

For nearly two decades families have been placing their trust in our hands to guide them through the difficult times in life. We understand the legal twists and turns of the probate process and the emotional roller coaster that often accompanies the administration of an estate.

Five important tasks for families to address before meeting with an attorney include:



1. **COMPLETE THE FUNERAL ARRANGEMENTS.** While this may seem incredibly obvious, you and your family are dealing with the loss of a loved one and should focus your immediate attention upon the funeral arrangements. The executor will generally be the person in charge of making the arrangements but care should be taken with this part of the process because it can often set the tone for how the probate will proceed. Try to include family members in the arrangements and view this as an opportunity for the family to come together in dealing with a tragic loss.
2. **LOCATE THE ORIGINAL WILL.** Probate is the process of admitting the will to court and ensuring that the assets of the estate are distributed in accordance with the Decedent's wishes. The original will must be filed with the Court within 10 days after the date of death. If only a copy can be found, the probate process can still proceed but additional steps will be needed to prove the copy as the last will and testament of the Decedent.
3. **LOCATE AND REVIEW PERSONAL PAPERS.** It is imperative to gather all of the Decedent's personal papers and determine if there are any outstanding debts. Moreover, bank statements should be located and reviewed to determine if any accounts are Payable on Death ("POD") accounts. POD accounts provide that upon the death of the loved one, the balance is payable to a named beneficiary and are NOT required to be handled through the probate process.
4. **DO NOT PAY ANY BILLS.** After the Probate is commenced, notices will be sent to all creditors of the Estate. Depending upon the size of the Estate, creditors may have 60 or 90 days to file a claim with the Court or they will be unable to recover the debt. In many instances, creditors are willing to negotiate the pay-off of the debt depending upon the availability of assets.
5. **MAKE A LIST OF THE ASSETS.** The value of an Estate will determine the type of process necessary to complete the Probate. Certain assets, such as life insurance, POD accounts and joint property, pass by operation of law and are not part of the Probate process. However, all of these items should be included on the List of Assets in order to determine if any federal estate tax may be due.