

The Estate Probate Process

What Is Probate?

Probate is simply the Latin word for **prove**, which means that the estate probate process is the process by which your will is brought before a court to prove that it is a valid will. The courts charged with this responsibility are generally known as **probate courts** which, depending on where you live, may actually supervise the administration or settlement of your estate.

The probate process is governed by state statutes that are intended to accomplish three primary objectives:

1. To preserve estate assets.
2. To protect the rights of creditors in the payment of their claims before the estate is distributed to the heirs.
3. To assure that the heirs receive their inheritance in accordance with the terms of the estate owner's will.

Once the estate's personal representative (executor or administrator if the estate owner died without naming a personal representative) is approved by the probate court and posts any bond that is required, the probate process generally proceeds as follows:

The personal representative must "prove up" the will -- prove that it is a valid will signed by the estate owner who was competent and not under duress or influence at the time of signing.



Notice must be given by the personal representative to all creditors to make prompt claims for any money owed to them by the estate.



The personal representative must prepare and file an inventory and appraisal of estate assets.



The personal representative must manage and liquidate estate assets as appropriate to pay all debts, fees and taxes owed by the estate.



Finally, the remaining estate must be distributed to the heirs in accordance with the estate owner's will (or the state laws of intestacy if there was no will).

It is not uncommon for the probate process to require a year or more and considerable expense before the estate is finally settled. Proper planning, however, can serve to minimize the impact of the probate process on your estate and heirs.