

TUCKER COUNTY CLERK'S OFFICE

SHERRY SIMMONS, CLERK

211 First Street, Suite 205

Parsons, WV 26287

Phone (304)478-2414

Please accept our sincerest sympathy for the loss of your loved one. We understand that this is a difficult time for you, and we will do our best to help you with the probate process.

Qualification to administer an estate should be in the decedent's County of residence (listed on the death certificate).

The fee for opening an estate begins at \$80.00. This price includes certified copies of your appointment papers, estate paperwork, death certificates and the required publication in the newspaper that an estate has been opened.

PROBATE INSTRUCTIONS

IF THERE IS A WILL:

Please bring the decedent's death certificate and original will to our office. We cannot accept copies of wills.

The individual named in the will as Executor or Executrix must be the person to come to our office to be appointed. If this person declines to be appointed, a waiver must be signed before someone else can be appointed. (see page 3)

Please bring the mailing address of anyone named as a beneficiary in the will.

Upon being appointed, you will receive an Appraisement Booklet. You have 90 days to complete it and return it to our office to be recorded.

Upon recordation of the Appraisement Booklet, the decedent's name and the name and address of the Executor will be published in the Parsons Advocate for two consecutive weeks. This begins the 60-day time-period the estate is required to be open to accept creditor's claims.

At the end of the 60 days, if there are no open claims against the estate it is eligible to be closed. A settlement form will be mailed to you to sign in front of a notary and return to our office. You may also bring the form to our office, and we would be happy to notarize it for you. Each beneficiary will be required to sign the form as well. You may also choose to file a report of final settlement showing receipts and disbursements to close the estate.

IF THERE IS NO WILL:

You may still be able to be appointed Administrator of the estate. The immediate family has 30 days to come to our office to be appointed. If the decedent was married at the time of death, this time-period is reserved for the spouse to apply. If the spouse doesn't wish to be appointed, waivers must be signed by the spouse and also any other heirs that do not wish to be appointed (see page 3). After 30 days anyone may be eligible to be appointed.

If the person applying to appointed is not the sole heir, bonding is required before you can be appointed over the estate. The bond amount is to be equal to the probate assets of the personal property of the decedent (real estate is not included). Please contact your insurance agency and inquire about obtaining an Estate Bond for that amount. A Justification of Surety from a WV resident who is willing to bond their real estate for you may also be accepted.

Please bring the death certificate and the name and address of the surviving spouse. If the decedent had children with someone other than the surviving spouse, we need their names and addresses as well. If there is no surviving spouse, we will only need the names and addresses of the decedent's children.

Upon being appointed you will receive an Appraisement Booklet. You have 90 days to complete the booklet and return it to our office to be recorded.

Upon recordation of the Appraisement Booklet, the decedent's name and the name and address of the Administrator will be published in the Parsons Advocate for two consecutive weeks. This begins the 60-day time-period the estate is required to be open and subject to creditor claims.

At the end of the 60 days, if there are no open claims against the estate, it is eligible to be closed. A Settlement form will be mailed to you to sign in front of a notary and then returned to our office. You may also bring the form to our office, and we would be happy to notarize it for you. Each heir will be required to sign the form as well. You may also choose to file a Report of Final Settlement showing receipts and disbursements to close the estate.

NOMINATION & WAIVER OF APPOINTMENT OF FIDUCIARY

To the County Commission of Tucker County, West Virginia,

thereof:

I, _____ a _____
Printed Name of Affiant *Relation to Decedent*

of _____ deceased, who died on the _____
Printed Name of Decedent

day of _____, _____ hereby waive my right to qualify as _____

of his/her Estate and nominate and ask you to appoint _____
Print Name

as _____.

Given under my hand this _____ day of _____, _____

Signature of Affiant

State of _____,

County of _____, to wit:

I, _____ a Notary Public in and for the State and County aforesaid

do certify that _____ whose name is signed to the writing above has this
Printed Name of Affiant

day acknowledged the same before me in my said County and State.

Given under my hand this _____ day of _____, _____.

Affix Notarial Seal

Notary Public

My Commission expires: _____