

MARSHALL COUNTY CLERK'S OFFICE
CONNIE HOWARD, COUNTY CLERK
PO BOX 459
MOUNDSVILLE WV 26041

Enclosed are ancillary affidavits for property transfer. Please complete the proper form with attachments and return to this office for processing.

There is a cost of \$12.00 for up to 5 pages and \$1.00 per page thereafter. There is also a \$20.00 publishing fee.

If you have any questions, please feel free to call.

Sincerely,

Probate
Marshall County Clerk's Office

OUTLINE
OF
DOCUMENTS FOR WEST VIRGINIA ANCILLARY ADMINISTRATION
Under House Bill 2759 (Effective May 30, 2019)

- I. Affidavit to be signed by applicant (interested party)..
 - A. Testacy.
 1. [Affidavit for Ancillary Administration of West Virginia Real Estate without Appointment \(Testate with authenticated copy\)](#);
or
 2. [Affidavit for Ancillary Administration of West Virginia Real Estate without Appointment \(Testate with original will\)](#).
 - B. Intestacy: [Affidavit for Ancillary Administration of West Virginia Real Estate without Appointment \(Intestate\)](#).
- II. Notice.
 - A. Testacy: [Notice of Ancillary Administration of West Virginia Real Estate without Appointment \(Testate\)](#).
 - B. Intestacy: [Notice of Ancillary Administration of West Virginia Real Estate without Appointment \(Intestate\)](#).
 - C. All Notices are:
 1. Entered by County Clerk.
 2. Published by County Clerk in local newspaper.
 3. Mailed by applicant to all interested parties with a Certificate of Service.
- III. [Certificate of Service](#) (applies to both Testate and Intestate).
 - A. Prepared by applicant.
 - B. Mailed by applicant to all interested parties.
 - C. Notice prepared by the County Clerk is attached and mailed by applicant with the Certificate of Service.
 - D. Certificate of Service is filed by applicant with County Clerk.
- IV. Completion of the Ancillary Administration (applies to both Testate and Intestate).
 - A. No objection is received and deadline passes.
 1. ***Certification of Completion of Ancillary Administration of West Virginia Real Estate without Appointment*** (applies to Testate and Intestate).
 2. Entered by County Clerk.
 - B. Objection is filed.
 1. ***Order and Notice of Hearing on Objection to Ancillary Administration.***
 - a. Entered by County Commission.
 - b. Mailed by County Clerk to all interested parties.
 - c. Hearing is scheduled before the County Commission.
 - d. Copy of the objection is attached to the Order and Notice.
 2. Adjudication of the objection by County Commission at the hearing.
 - a. ***Order Overruling Objection and Permitting Ancillary Administration without Appointment.***
 - 1) Entered by County Commission.
 - 2) Mailed by County Clerk to all interested parties.
 - 3) May be appealed to Circuit Court in accordance with appellate procedure.
 - b. ***Order Sustaining Objection and Directing Full Ancillary Administration.***

- 1) Entered by County Commission.
- 2) Mailed by County Clerk to all interested parties.
- 3) Applicant or other interested party files and applies for regular ancillary administration.
- 4) May be appealed to Circuit Court in accordance with appellate procedure.

Prepared: May 17, 2019

Christopher J. Winton, Esq.
RAY, WINTON & KELLEY, PLLC
109 Capitol Street
Suite 700
Charleston, West Virginia 25301
(304) 342-1141
chriswinton@rwk-law.com

IN THE COUNTY COURT OF OHIO COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____
DOD: _____

**AFFIDAVIT FOR ANCILLARY ADMINISTRATION
OF WEST VIRGINIA REAL ESTATE WITHOUT APPOINTMENT
(TESTATE WITH AUTHENTICATED COPY)**

STATE OF _____,
COUNTY OF _____, to-wit:

I, _____, whose address is _____, being
_____ being
first duly sworn, upon oath and under penalty of perjury, do depose and say as follows:

1. The decedent, _____,
died testate (with a Will) on _____ (date of death), as a resident of
_____ County, State of _____, and a certified Death
Certificate has been furnished herewith for filing in this County.

2. On _____ (date), the following person(s) was/were
appointed as the personal representative(s) of the Estate of _____
_____ by the _____ (name of foreign
court), of _____ (County), _____ (State), being case
number _____, if applicable:

a. Name: _____
Address: _____

b. Name: _____
Address: _____

Check () if "Continuation Sheet" is attached

An authenticated (tripled sealed) copy of the Last Will and Testament of the
decedent dated _____, without any codicil thereto () or with codicil(s)
thereto dated _____ () [check whichever applies] and the certificate of
probate of such other state or jurisdiction are being furnished herewith for recording in this
County.

4. The Decedent died owning and possessing the following real estate situate in West Virginia:

	Description	County	Assessed Value	Fair Market Value
a.				
b.				
c.				
d.				
	From Continuation Sheets Check () if attached			
	Total			

5. Pursuant to the provisions of the Last Will and Testament of _____, the decedent devised the aforesaid real estate to the following beneficiaries of his/her estate:

a. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

b. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

c. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

d. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

Check () if "Continuation Sheet" is attached.

