



# Office of the Fiduciary Supervisor

Raleigh County Clerk

215 Main Street

Beckley, WV 25801

Phone: (304) 252-0161 / Facsimile: (304) 252-0163

## **PROBATE WITHOUT WILL**

Please complete this form and return it, along with the required documents and photo identification to our office. You will be notified of your appointment date and time.

Please clearly print all of the requested information for easy legibility.

**NAME OF DECEDENT:** \_\_\_\_\_ **DATE OF DEATH:** \_\_\_\_\_

### **Required Documents:**

**DEATH CERTIFICATE:** Check to confirm the following is correct on the death certificate:

- Verify **Social Security Number** is correct
- County of Residence in **Item 13B** **MUST** be **RALEIGH** County

**If you do not have a Death Certificate a letter from the funeral home will suffice.**

**FIDUCIARY'S DRIVER'S LICENSE:** The Fiduciary is the individual who is going to be appointed over the estate. If the Fiduciary does not have a driver's license, another form of photo identification must be provided.

### **FIDUCIARY TO BE APPOINTED:**

**Name:** \_\_\_\_\_

**Best Contact Telephone Number:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Relationship to Decedent:** \_\_\_\_\_

**This completed checklist, along with the required documents, will begin the 1<sup>st</sup> Step of Probate.**

***The 1<sup>st</sup> Step of Probate:*** The **Appointment** of a personal representative to serve as the Fiduciary over the Estate of the Decedent. The Fiduciary is called an Administrator/Administratrix since there is no Will for the Decedent. The Appointment of the Fiduciary will normally be made within thirty (30) days from the date of death.

***Fee:*** There are fees for each step of the probate process that must be paid to our office. Payment can be made by cash, credit/debit card, check or money order payable to the 'Raleigh County Clerk'. If paying by check or money order, **DO NOT** fill in the amount until it has been determined by the Deputy Fiduciary Clerk at the time you are appointed.

**Step 1 Appointment fees range from \$80-\$250** (Based on all assets that the Decedent's name was on at the time of death) There may be a separate, additional bonding fee based on the assets that was in the Decedent's name individually at the time of death, with the exception of real estate, which is detailed hereafter.

**\*PLEASE PROVIDE THE FOLLOWING INFORMATION\***

**LISTING OF HEIRS (The bloodline must always lead to living heirs):**

- **Names, relationship and mailing address for all heirs.**
- West Virginia law dictates that before an appointment over an estate can occur, that bloodline heirs to the decedent must be shown by providing **complete mailing addresses for all heirs (even if it is a last known mailing address).**
- **The bloodline is as follows:**
  - **SPOUSE:** Only if there are no children born prior to the current marriage. If there are children born prior to the current marriage, list those children first, then the spouse.
  - **CHILDREN:** Includes any children born prior to the current marriage. If there is a pre-deceased child, you must provide, by a complete mailing address, that child's children, because the bloodline must be continued to show living heirs. Any children who were 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 be appointed as Guardian for them, depending on the asset to be inherited.
  - **IF NO SPOUSE OR CHILDREN:** List Mother and Father.
  - **IF BOTH PARENTS HAVE 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 deceased sibling's child/children.
  - **IF NO SIBLINGS:** List the Mother's siblings, leading to living heirs. List the Father's siblings, leading to living heirs.

**PLEASE PROVIDE NAMES, ADDRESSES, AND RELATIONSHIPS FOR ALL HEIRS. If there are children who are under 18, please list the guardian and child's name. You may use additional paper as needed.**

<b>Name of Heir:</b> If under 18 please provide name of child and guardian.	<b>Mailing Address:</b>	<b>Relationship To Decedent:</b>	<b>If <u>DECEASED</u>, provide date of death</b>

**CONSENT:**

- **Within the first thirty (30) days of the date of death, the Fiduciary will need consent from the majority of heirs.** Consent must be made in writing. Consent forms are available in our office. **On the thirty-first (31<sup>st</sup>) day after the date of death, anyone, including creditors can be appointed over the estate without consent.** Example: If there are five (5) children in the estate, we would need consent forms from three (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 his/her obligations and handle the assets of the Decedent with honesty. Without a Will, state law dictates that a Fiduciary appointed must be bonded; *however, if the Fiduciary appointed is also the sole heir of the estate, a bond will not be required.* There are two (2) types of bonds:

**1. Corporate Surety / Fiduciary Bond (Required if Fiduciary is out-of-state resident):**

- An insurance company provides the bond. A list of bonding agents is provided hereafter.
- Minimum bond must be at least \$1,000. The bond fee starts at a premium rate of \$100.
- Bond is based on assets in the Decedent’s name only, excluding any real estate.
- If the Fiduciary appointed is an out-of-state resident, he/she is required to obtain a Corporate Surety/Fiduciary Bond and the bonded amount must be doubled.

**Appalachian Insurance**

583 Canterbury Dr  
Beckley, WV 25801  
304.253.4651

**Bill Miller**

832 Neville St  
Beckley, WV 25801  
304.253.4444

**Nationwide Insurance**

338 N. Eisenhower Dr  
Beckley, WV 25801  
304.255.4006

**Shelton Insurance**

1136 Ritter Dr  
Daniels, WV 25832  
304.252.6504

**State Farm Insurance**

1100 N. Eisenhower Dr.  
Beckley, WV 25801  
304.255.0481

**Roop Insurance**

1557 Robert C Byrd Dr  
Beckley, WV 25801  
304.255.5720

**2. Property Bond (Available if Fiduciary is an in-state resident):**

- A real estate/property bond may be used. The property must assess for at least \$1,000 (minimum bond).
- Property must be located in West Virginia. If the property being used for the bond is located outside of Raleigh County, the bondsperson must present a Justification of Surety from the county wherein the property is located. The Justification of Surety fee is \$2.50.
- The Fiduciary cannot use their own property.
- The property, once bonded, cannot be able to be sold, re-financed or used as collateral until the estate of the Decedent is closed, as it creates a lien on the property.

**YOU MUST HAVE ONE OF THE TWO BONDS LISTED ABOVE.**

**I have fully read, understood, and completed this form to the best of my knowledge.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_