

JACKSON COUNTY WV REGULAR PROBATE STEP 1 CHECKLIST

Mailing address: PO Box 800, Ripley WV 25271

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To schedule Appointment, please call: 304-373-2254 (appointment times generally scheduled 9:30am/11am/1:30pm/3pm)

Office hours: M-F 8:30am – 4:30pm (office closed for lunch from noon – 1pm) -Federal & State Holidays observed

REGULAR PROBATE INTESTATE (NO VALID WILL)

Please complete this 3-page form (with any additional forms-as applicable) and return it to our office by mail, fax, email or in-person. All required information & documents must be submitted before an In-Person Appointment can be scheduled or *Remote Appointment forms can be sent to Fiduciary (*special note: if more than one Administrator/trix wishes to serve together, in-person Appointment only is required). If any information is missing, no Appointment can begin and Step 1 cannot proceed.

NAME OF DECEASED PERSON: _____

(Please include: name as listed on death certificate &/or as listed on deeds/tax tickets)

Information list:

___ **FIDUCIARY INFORMATION:** (see page 2 to complete this requirement)

___ **HEIRS-AT-LAW INFORMATION** (see page 2 to complete this requirement)

___ **ASSET INFORMATION** (refer to website form Assets of a Decedent to complete this requirement)

___ **BOND INFORMATION, IF APPLICABLE** (see page 3 to complete this requirement)

Document list:

___ **DEATH CERTIFICATE: Pending copy is acceptable for review purposes only**

___ **BUT IF DEATH CERTIFICATE IS FROM ANOTHER STATE**, you must furnish a **CERTIFIED COPY** of an out-of-state Death Certificate at the Probate Appointment for Recording (which will NOT be returned per WV Code)

Please check the following information on the death certificate:

___ **Decedent's Social Security Number is correct**

___ **Decedent's County of residence** must show **JACKSON COUNTY** to complete probate here.

___ **CONSENT FORM(S) IF APPLICABLE:** If the Fiduciary seeks to be appointed WITHIN the FIRST 30 days from decedent's date of death AND there is more than 1 heir-at-law, the Fiduciary Will need the consent from the majority of the heirs. Please see website for form Waiver of Administrator-trix and Nomination. The form must have original signature, notary acknowledgement completed & sealed). (Bond will likely be required for appointment).

Please note that the following fees are required upon completion of Step 1 at the In-Person Appointment OR upon submission of Remote Appointment documentation.

*Probate fees range from \$45 – 250+: payable to Jackson County Fiduciary Supervisor
Recording fees range from \$12 – 40+: payable to Jackson County Clerk (County fees can be paid by cash, check, money order, credit or debit—however credit or debit payment will include an additional convenience fee)*

County fees are separate from the Bond fee, which is payable directly to the insurance company under their terms/policies.

COMPLETE THIS BOND INFORMATION SHEET

- A SURETY BOND is a third-party guarantee that the fiduciary will fulfill their legal obligations for the estate.
- You will need to identify assets using the website form **ASSETS OF A DECEDENT** prior to completing this information sheet.
- NO SURETY IS REQUIRED WHEN:
 - a. The Administrator/trix is also the SOLE heir-at-law.
 - b. The **only** probate assets are **real estate &/or mineral rights** (NO tangible personal property or monetary probate assets).
- THERE ARE 2 TYPES OF BONDS:
 - a. CORPORATE SURETY BOND (probate assets—**excluding real estate**--value over \$5,000 &/OR fiduciary is out-of-state resident)
 - 1. Our office provides names of insurance companies who can assist with bond for the fiduciary.
 - 2. Minimum bond fee is \$100. (reimbursible by the estate after Appointment)
 - 3. Fiduciary completes bond application with the insurance company by phone, email or in-person.
 - 4. For Remote Appointment: the bond must be approved by and fee paid to insurance company before Remote Appointment forms can be sent to Fiduciary to complete and return to our office.
 - 5. For In-Person Appointment: the bond person must meet you at the scheduled In-Person Appointment (you may be required to sign the bond application at the appointment AND bond fee WILL be collected then).
 - 6. Bond assets valued over \$50,000 may require additional steps (including requirement of an attorney) for bond approval.
 - b. JUSTIFICATION OF SURETY (PERSONAL) BOND (probate assets—**excluding real estate**—valued over \$200 but less than \$5,000)
 - 1. This is a real estate/property bond. The value of the property used must assess for at least the amount of the bond. The property must be located in WV.
 - 2. This type of bond CANNOT be used for REMOTE APPOINTMENT OR APPOINTMENT OF OUT-OF-STATE FIDUCIARY.
 - 3. The Fiduciary cannot use their own property except he/she jointly owns it AND the joint owner can meet for the In-Person Appointment.
 - 4. If property is owned in Jackson County, the Justification of Surety can be completed at the In-Person Appointment. The information must be given to our office prior to the appointment. The joint owner/bond person must bring photo ID.
 - 5. If property is owned in any other WV County besides Jackson, the other party/joint owner must obtain the Justification of Surety in the County Clerk's office where property is located (ie, Kanawha, Wood, Roane etc). The joint owner/bond person must bring the Justification of Surety to the In-Person Appointment.
 - 6. If the Fiduciary cannot find a person for Personal Bond, he/she MUST have the Corporate Surety Bond.
 - 7. The property listed on the Justification of Surety will not be able to be sold, re-financed or used as collateral while estate is open (considered a Lien on the property). When the estate has closed, the bond will be released and an Order will be recorded. A copy of the recorded release/discharge of surety Order will be sent to the bond person.

Determination of bond:

1. Is the Fiduciary also the SOLE heir-at-law?
YES ___ (if yes, NO BOND is required. STOP HERE)
NO ___ (if no, move to question 2)
2. Are there PROBATE assets such as tangible personal property/monetary assets and total value is more than \$200?
YES ___ (if yes, BOND IS REQUIRED FOR THIS ESTATE. Complete information below)
NO ___ (if no, NO BOND is required for this estate.)
 - List total value of PROBATE assets here: \$ _____
 - Choose: Corporate Surety (insurance) bond ___ (required if: probate assets over \$5000/Fiduciary not WV resident/Fiduciary needs Remote appointment/no personal bond person can be found)
OR Justification of Surety (personal) bond ___ (probate assets total \$201-\$5000/bond person owns WV real property/bond person willing to attend in-person appointment)