6. The Estate of _____, the decedent, will be/has been fully administered by the domiciliary personal representative under the domiciliary proceedings in the other state or jurisdiction. No appointment of an ancillary personal representative to administer the decedent's real estate within the State of West Virginia is necessary for any proper purpose.

7. I have personal knowledge of the above facts and am interested in the Estate of _____, the decedent, as the () acting domiciliary personal representative, () surviving spouse, () beneficiary under the decedent's Will, () heir at law, or () other _____ (describe relationship or interest), [check one].

Witness my hand and seal this ____ day of _____, 20____.

Signature of Affiant

Printed name of Affiant

Taken, subscribed, and sworn to before me the undersigned authority, by _____, this ____ day of _____, 20____.

{Seal}

My Commission Expires: _____

Notary Public

Number of "Continuation Sheets" attached: _____

**CONTINUATION SHEET
for
AFFIDAVIT FOR ANCILLARY ADMINISTRATION (TESTATE)**

Name of Decedent: _____

Additional Personal Representative(s):

c. Name: _____

Address: _____

d. Name: _____

Address: _____

Additional real estate situate in West Virginia:

	Description	County	Assessed Value	Fair Market Value
e.				
f.				
g.				
h.				
i.				
	From Continuation Sheets Check () if attached			
	Total			

Signature of Affiant

Date: _____

CONTINUATION SHEET
For
AFFIDAVIT FOR ANCILLARY ADMINISTRATION (TESTATE)

Name of Decedent: _____

Additional beneficiaries of the estate or heirs at law:

e. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular parcel: _____

f. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular parcel: _____

g. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular parcel: _____

h. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular parcel: _____

i. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular parcel: _____

Signature of Affiant

Date: _____

IN THE COUNTY COURT OF OHIO COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____

DOD: _____

**AFFIDAVIT FOR ANCILLARY ADMINISTRATION
OF WEST VIRGINIA REAL ESTATE
WITHOUT APPOINTMENT
(TESTATE WITH ORIGINAL WILL)**

STATE OF _____,
COUNTY OF _____, to-wit:

I, _____, whose address is _____,
_____ being
first duly sworn, upon oath and under penalty of perjury, do depose and say as follows:

1. The decedent, _____,
died testate (with a Will) on _____ (date of death), as a resident of
_____ County, State of _____, and a certified
Death Certificate has been furnished herewith for filing in this County.

2. The decedent died with an ORIGINAL Last Will and Testament of the decedent
dated _____, without any codicil thereto () or with codicil(s)
thereto dated _____ () [Check if applies]. Pursuant to the laws of the
State of _____, which was the domicile or legal residence of the decedent at
his/her death, probate of such original document(s) has not been made and is not required to be
made in the State of _____, as set forth in _____

(cite statute or case law or other reason). The aforesaid ORIGINAL Last Will and Testament of
the decedent, together with any codicils(s), is furnished herewith for recording in this County as
permitted by West Virginia Code §41-5-13(e).

3. Under the Last Will and Testament of the decedent, the following person(s)
is/are nominated to be personal representative(s) of the Estate of
_____:

a. Name: _____

Address: _____

b. Name: _____

Address: _____

Check () if "Continuation Sheet" is attached

4. The Decedent died owning and possessing the following real estate situated in West Virginia:

	Description	County	Assessed Value	Fair Market Value
a.				
b.				
c.				
d.				
	From Continuation Sheets Check () if attached			
	Total			

5. Pursuant to the provisions of the Last Will and Testament of _____, the decedent devised the aforesaid real estate to the following beneficiaries of the estate:

a. Name: _____
 Address: _____

 Relationship to Decedent: _____
 Share or percentage or particular parcel: _____

b. Name: _____
 Address: _____

 Relationship to Decedent: _____
 Share or percentage or particular parcel: _____

c. Name: _____
 Address: _____

 Share or percentage or particular parcel: _____
 Relationship to Decedent: _____
 Share or percentage or particular parcel: _____

d. Name: _____
 Address: _____

 Relationship to Decedent: _____
 Share or percentage or particular parcel: _____

Check () if "Continuation Sheet" is attached.

6. No appointment of an ancillary personal representative to administer the decedent's real estate within the State of West Virginia is necessary for any proper purpose.

7. I have personal knowledge of the above facts and am interested in the Estate of _____, the decedent, as the () nominated personal representative, () surviving spouse, () beneficiary under the decedent's Will, () heir at law, or () other _____ (describe relationship or interest), [check one].

Witness my hand and seal this _____ day of _____, 20_____.

Signature of Affiant

Print name of Affiant

Taken, subscribed, and sworn to before me the undersigned authority, by _____, this _____ day of _____, 20_____.

