

**TUCKER COUNTY
CLERK'S OFFICE**

**A GUIDE TO THE
PROBATE PROCESS**



The Probate Office will assist you in the process of administering an estate.

Here's how....

The Probate Process....

WHAT TO BRING WITH YOU:

In order to get appointed as Personal Representative of a decedent's estate, you will need to call and schedule an appointment and bring the following information with you to the Tucker County Probate Office.

1. A certified copy of the death certificate. If the death certificate is not available, a copy of the obituary can be used in place of the death certificate.
2. The ORIGINAL will and/or codicil, if there is one.
3. The decedent's social security number.
4. The names and addresses of the heirs or beneficiaries. If you are unsure of who might be an heir or beneficiary, we can assist you in our office.

5. In cases where there is no will, you will need to make arrangements to bring someone, other than yourself, who owns real estate in West Virginia to come with you. If you are an out-of-state resident, you will need to be bonded through a bonding or insurance company. The Probate Office can assist you in this matter. There is an additional fee for an insurance bond.
6. Once all this information is provided to the Probate Office, you will need to sign papers to appoint you as Personal Representative. The fee for qualification is normally \$36.00. Currently we can only accept cash or check. The final instrument is \$16.00.
7. Picture identification (driver's license, etc).

PROBATE TERMS AND DEFINITIONS

Administrator/Administratrix: The person appointed by and qualified before the Clerk to administer the decedent's estate when there is no will.

Administration: The process of paying the decedent's outstanding debts and distributing the remaining property.

Beneficiary: A person or organization entitled to receive a portion of the estate.

Bond: A written document in which the obligor formally recognizes an obligation to pay money in the event the obligor does not properly perform his or her duties.

Certificate of Qualification: The Certificate of Qualification, sometimes referred to as "Letters of Administration," is the paper that the personal representative receives from the Clerk at the time of qualification which states that a person has qualified as executor or administrator and has authority to act on behalf of the estate.

Certified Copy: A copy of a document or record signed and certified as a true copy by the officer to whose custody the original is entrusted.

Codicil: A supplement or an addition to a will; it may explain, modify, add to, subtract from, qualify, alter, restrain or revoke provisions in an existing will.

Creditor: Person or organization owed money by the decedent.

Decedent: Deceased person.

Estate: The decedent's property, including real estate, personal property and all other assets owned or controlled by the decedent at the time of his/her death.

Executor/Executrix: The person named in decedent's will to administer the estate.

Fiduciary: A person in a position of trust with respect to another's property; a general term used to refer to executor, administrator or trustee.

Heirs at Law: Person(s) who would inherit the decedent's estate if the decedent died without a will.

Holographic Will: Will written entirely by the testator with his own hand and not witnessed (attested).

Intestate Estate: An estate administered without a will.

Inventory: Detailed list of articles; a list or schedule of property, containing the designation or description of such specific article.

Personal Representative: A term used to mean either the executor the administrator of the estate.

Probate: Procedure whereby a will is admitted to record in the clerk's office. Also, it is used to include the process of qualifying a person as executor or administrator of an estate. It is sometimes referred to as the entire process of administering the estate.

Qualification: Procedure whereby a person is appointed by the clerk to serve as executor or administrator of a decedent's estate.

Self-Proved Will: Will that includes a notarized affidavit of the testator and attesting witnesses.

Testator: One who dies leaving a will.

Testate Estate: An estate to be administered pursuant to a will.

Will: A written document that gives instruction on how a person wants his or her property distributed after death.

Need More Information?

Please contact the Probate Office directly at
304-478-2414 EXT. 201
you have any questions.

Probate Office Hours

Monday – Friday
8:00 am – 4:00 pm

County Clerk

Sherry Simmons

Tucker County Courthouse
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