Investments**
  - ✓ Name of the bank, type of account (checking, savings, IRA, CD, etc.) Amount in the account on the date of death. Identify if any accounts are payable on death to anyone and / or joint owned.
  - ✓ Name of the investment company, type of account (IRA, 401K, Savings, Mutual Funds, Annuities, Etc.). Identify if any accounts list a beneficiary or joint ownership.
  - ✓

Type of Account Bank/Company Name Ownership / Beneficiary / P.O.D Relationship Value/Balance T.O.D.

Bank Accounts / Investments (Cont.)

Type of Account	Bank/Company Name	Ownership / Beneficiary / P.O.D	Relationship Value/Balance T.O.D

❑ Stock (individual stocks held outside a money market or investment account)

- ✓ Name of Company or stock symbol
- ✓ Number of shares held
- ✓ Market value (we can help research this for you)

Company Name	Closely Held	Number of Shares	Market Value per Share	Market Value

❑ Life Insurance

- ✓ Name of Insurance company, amount of the policy being paid, name of the beneficiary(s) and their relationship to the deceased. If there is no beneficiary determine if the policy will pay to the estate or heirs at law. This will make a difference in the placement on the probate appraisal form.

Company Name	Beneficiary / Payable To	Relationship	Value

❑ Other assets not listed above and / or Identified in the Will / Other Notes

Probate – Third Step: Closing the Estate

The estate must stay open a minimum of 60 days starting from the first day of the month after the appraisal papers are filed. This means that it may be 4 to 6 months from the date that you start the process at the Fiduciary Supervisors office.

- ✓ You cannot close the estate until you receive a letter and proper forms from the Kanawha County Supervisor’s Office. These forms are referred to as the final settlement papers.
- ✓ There are two types: Short Form Settlement and Long Form Settlement.

Most people receive the short form papers four to six months after filing the appraisal papers. The person over the estate (Executor or Administrator) will need to sign that they have paid all outstanding accounts and distributed the assets as either listed in the will or if there was no will then in accordance with state law. Then each beneficiary will need to sign to indicate that they have received what they believe to be the correct assets, thus releasing the person over the estate from their duties.

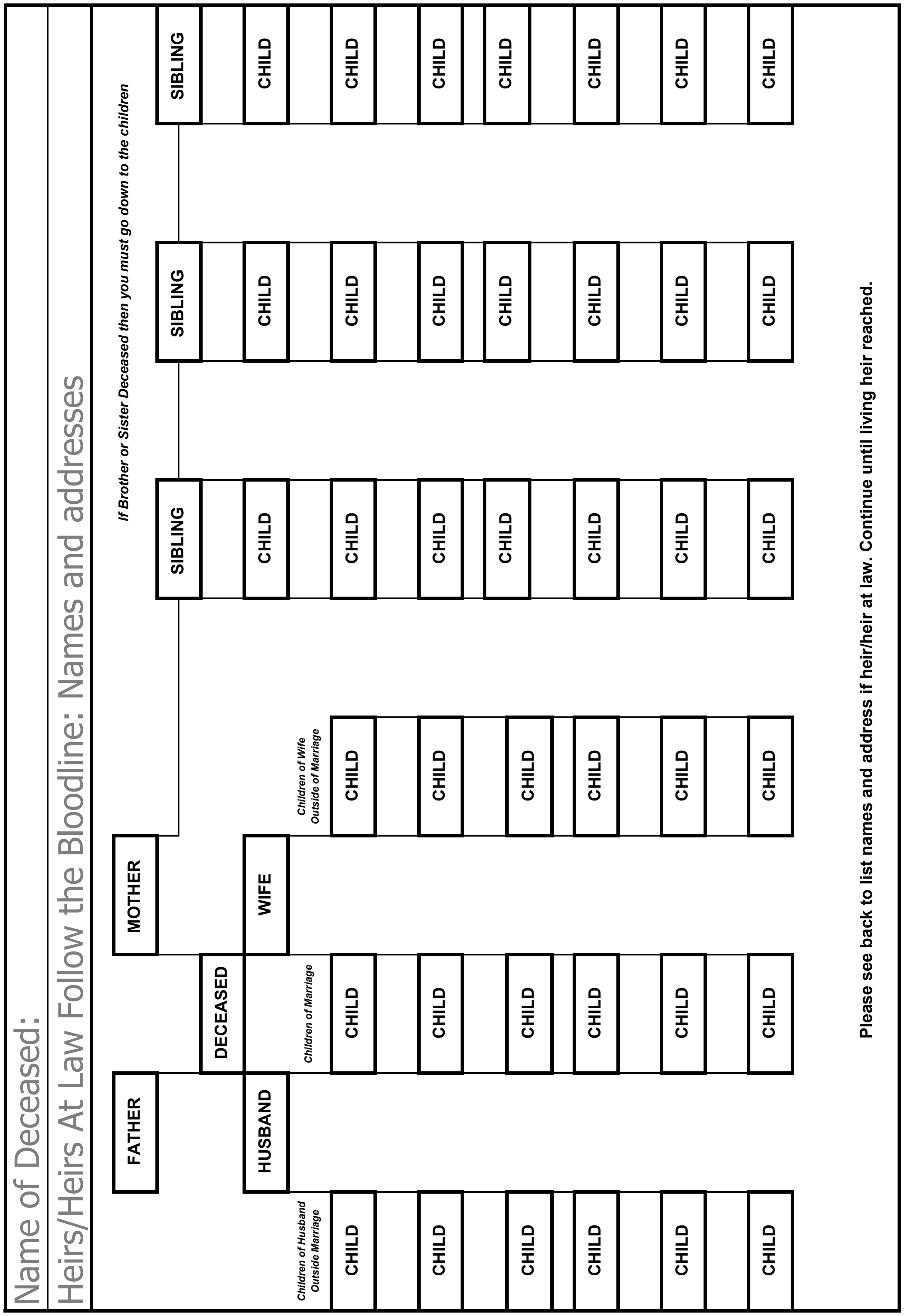
If there are issues with property, beneficiaries, debts being more that assets, then a long form will need to be filed. We feel that it is in the families’ best interest to contact the fiduciary superiors’ office and/or consult an attorney to help complete these forms to close the estate.

