



# Office of the Fiduciary Supervisor

Raleigh County Clerk

215 Main Street

Beckley, WV 25801

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

## PROBATE WITH ORIGINAL 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 named in the Will and 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.

**ORIGINAL LAST WILL AND TESTAMENT OF THE DECEDENT** (we will not accept a copy) The original document will be recorded in the Raleigh County Record Room and may be returned following the closing of the Estate.

On the lines below, as Fiduciary, please provide your contact information and relationship to the Decedent. If there are two (2) Executors or Executrixes listed in the Will to be appointed, then add Fiduciary 2 information.

### FIDUCIARY 1

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

Best Contact #: \_\_\_\_\_

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

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

### FIDUCIARY 2

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

Best Contact #: \_\_\_\_\_

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

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

Providing 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 Executor/Executrix as appointed in the Last Will and Testament of 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).

**\*PLEASE PROVIDE THE FOLLOWING INFORMATION AS YOUR SITUATION DICTATES\***

**BENEFICIARIES:**

- Please provide Names, relationships and complete mailing address for all Beneficiaries listed in the Will, including churches, charities, trustees of all trusts, etc. If there are children who are under 18, please list the guardian and the child’s name. You may use additional paper as needed.

<b>Name of Beneficiary:</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 the date of death</b>

**CONSENT:**

- If there is no Executor/Executrix listed in the Will, you will need consent from the majority of heirs within the first thirty (30) days of the date of death. 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.

**HOLOGRAPHIC (handwritten) WILL:**

- **Two (2) witnesses must appear in our office to verify the signature of the Decedent.** They will swear/affirm under written oath that they are familiar with the handwriting and signature of the decedent and must provide photo identification. **The witnesses cannot be anyone who is related to the Decedent by heir/beneficiary.** (Witnesses must be completely outside of the process; a friend, neighbor, or someone from a church, bank or community organization who can verify the signature of the Decedent.)

**BOND INFORMATION:** If the Will does not provide for the Executor/Executrix to serve without bond, the Fiduciary appointed must be bonded; *however, if the Fiduciary appointed is also the sole beneficiary of the estate, a bond will not be required.* There are circumstances in which the will may not be in proper form; in this case a bond may 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.

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

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

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