



INSTRUCTIONS TO PERSONAL REPRESENTATIVE

1. The Petition for Probate of Will or Petition for General Administration will be filed with the Court. The Notice of Hearing will then be published for two (2) consecutive weeks in a local newspaper and our office will send a copy of the Notice of Hearing to you and to all devisees and heirs at law shown in your Petition for Probate of Will or for General Administration.
2. It is necessary for either the Petitioner or you as proposed Personal Representative to appear at the hearing to testify in support of the allegations contained in the Petition. The other interested parties may appear at the hearing if they wish, but it is not necessary that they be present.
3. At the Court hearing, the Judge may require you to file a Surety Bond with the Court. If the Judge does require a Surety Bond, you will need to secure such a bond from an insurance agent of your choosing and file it with the Court.
4. The attorney handling the probate will secure several copies of your “Letters” from the Probate Court which are proof to the world that you have been appointed as Personal Representative for this estate. You should take a copy of your Letters to the bank(s) or other institutions where there are assets of the decedent. This will permit you to take charge of and collect the assets of the estate.
5. As soon as possible, you should gather the information to give to your attorney listing all of the assets of the estate. These probate assets will then be shown in an “Inventory” which we will send to you to approve and sign. After the Inventory is returned to us, we will send a copy of it to you and to all persons sharing in the residue of the estate and will file the original Inventory with the Probate Court.
6. Your attorney will apply to the Internal Revenue Service for a Federal ID number. The Internal Revenue Service will send you a letter advising you of the number which has been assigned to the estate. If you need the number sooner, please call our office as we are advised of the number as soon as it is assigned.
7. When you have been appointed as Personal Representative, you should open an estate checking account into which you should deposit all money which comes into your hands as Personal Representative. You should consult with your attorney as to what expenses you can pay out of the estate checking account. The bank will request an identification number for this estate and you should use the Federal ID number referred to in No. 6 above.
8. You are permitted to charge a reasonable fee for your services as Personal Representative. If you intend to do so, you should keep accurate records of your time and expenses as Personal Representative.

9. There is a 4-month period from and after the date of the Notice of Hearing during which creditors may file claims against the estate. After this 4-month period has passed, we can proceed to file your Final Account with the Court if all assets have been collected and all claims have been paid.

Be sure to keep accurate records regarding your income and expenses during the probate of the estate as when the estate is ready to be finalized, you are required to file a Final Account with the Court in which you must account for the disposition of all assets which were described in the Inventory, any income which has come into your hands and all expenses which you have paid.

Do not distribute any of the assets of the estate to any heirs or devisees without prior Court approval. Distribution is generally made when the estate is finalized unless the Court approves an earlier partial distribution. The only exception to this would be if the Last Will and Testament leaves a specific bequest to a devisee and if there are assets available to pay these specific bequests, these amounts could be paid prior to the finalization of the estate after the time for filing claims has expired. However, it would be advisable for you to check with your attorney before making any distributions.

10. Please feel free to call our office any time that you have questions or concerns regarding the probate of this estate.

****This pamphlet contains general information and not legal advice****

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