

KANAWHA COUNTY PROBATE CHECK LIST

407 Virginia St. East, Charleston, WV 25301

P.O. Box 3627, Charleston, WV 25336

Ph: 304-357-0125 Fax: 304-357-0426 Website: www.kanawha.us

Hours: M-F 8 to 5p.m.

Our office is appointment only or file through the mail.

PROBATE WITHOUT WILL

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

NAME OF ESTATE: _____

(Decedent)

- DEATH CERTIFICATE:** Check to see that the following is correct for the decedent:
 - Social Security Number is correct.
 - Residence at time of death is correct.
 - Probate must be filed in county of residence or county in which decedent held real estate.
 - If passed in another county but owned real estate in Kanawha County, you must provide tax ticket for real estate.

- FIDUCIARY:**
 - Bring your Driver's License or some other form of 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 an hour and a half, at least, to complete (this includes your wait time). We do not close during lunch; however, we do start rotating 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, credit/debit card, or money order, payable to the Kanawha County Fiduciary Fund.

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 \$75-\$300.

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

This will be separate from a bonding fee, if that is required for 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 and their current mailing address. **Please indicate if the surviving spouse had children prior to the current marriage.**
 - **CHILDREN:** includes any children of the decedent 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 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 the majority of the heirs**, either by a personal appearance, or in a writing acknowledged before a Notary Public. (Make sure it has original signature, notary clause, and seal.) **On the thirty-first day after the date of death, anyone, including creditors can be appointed over the estate without consent.** Example: If there are 5 children in the estate, we would need notarized and original consent forms from 3 of them, in order for the fiduciary to be appointed.
- **BOND INFORMATION:**
 - A surety bond is a third party guarantee that the fiduciary will fulfill their obligations.
 - No bond is required 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.**

Corporate Surety Bond: Assets over \$10,000.00

- An insurance company provides bond. A list of bonding agents are 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 rate of \$100.
- 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).

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.

Bonding Agents for a Corporate Surety Bond

Minimum bond covers \$10,000. Bond fee starts at rate of \$100.

A bonding agent must meet you, at the Probate office, at the time that you are appointed.



Dorsey Insurance Group:

- Jennifer Dorsey, Owner/Agent
- Office: 304-925-1912 Mobile: 304-541-6335
- Email: jennifer@dorseyinsurancewv.com
- Address: 5130 MacCorkle Avenue, SE (P.O. Box 4486)
Charleston, WV 25304 (25364)



Hoppy Shores Agency:

- Scott Shores, Insurance
- Opens at 10 a.m.
- Office: 304-344-2316
- Address: 804 Kanawha Blvd., East (P.O. Box 126)
Charleston, WV 25301 (25321)



Friedlander Company

Robin Hubbard-Sherrod, Surety Bonds

- Office: 304-357-4530
- Fax: 304-357-4532
- Email: robin.sherrod@friedlandercompany.com
- Address: 1566 Kanawha Blvd., East (P.O. Box 2466)
Charleston, WV 25329



Integrity Insurance Group:

- Chris Walters, Owner/Agent
- Office: 304-346-9181 Mobile: 304-542-1049
- Email: Chris@iigwv.com
- Address: 16 Capitol Street
Charleston, WV 25301

