

Probate

When a family member passes away, their estate must be distributed and disposed of according to either their Will, Trust, Beneficiary Designations, or according to the laws of the State of Washington that take over when someone dies “intestate,” or without a Last Will. This process is called probate.

At North Sound Law, P.S., we will work with you to review the assets of the estate to determine if probate is necessary, and if so, what steps are required. We will assist you with the court process toward a smooth and timely completion of the probate process and distribution of the estate assets. Specific services may include:

- Education of the Probate process in Washington State
- Assessment of the estate and an outline of the necessary steps for Probate or for transferring assets without Probate
- Drafting and filing of the necessary Court documents and attending any necessary court hearings
- Assisting you with advice and instructions on how to complete the probate of the estate
- Assisting you with filing appropriate tax returns
- Disbursement of the Estate assets and closing of the Probate

Questions and Answers about Probate

Q. What is probate?

A. Probate is the court process that ensures that the provisions of your will are followed and your estate distributed as directed in your will.

Q. Can probate be avoided if I do not leave a will?

A. The necessity for probate depends on a number of factors, including the value, nature and registration of assets, and the relationship of the survivors to the deceased. E.g., just because you have a trust in place does not necessarily mean that probate will be avoided.

Q. How long does probate last?

A. A minimum of 5 to 7 months should be expected. Most cases wrap up fairly easily, but large estates can take quite a bit longer.

Q. Will the presence of a Will prolong the probate or result in more cost?

A. No. A well-drawn Will can help speed the process and save administration costs.

Q. What is the difference between an Executor, Administrator and Personal Representative?

A. An Executor is the person you name in your Will to administer the estate. If you do not name one, the court will appoint an Administrator to carry out those functions. In Washington, either the Executor or the Administrator is given the title "Personal Representative".

Q. Does the Personal Representative have to live in my state?

A. No.

Q. What does the Personal Representative do?

A. The Personal Representative is responsible for the administration of your estate in accordance with the terms of your Will and the procedure created by law of the State of Washington. Amongst other things the Personal Representative will:

- Present the Will for probate
 - Assist in making interim household and financial arrangements
 - Examine the decedent's records to discover the assets and debts of the estate
 - Give notice to and deal with creditors
 - Make an inventory of the assets and debts
 - Execute and file any tax returns that are due
 - Distribute the estate in accordance to the terms of the Will
- Q. How will my creditors be notified of my death?

A. Any known creditors should receive a Notice of Pendency of Probate. Washington law for example also requires that a Notice to Creditors be published in a local paper.

Q. How will my creditors get paid?

A. Your personal representative will determine which creditors claims to pay and how much to pay each creditor based on the assets of your estate and the total amount of debt to be paid.

Q. What fees will be due the Personal Representative?

A. Reasonable compensation is allowed under state law. Fees are not regulated by law, but may require court approval.

Q. What qualifications should the Personal Representative have?

A. Permanency. Financial Responsibility. Experience. Group Judgment through the use of other professionals such as accountants, appraisers and attorneys can also be important.