

What is involved in the probate estate administration process?

While every estate is different, there is a general procedure that is applicable in almost every estate.

- The executor (called the personal representative if there is a will or administrator if there is no will) or another loved one should notify the IRS, SSA, or VA of the death of the deceased.
- Notify life insurance companies or any other assets that are to be paid to a beneficiary upon the death of the deceased.
- The executor will apply to be appointed by submitting an application, taking an oath, and sometimes paying a bond.
 - The application requires a preliminary inventory of the deceased's assets.
 - The application fee is \$120.
 - The executor must provide a copy of the death certificate and will, if there is one.
- At the time of appointment, if there is a surviving spouse or minor children, the executor should apply for a family allowance that is given to the family free and clear of creditor claims.
- Once appointed, the executor applies for a tax identification number (EIN).
- With the EIN, the executor can open an estate bank account and transfer estate funds into the estate bank account.
- Collect and safeguard all other property of the estate. Have property appraised, if necessary.
- Notify known creditors of the deceased that an estate has been opened. The executor should publish Notice to Creditors in the appropriate newspaper for those unknown creditors.
 - It is important to have mail forwarded so that the executor is aware of assets and liabilities of the deceased.
- Ninety days from the date of appointment, the executor should file an inventory with the Court. This should be an accurate list of assets.
- File income tax return for the deceased's last taxable year.
 - If there is estate income or estate tax owed, additional returns may be required.
- Once 90 days has passed since the date creditors were notified of the estate, creditor claims are no longer accepted. The executor should file an affidavit that notice was published with the court. Then, if there are sufficient funds to pay all the debts and expenses of the estate, the executor will do that out of the estate bank account.
 - If there are not, outside property may be pulled into the estate.
 - If there is no outside property available, there is a statutory formula for paying

claims when there is not enough money to satisfy each in full.

- If there is money left over after paying debts and expenses of the estate, the remaining funds (and other property) are to be distributed to the beneficiaries according to the will or intestacy statute.
- File a final account with the Court, showing all bills paid and distributions made, with an estate account balance of \$0.
 - If the estate is open longer than one year, an annual account must be filed prior to the final account being filed.

Sometimes, issues arise with who can serve as an administrator, how debts and expenses are paid, and whether property needs to be pulled into the estate to pay these claims. The Clerk of Court Estates Department will assist in the completion of forms, but they will not provide legal advice. A probate attorney can ensure that the estate is administered correctly and quickly.