

## WHEN TO SEEK LEGAL ADVICE FOR PROBATE OF AN ESTATE

\*\*\*Please note that Jackson County Fiduciary Office CANNOT recommend an attorney\*\*\*

Not all Estates require an attorney, but since the Fiduciary Office does not employ attorneys, you may need legal advice. *Some* common examples are listed below:

### BEFORE PROBATE BEGINS:

1. If you do not understand the wording in the Will or how to follow the directions in the Will. (for example, the Will sets up a Trust or directs real estate to be surveyed/deeded).
2. If you do not know how to locate current mailing addresses for a beneficiary or heir-at-law.
3. If decedent was involved in an active lawsuit and the attorney needs to know the decedent has died.
4. If you have questions because one of the beneficiaries is deceased and you want to confirm who will receive the deceased beneficiary's bequest.
5. If decedent's death results in the need to file a lawsuit on behalf of the decedent/estate.
6. If the real estate was already in process of being sold when decedent passed away.
7. If you think the estate has unusual circumstances that need to be cleared up in order to begin the probate process. (you need help deciding which probate process will best suit the estate)
8. Out-of-State Decedent &/OR Out-of-State Fiduciary with questions regarding Ancillary Administration process.

### DURING PROBATE:

1. If you do not understand the wording in the Will or how to follow the directions in the Will. (for example, the Will sets up a Trust or directs real estate to be surveyed/deeded).
2. If decedent was involved in an active lawsuit and the attorney needs to know the decedent has died.
3. If decedent's death results in the need to file a lawsuit on behalf of the decedent/estate.
4. If one or more of the beneficiaries or heirs-at-law is a minor (sometimes guardianship or trust accounts are necessary).
5. If a dispute arises. (for example-Fiduciary is not completing their duties in a satisfactory manner OR the beneficiaries/heirs-at-law are not cooperating with the Fiduciary and hindering the administration of the estate).
6. If the Fiduciary cannot access probate assets because another party is withholding them.
7. If the real estate must be sold due to directions of the Will OR debts of the estate must be paid by liquidating the real estate.
8. Beneficiary or heir-at-law has questions about their rights regarding the estate.
9. Beneficiary or heir-at-law wishes to disclaim their inheritance (personal property OR real estate).
10. Beneficiary or heir-at-law wishes to deed their real estate/mineral rights inheritance differently (for example, create a Transfer on Death deed or Joint Tenancy deed or Quit-claim deed).
11. If the Decedent's estate must be probated in another State.
12. If the estate has highly valued assets that involve expertise to fill out forms required for transfer of/access to the asset(s).

### AFTER PROBATE:

1. Beneficiary or heir-at-law wishes to deed their real estate/mineral rights inheritance differently (for example, create a Transfer on Death deed or Joint Tenancy deed or Quit-claim deed).
2. Beneficiary or heir-at-law questions their inheritance after estate has closed.
3. Creditor sues beneficiary/ies or heir(s)-at-law in Magistrate or Circuit Court after estate has closed.