

## Appointment Checklist – Intestate (Without a Will) Jefferson County, WV

You must make an appointment with the Probate Office in order to open an estate. Be sure to complete the checklist before your appointment time to expedite the process.

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- Certified copy of the death certificate (Jefferson County must be listed as the decedents residence county)
- Names and addresses of each heir at law (can be determined by chart)

<b>If you die with:</b>	<b>here's what happens:</b>
Spouse and no children	spouse inherits everything
Children and no spouse	children inherit everything
Spouse and decedent's children from outside that marriage	spouse inherits 1/2 of your intestate property your descendants inherit 1/2 of your intestate property
Spouse and descendants from you and that spouse and the spouse has no other descendants	spouse inherits everything
Spouse and descendants from you and that spouse, and the spouse has descendants from another relationship	spouse inherits 60% of your intestate property your descendants inherit 40% of your intestate property
Parents but no spouse or descendants	parents inherit everything
Siblings but no spouse, descendants and parents are pre-deceased	siblings inherit everything

- Approximate value of all personal property held SOLELY in the decedents name
- Bond is required for estates with no will and must be done prior to the appointment of the Administrator/trix
  - A WV resident can post a property bond or corporate bond. A non-resident can only post a corporate bond. The Probate can guide you on this step.
- Payment – fees may vary but are typically between \$80 - \$100 and additional bonding fees may be required

**Decedent Information**

Name: \_\_\_\_\_ Estate#: \_\_\_\_\_

Date of Death: \_\_\_\_\_

Residence Address: \_\_\_\_\_

\_\_\_\_\_

**Fiduciary Information** *(person applying for the estate)*

Name: \_\_\_\_\_ Type of ID: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship to decedent: \_\_\_\_\_

**Heirs and Beneficiaries**

Under WV Code, who gets what depends on whether or not you have living children, parents or other close relatives when you die. The chart is just a quick overview. Keep in mind that just because a child or spouse is estranged does not disinherit them according to the law. Adopted children are considered in the same way as biological children.

To inherit under West Virginia’s intestate succession statutes, a person must outlive you by 120 hours (5 days).

Name	Address	Relationship to Decedent

### Probate Assets

These can be estimates at this point. An actual accounting will be required to be filed at a later date.

Tangible personal property owned SOLELY by and titled SOLELY in the name of the decedent. (furnishings, jewelry, firearms, tools, antiques, vehicles etc.	\$ _____
Bank accounts, CD's, bonds, stocks, etc titled SOLELY in the name of the decedent with no survivor or beneficiary listed	\$ _____
Real estate titled SOLELY in the decedents name, not a rights of survivorship, transfer on death, life estate etc	\$ _____
All other assets not mentioned like insurance with no beneficiary listed, refund checks or other money payable to the estate	\$ _____
<b>Total</b>	\$ _____

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_