

PUTNAM COUNTY PROBATE CHECK LIST

Putnam County Fiduciary Office
12093 Winfield Road, Winfield, WV 25213
Ph: 304-586-0201 Fax: 304-586-0211
Hours: M-F 8 to 4p.m.

PROBATE WITHOUT WILL

Please, complete this form and return it, along with the required documents, and photo identification to the Deputy Fiduciary Supervisor. Thank you for your cooperation.

NAME OF ESTATE: _____
(Decedent)

- DEATH CERTIFICATE:** Must be certified original only.
Check to see that the following is correct for the decedent:
- Social Security Number is correct.
 - Item 7B for the decedent's place of residence at the time of death.
 - Indicate **PUTNAM COUNTY**.
- FIDUCIARY:**
- Bring your **Driver's License** or some other form of photographic identification.

**On the lines below, the Fiduciary will fill out their name and phone numbers.
Please, print all of the information requested for easy legibility.**

NAME: _____
(Fiduciary)

- **Home #:** _____.
- **Cell #:** _____.
- **Work #:** _____.

RELATIONSHIP TO DECEDENT: _____

****PLEASE INDICATE IF MAILING ADDRESS IS DIFFERENT THAN WHAT ID SHOWS****

This checklist, along with the required documents, will begin the 1st Step of Probate.

The 1st Step of Probate: The Appointment for a personal representative to serve as the Fiduciary over the Estate. The Fiduciary is called an Administrator/Administratrix if there is no will for the decedent. The appointment of the Fiduciary will normally be made within 30 days from the date of death. This first step takes about an hour, to complete, first come, first served.
Please, plan accordingly. This is the only step that **must** be done, **in person**, in our office. **Everything else can be sent back by mail.** We do not close during lunch, however, when both Deputy Fiduciary Supervisors are present, we do rotate lunches, please, plan accordingly.

There are fees for each step of the probate process that must be paid to our office, either by cash, check (S) (the first 2 appointments we need 2) or credit cards (with an additional fee) , payable to the Putnam County Fiduciary Fund and/or Brian Wood, Clerk. No credit cards may be used on the last day of the month.

DO NOT fill in the amount as it will be determined by the Deputy **at the time you are appointed.**

Step 1: Our fees range from \$50-~~\$300~~

(Based on everything that the decedent's name was on at the time of death.)

This will be separate from a bonding fee for the assets of the estate.

(Based on everything that was in the decedent's name alone at the time of death.)

LISTING OF HEIRS:

- Names, relationship and complete mailing addresses for all heirs.
- West Virginia state law dictates that before an appointing over an estate can occur, that bloodline heirs to the decedent must be shown by providing complete mailing addresses (even if it is a last known mailing address).

- **The bloodline goes as follows:** List on last page.
 - **SPOUSE:** only if there are no children born prior to the current marriage. If there are children born prior to the current marriage, then list them first, then the spouse.

 - **CHILDREN:** includes any children born prior to the current marriage. If there is a pre-deceased child, you must show, by a complete mailing address, that child's children, because the bloodline must be continued to show living heirs. If there are any children who had been legally adopted by the decedent or adopted by the decedent's children will also be considered as bloodline. If there are minor children involved, someone may have to be appointed as Guardian for them, depending on their inheritance.

 - **IF NO SPOUSE OR CHILDREN:** List Mother and Father.

 - **IF BOTH PARENTS ARE PRE-DECEASED:** List the decedent's siblings, including half-siblings or adopted siblings. Again, if any siblings are pre-deceased, then you must show each one's child/children.

 - **IF NO SIBLINGS:** List the mother's siblings, leading to living heirs. List the father's siblings, leading to living heirs.

THE BLOODLINE MUST ALWAYS LEAD TO LIVING HEIRS.

The fiduciary must show, by providing complete mailing addresses, any and all heirs, because the heirs have a right to contest the probate process if they choose to do so.

- CONSENT:** Within the first thirty days from the date of death, the fiduciary will need consent from all of the heirs, either by a personal appearance, or in a writing acknowledged before a Notary Public. (Make sure it has an original signature, notary clause, and seal.)

☐ BOND INFORMATION:

- A surety bond is a third-party guarantee that the fiduciary will fulfill their obligations.
- No surety is required on the bond of the executor/administrator if they are the **SOLE** beneficiary of the decedent. (July 7, 2017)
- Covering assets in the decedent's name **alone**, excluding **real estate**.
- **Without a will, state law dictates that you must be bonded.**

There are two types of bonds:

1. Corporate Surety Bond: Assets over \$10,000.00

- An insurance company provides bond. A list of bonding agents is provided in our office. Or the fiduciary can contact a bonding company in the yellow pages, under bonds – surety and fidelity.
- Minimum bond covers \$10,000. Bond fee starts at the rate of \$100.
- Required if the assets in the decedent's name only are over \$10,000, excluding any real estate.
- The bondsman must come with you/meet you in our office.
- If the fiduciary is an out of state resident, he/she is required to get a Corporate Surety bond.
- Bonds at \$50,000 or more will require an attorney (must have address).

NO CREDIT CARDS TAKEN WITH BONDS

2. Justification of Surety Bond: Equity in real estate must meet bond amount.

- This certificate has a fee around \$2.50.
- Must be someone who owns real estate in West Virginia. This bond can be obtained in the County Clerk's office in whichever county the property is located (Kanawha, Putnam, Wayne, etc.). Then bring the document back, along with the other party or parties, to our office. Both the fiduciary and bond person must bring photo ID.
- If the fiduciary cannot find a bonds person, he/she must have a Corporate Surety bond.
- The property, once bonded, will not be able to be sold, re-financed, or used as collateral. This bond will place a lien against the real estate till the estate has closed.

Once you have gathered the other necessary information first, then work on getting a bond.

This should be the last step for this checklist.

PLEASE LIST COMPLETE MAILING ADDRESSES ON NEXT PAGE

Attention: WE DO NOT ACCEPT CREDIT CARDS WHEN DOING A CORPORATE SURETY BOND,

NOR THE LAST 2 WORKING DAYS OF EACH MONTH