

**CABELL COUNTY PROBATE OFFICE
SCOTT CASERTA, COUNTY CLERK
750 5th Ave, Suite 108
Huntington, WV 25701**

Phone: 304-526-8627 Email: probate@cabellcountyclerk.org

When an individual dies, the person or persons applying must contact the County Clerk's office. Information on signing documents before an official with the authority to take your oath and certify the bond will be given by the County Clerk's office.

Upon presentation of a **Will** to the Cabell County Clerk's Office an Executor (male)/ Executrix (female) will be appointed. If there is **NO Will** the Probate Office will appointment an Administrator/Administratrix. the Clerk's office will collect a fee. Fees are set by WV Code and begin around \$40.00.

INFORMATION REQUIRED at the time of qualification in the County Clerk's Office:

- (a) The **original will** (if decedent had one)
- (b) Social Security number of the deceased
- (c) Original Death Certificate
- (d) Approximate value of **all property** in the deceased's name, whether jointly owned or individually owned; (such as real estate, bank accounts, vehicles, life insurance, stock, bonds)
- (e) Description and value (assessed and market) of any real estate located in any WV county that the deceased had an interest in, including oil, gas, and mineral royalties.
- (f) The names and addresses of all children of the deceased and any other heirs of the estate.

If the Will has been probated in another state, an authenticated copy with a triple certification from that state is required.

If the deceased was a resident of another state, owning real estate in WV, an Ancillary Administration may be done by mail.

If there is no will, for the first 30 days after the death, only an heir to the estate can be appointed. After 30 days, any person or creditor can apply to be appointed.

Bond and surety requirements:

If the will of the deceased does not specifically exempt the Executor/Executrix from giving surety or bond, the Executor/Executrix, and **Administrators**, (UNLESS THE ADMINISTRATOR IS THE SOLE BENEFICIARY OF THE ESTATE) MUST, at the time of qualification, post bond accordingly, with surety. This is to insure and protect the value of the probate estate. Surety can be given in two ways:

1. By a friend or relative who owns real estate in WV. This property owner must come with you to the County Clerk's office and sign before a deputy clerk. If real estate to be used as bond is owned jointly, both owners must sign the bond). A husband or wife cannot sign bond for a spouse on jointly owned real estate. You cannot bond yourself with property owned by you.
2. Or a corporate surety bond can be obtained. (The cost of corporate surety bonding company begins at \$100.00 and is based upon the value of probate assets, not including real estate)

Appraisal and Inventory Forms: Appraisements are required to be filed within 90 days of appointment of the personal representative (Executor etc), listing all property owned by the deceased, either jointly or individually, (real estate and personal property, including vehicles, bank accounts, CDs, life insurance, IRAs, stock, bonds, etc). The appraisal is to be signed and notarized. Appraisal forms are given at the time of qualification and are briefly explained at that time. There are recording fees for these documents to be filed in the Clerk's Office. Estates for decedents non- residents of WV will only list real estate located in WV.

There is a \$20.00 fee for this publication. The Probate office will send a copy of this publication to each Executor or Administrator. **It is the responsibility of the Executor or Administrator to supply this notice to all heirs, beneficiaries and known creditors of the estate.**

Once the period for creditors to file claims against the estate has expired, the Probate Office will mail a Waiver or Short Form Settlement to the Executor/Administrator for completion. The heirs of the estate will all sign this Waiver form before a notary public. The recording fee for the Waiver and Short Form Settlement is \$12.00, payable to the Cabell County Clerk (an additional \$1.00 is charged for each page after five).

NOTE: IF THE DECEASED OWNED ANY INTEREST IN REAL ESTATE, IT IS VERY IMPORTANT FOR THE ESTATE TO BE PROBATED IN ORDER FOR TITLE TO THE REAL ESTATE TO BE CLEAR. SOME BANKS AND TITLE ATTORNEYS REQUIRE THAT ALL PROBATE STEPS BE COMPLETED AND THE ESTATE CLOSED BEFORE THEY WILL RELEASE ANY MONEY FROM THE SALE OF REAL ESTATE.

Probate assets are those assets that are in the name of the deceased alone. Probate assets are subject to creditors' claims.

Non-Probate assets are those assets owned jointly between the deceased and another person or persons. These assets are listed on the estate appraisal but are not considered as a part of the estate and are not subject to creditors' claims.

NOTE: There is small Estate process for estates with minimal assets. Check to see if your estate qualifies.

Once the form below is completed mail (750 5th Ave Huntington, WV 25701) or email (probate@cabellcountyclerk.org) back to the Probate Office for processing prior to your appointment.

PROBATE INFORMATION NEEDED AT THE TIME OF APPOINTMENT

PLEASE PRINT

Name of Deceased: _____ Is there a Will? ____yes ____no

Address of Deceased: _____

Date of Death: _____ Time of Death: _____

Social Security No: _____

Name of person applying to be Executor or Administrator: _____

Phone # _____ Address: _____

If no will, or if will does not specifically waive surety or bond: who will be the bonding person or agency? Name and Address: _____

Name of spouse: _____ Age of spouse: _____

Date of Marriage: _____

Names and addresses of **ALL** children of deceased from any marriage or relationship:

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

PROBATE ASSETS: real estate and personal property owned **SOLEY** by the deceased:

Real estate (oil, gas, coal and mineral royalties-include description from tax ticket, assessed value and market value):

Personal property:

(vehicles, boats, motorcycles, jewelry, tools, guns, coins, household goods, personal effects, etc.)

Stocks and bonds:

Bank Accounts:

(Checking, savings, CD's Investments, etc)

Life insurance that does NOT have a living beneficiary: \$_____

NON-PROBATE ASSETS:

ASSETS AND PROPERTY OWNED **JOINTLY** BETWEEN THE DECEASED AND ANOTHER PERSON OR PERSONS or ASSETS WITH A **BENEFICIARY**.

The categories are the same as for solely owned property, real estate, bank accounts, etc. and including any real estate owned as a life estate; real estate transferrable on death; property payable on death to another person.

Real estate owned jointly with right of survivorship:

(description from tax ticket, assessed value and market value and the name of the joint owner or owners)

Personal property:

(vehicles, boats, motorcycles, and the name of the co-owner)

Stocks and bonds:

Bank Accounts:

(Checking, savings, CD's Investments, etc, and the name of co-owner)

Life insurance payable to a beneficiary: \$_____

Name of beneficiary: _____