Keep in mind your Executor/Administrator papers allow you to conduct all business on behalf of the Estate of the deceased. Keep all documentations of all business conducted including but not limited to receipts, checks (both received and paid out), claim forms, utility bills, other bills or debt invoices, etc… Any asset sold that is part of the estate must be placed in an estate account until the estate is closed. If you sell real estate prior to the closing of the estate, the funds may be placed in escrow and held until the estate is closed.

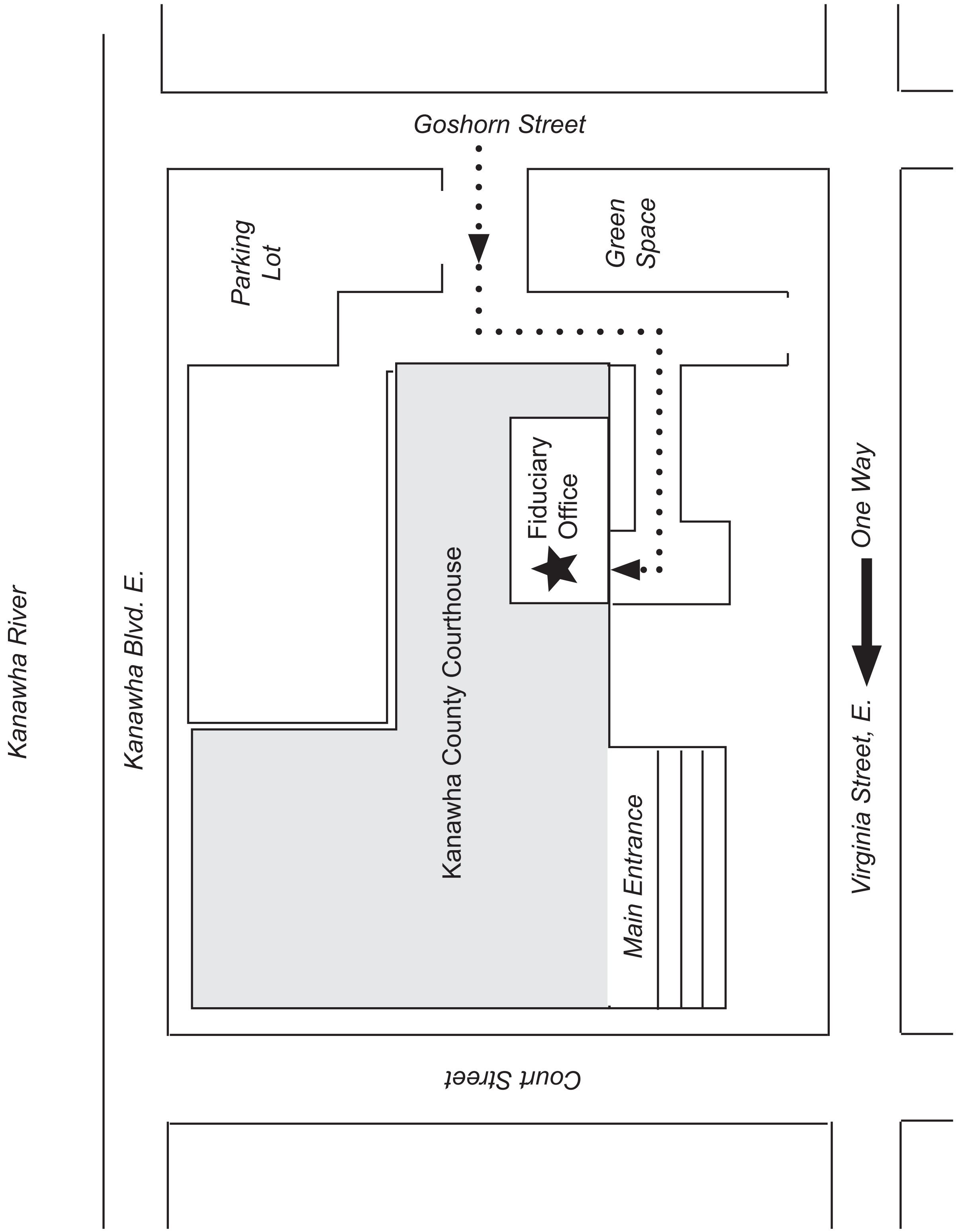
You may need to open and Estate Account with your bank, you can do so by obtaining an EIN from the IRS website using your appointment papers. This is a free Tax ID number and can be printed off when you apply for it so you will have it immediately. This is required for the bank to open the estate account.

