

What information should I gather for my family?

It may be a good idea to keep the following with your *original Will* to aid the Executor:

→ List your accounts/assets and who you name as beneficiary (POD),
Heir information (address/DOB),
Copies of tax tickets/deeds

*****OTHER CONSIDERATIONS*****

Living Will; Power-of-Attorney; Trusts;
Funeral Planning Packets

RESOURCES

To search Unclaimed Property in Virginia:



1-800-468-1088

www.vacourts.gov

VIRGINIA COURT SYSTEM/CIRCUIT COURT

“Resources and Reference Materials”

- ~Probate in Virginia brochure (by Virginia Clerk’s Association)
- ~Probate Guidebook (by Virginia Bar Association)



ATTORNEY-AT-LAW FINANCIAL ADVISOR

Laws change occasionally; therefore, it is advisable to consult with a professional in areas of probate.

CLERK’S OFFICE

KING GEORGE CIRCUIT COURT

Jessica M. Mattingly, Clerk

10446 Government Center Blvd., Suite 271

King George, VA 22485

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ESTATES...

Who should make a Will?

Where should I keep my Will?

What will happen to my estate if I do not make a Will?

Can someone help me understand?



Last Will and Testament

Do I need one? A *Last Will and Testament* is essential to ensure that your final wishes are known and observed (a *testate* estate).

Can I print a standard form from the Internet? Or can I simply handwrite my Will? Many fill-in-the-blank forms are available on the web, and some situations may require a handwritten Will. The Court can review both types of Wills to establish their validity and, in most cases, may require the filing of additional documentation.



IT IS ALWAYS ADVISABLE TO SPEAK WITH AN ATTORNEY TO ENSURE THAT THE DOCUMENT PREPARED AS A *LAST WILL AND TESTAMENT* MEETS VIRGINIA REQUIREMENTS AND ACCOMPLISHES THE DESIRES YOU INTEND.

Where should I keep my Will? Most people keep their *Last Will and Testament* either in a bank’s safe deposit box or in a safe in their residence.

MAKE SURE SOMEONE KNOWS WHERE TO FIND YOUR WILL AND HAS ACCESS TO IT!!

Legal Disclaimer: The information and documents provided should not be considered legal advice from the Tazewell County Circuit Court and/or Clerk’s Office. It is always best to consult with your legal representative, accountant, financial advisor, etc., regarding your assets and how they should be handled. It’s important to note that the examples discussed are general in nature and may not apply to all probate matters. Each situation is reviewed individually by the Clerk’s Office to determine the appropriate course of action.

Who should be my Executor?

The Executor is the person nominated in the Will to “execute” the document. Duties may include preserving the estate, making funeral arrangements, paying bills, filing tax returns, and distributing of the estate.

Considerations...

- Is the person a Virginia resident?
- Do they have any criminal charges/convictions?
- Have they ever filed bankruptcy?
- Are they under any disability?

Talk to the person you wish to nominate to discuss the matter... it is not a duty to be entered into lightly. No one likes to be surprised!

What happens to my estate if I do not have a Will?

An *intestate estate* (without a Will) passes to the heir(s) automatically. However, there could be delays in appointing an Administrator over the estate, which, depending on the value of the estate assets, could cost the estate money for things such as bonding.

Generally, in Virginia, the involvement of an attorney is not required. Unless there are special circumstances, a Judge is typically not involved. In Virginia, there are no time requirements for probate matters.

FREQUENTLY USED TERMS:

TESTATE - with a Will

INTESTATE - without a Will

BENEFICIARY –benefits under a Will

HEIR-AT-LAW – next-of-kin

PROBATE – Will meets standards for recording

HOLOGRAPHIC WILL – handwritten Will

EXECUTOR – person to *execute* the Will

ADMINISTRATOR – person to *administer* the estate (no Will)

What assets are included in probate?

Assets that may be considered as part of your estate include any item or account that is in your name only at the time of death. Assets that are jointly owned or owned with survivorship, assets that name a beneficiary or payee-on-death (POD) or transfer-on-death (TOD), do NOT become part of your estate that passes through the probate process of the court.

FOCUS ITEMS:

- Bank Accounts
- CDs/Stocks/Bond/Money Market
- DMV Assets/Boats
- Insurance Policies/Annuities
- Retirement Accounts
- Real Estate



Where will my estate be recorded, which Court?

Jurisdiction for probate typically falls within the county wherein you reside and own a home, where you may own real estate, or where you pass away.



Before signing documents in the Clerk's Office,

it is recommended that the family seeks advice of counsel if there is the possibility of any of the following situations:

- * *Repossession of a vehicle*
- * *Foreclosure on a home*
- * *Reverse mortgage*

PROBATE TAX

Assets in an estate can be subject to a Probate Tax at a rate of \$1 per \$1,000 (some counties may also have a local probate tax).