

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. Immediate appointment of an Administrator/ix may not be possible in every situation.

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- ☐ Certified copy of the death certificate (Jefferson County must be listed as the decedents residence county)
- ☐ If there is a sole heir then appointment can be done right after the decedent's death. If there is more than one heir, you must wait thirty days after their death unless you have signed, notarized consent forms from all other heirs allowing your appointment. After the thirty-day period, consent is not required.
- ☐ Names and addresses of each heir at law (can be determined by chart)

If you die with:	here's what happens:
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 more than one heir. It must be obtained prior to the appointment of the Administrator/rix
 - A WV resident has two options for posting a bond.
 - Property Bond – You must bring a person that is willing to sign your bond that resides in and has title to real estate located in WV. They must apply for a Justification of Surety in the county in which the property is located. They can obtain this from that counties County Clerk. If the property is in multiple names ALL people listed must be present to sign.
 - Apply to purchase a corporate surety bond from a WV licensed insurance agent.
 - A non-WV resident can only apply for a corporate surety bond.
- Payment – fees may vary but are typically between \$80 - \$100 and additional bonding fees may be required.

Please note our staff assists in the probate process. We do not provide legal advice. While an attorney is not required, some estates have complicated issues that may require you to seek legal counsel.

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).

[illegible]

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	\$ _____
Total	\$ _____

Submitted by: _____ Date: _____