If you have questions about paying bills / debts and maintaining insurances and property assets of the estate, please contact the fiduciary’s office. They will assist you with this.

Probate – Family Tree



Kanawha County Fiduciary Office Map



CONTACT INFORMATION

FIDUCIARY SUPERVISORS'S OFFICE of Kanawha County, Charleston, WV
Phone: 304-357-0125 / Fax: 304-357-0426 / e-mail: info@kanawha.us/fiduciary
www.kanawha.us/commission/fiduciary/default.aspx
Office Hours: Mon., Tue., Wed., Fri.: 8:00am – 5:00pm AND Thur.: 8:00am – 7:00pm

FIDUCIARY SUPERVISORS'S OFFICE of Putnam County, Winfield, WV
Phone: 304-586-0239 / Fax: 304-586-0200
www.countycommission.putnamcounty.org (click on Estate Probate Info.)
Office Hours: Mon. – Fri. 8:00am – 4:00pm

SOCIAL SECURITY OFFICES
www.socialsecurity.gov
Charleston Office
500 Quarrier Street, Suite 300
Charleston, WV 25301
Toll Free: 1-800-772-1213
TTY: 800-325-0778 / Fax: 304-345-2850
Office Hours: Mon-Fri. 9:00am – 4:00pm (except federal holidays)

St. Albans Office
49 Old Main Plaza
St. Albans, WV 25177
Toll Free: 1-800-772-1213
TTY: 800-325-0778 / Fax: 304-722-5856
Office Hours: Mon-Fri. 9:00am – 4:00pm (except federal holidays)

U.S. DEPARTMENT OF VETERANS AFFAIRS
www.va.gov
VETERANS REGIONAL OFFICE
640 4th Avenue
Huntington, WV 25701
Phone: 800-827-1000 / Fax: 304-399-9355

WV BUREAU OF SENIOR SERVICES
1900 Kanawha Blvd W Charleston, WV 25305 Town Center Mall, 3rd level
Phone: 304-558-3317 / Fax: 304-558-5609
Toll Free: 877-987-3647

ESTATE PLANNING

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325 8th Street, Huntington, WV 25701 • 304-399-9737

NOTES:

NOTES:

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CONTACT INFORMATION AND DIRECTIONS

We have a staff member available for you 24 hours a day 7 days a week.

L.J. Fairless
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Honoring Life Condolence Center
Phone: 304-768-7324 (available 24 hours)
Fax: 304-768-4840 • Toll Free: 888-349-8624

4122 MacCorkle Avenue, SW • South Charleston, WV 25309
Directions: Exit 54 off I-64 - Located on Route 60 / MacCorkle Ave., SW between Jefferson Road (Bob Evans) and Thomas Hospital

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