

## Definitions Continued

**Holographic Will:** A will that is written entirely in the testator's own handwriting and is not witnessed.

**Intestate:** A decedent died without having made a valid will or a decedent who has no will.

**Letters of Administration:** A certificate of authority granted by a probate court stating that the person named has been appointed as administrator of an intestate decedent's estate and authorizing that named person to administer the estate.

**Letters Testamentary:** A certificate of authority granted by a probate court stating that the person named has been appointed as executor of a testate decedent's will and authorizing that named person to administer the estate according to the terms of the will.

**Nonintervention Powers:** The powers granted under RCW 11.68 (usually upon appointment of a Personal Representative) allowing him/her to administer and close a solvent estate without further interaction with, or supervision by, the Court.

**Testate:** A decedent died having made a will.

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# Probate

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## PROBATE WITH WILL

This Probate Service includes all the basic forms for filing a simple probate. It is intended for use by the first named Personal Representative (Executor) in the decedent's Last Will & Testament; *AND* when the decedent's Will:

- Is valid;
- Authorizes Nonintervention Powers;
- Waives Bond; *AND* when:
  - all estate property will be transferred; *AND*
  - the Will shall be filed at the same time as the Petition for Letters.

## PROBATE WITHOUT WILL

This Probate Service includes all the basic forms for filing a simple probate when the decedent does not have a Will. It is intended for use by someone that will be nominated as Administrator of the Estate by the heirs at law of the decedent. An heir at law is someone who will inherit under the laws of intestacy.

The probate process is essentially the same, regardless of whether or not the decedent did or did not have a will. If the decedent *had* a will which named a person to act as Executor, that person will be appointed by the court to act and Letters Testamentary will be issued. If the decedent *did not* have a will, an individual will be appointed by the court to act as Administrator. Letters of Administration will also be issued. Letters Testamentary/Letters of Administration are what a bank requires to open an Estate bank account, close an account of the decedent or sell the decedent's real estate (or any other asset that the decedent owned) at the time of their death.

A Notice to Creditors will need to be published in a legal newspaper of the county in which the decedent resided. The mandatory, 4-month waiting period begins on the first date the Probate Notice to Creditors is published. During this time any creditor of the decedent may make a claim against the estate.

The estate is in a position to be closed only once the 4 month waiting period has passed, all claims have been paid and all property has been sold or transferred, any estate tax has been paid and all distributions to beneficiaries/heirs have been made.

## OUR GUARANTEE

Do It Yourself Documents prepares every document you'll need to probate the estate of a decedent, whether or not they died with a will. To get started just fill out a questionnaire, which can be found online at [www.doityourselfdocuments.com](http://www.doityourselfdocuments.com) or at one of our offices in Federal Way or Tacoma.

## Definitions

**Administrator:** A person appointed by a court to administer the estate of a decedent (who was not nominated by the decedent as his/her personal representative) usually because the decedent died intestate.

**Appoint:** What a court does to affirm a person's nominee as his/her fiduciary and to authorize that person to act as a fiduciary (Executor or Administrator).

**Beneficiary:** A person named to receive a gift under the decedent's will.

**Contingent Beneficiary:** A secondary beneficiary who may receive a gift if its primary beneficiary fails to meet all the requirements placed on its receipt (e.g. survive the donor by thirty days).

**Cost of Administration:** The actual costs of administering an estate (as opposed to costs of paying the debts of decedent). Examples include filing fees, appraiser fees, sales commissions, storage expenses, delivery charges and the personal representative's commissions and his/her attorney's fees.

**Estate:** The aggregate of all property and interests in property owned by an individual.

**Executor:** A person named in a will to administer the testator's estate upon his/her death.

**Fiduciary:** A person responsible for taking certain actions on behalf of another. Examples include the agent of a principal, the conservator or guardian of a ward, the personal representative of a decedent, and the trustee of a trustor.

**Heir:** The class of persons entitled to take or share, in whole or in part, all the property of an intestate decedent.



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