{Seal}

Notary Public
My Commission Expires:

Number of "Continuation Sheets" attached: _____

CONTINUATION SHEET
For AFFIDAVIT FOR ANCILLARY ADMINISTRATION (TESTATE)

Name of Decedent: _____

Additional Personal Representative(s):

c. Name: _____

Address: _____

d. Name: _____

Address: _____

Additional real estate situate in West Virginia:

	Description	County	Assessed Value	Fair Market Value
e.				
f.				
g.				
h.				
i.				
	From Continuation Sheets Check () if attached			
	Total			

 Signature of Affiant

Date: _____

CONTINUATION SHEET
For
AFFIDAVIT FOR ANCILLARY ADMINISTRATION (TESTATE)

Name of Decedent: _____

Additional beneficiaries of the estate or heirs at law:

e. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular parcel: _____

f. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular parcel: _____

g. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular parcel: _____

h. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular parcel: _____

i. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular parcel: _____

Signature of Affiant

Date: _____

IN THE COUNTY COURT OF OHIO COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____ DOD: _____

**AFFIDAVIT FOR ANCILLARY ADMINISTRATION
OF WEST VIRGINIA REAL ESTATE
WITHOUT APPOINTMENT
(INTESTATE)**

STATE OF _____,
COUNTY OF _____, to-wit:

I, _____, whose address is _____, being
first duly sworn, upon oath and under penalty of perjury, do depose and say as follows:

1. The decedent, _____, died on
_____ (date of death), as a resident of
_____ County, State of _____. The decedent
has left no Will so far as I know, and no Will of the decedent has been presented or probated in
this State or in any other state or jurisdiction.

2. More than sixty days have passed since the death of the decedent and no personal
representative or administrator of the decedent's estate has been otherwise appointed in the
State of West Virginia, for any proper purpose.

3. A certified Death Certificate has been furnished herewith for filing in the County.

4. The Decedent died owning and possessing the following real estate situate in
West Virginia:

	Description	County	Assessed Value	Fair Market Value
a.				
b.				
c.				
d.				
	From Continuation Sheets Check () if attached			
	Total			

5. The decedent _____ left as his/her heirs-at-law in accordance with the laws of intestate descent and distribution of the State of West Virginia, the following person(s):

a. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

b. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

c. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

d. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

e. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

Check () if "Continuation Sheet" is attached.

6. I, _____, do hereby certify that _____ is the true and correct owner of _____, and that _____ is the true and correct owner of _____.

7. I have personal knowledge of the above facts and am interested in the Estate of _____, the decedent, as the () acting domiciliary personal representative, () surviving spouse, () heir at law, or () other _____ (describe relationship or interest), [check one].

Witness my hand and seal this _____ day of _____, 20_____.

Signature of Affiant

Printed name of Affiant

Taken, subscribed, and sworn to before me the undersigned authority, by _____, this _____ day of _____, 20_____.

{Seal}

My Commission Expires: _____

Notary Public

Number of "Continuation Sheets" attached: _____

CONTINUATION SHEET
For
AFFIDAVIT FOR ANCILLARY ADMINISTRATION (INTESTATE)

Name of Decedent: _____

Additional real estate situate in West Virginia:

	Description	County	Assessed Value	Fair Market Value
e.				
f.				
g.				
h.				
i.				
j.				
k.				
l.				
	From Continuation Sheets Check () if attached			
	Total			

 Signature of Affiant

Date: _____

CONTINUATION SHEET
For
AFFIDAVIT FOR ANCILLARY ADMINISTRATION (INTESTATE)

Name of Decedent: _____

Additional heirs at law:

f. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

g. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

h. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

i. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

j. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

Signature of Affiant

Date: _____

IN THE COUNTY COMMISSION OF _____ COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____
DOD: _____

**NOTICE OF ANCILLARY ADMINISTRATION
OF WEST VIRGINIA REAL ESTATE
WITHOUT APPOINTMENT
(TESTATE)**

The undersigned Clerk of the County Commission of _____ County does hereby give NOTICE that, pursuant to the provisions of West Virginia Code § 41-5-13(b), there has been filed and there is pending before me and the said County Commission an Affidavit for ancillary administration of West Virginia real estate without the appointment of any personal representative and does state as follows:

1. The name of the decedent is _____.
The decedent died testate (with a will) on the ____ day of _____, 20__, residing at _____
(last known address), with said will of the decedent, which is dated the ____ day of _____, 20__, having been probated by the _____ Court of the County of _____, State of _____, on the ____ day of _____, 20__. The decedent died owning real estate situate in the State of West Virginia.

2. The County Commission before whom the affidavit has been filed is the County Commission of _____ County, with mailing address of _____.

3. The name and address of the person filing the affidavit is:

Such person is related to the decedent as _____.
The affidavit is dated the ____ day of _____, 20__ and was filed with the County Clerk on the ____ day of _____, 20__.

4. This Notice has been first published on the ____ day of _____, 20__.

5. Any interested person objecting to the filing of the foreign will or affidavit or objecting to the absence of appointment or administration being made in this State must file a written objection with the County Commission within sixty (60) days after the date of first publication or thirty (30) days of service of this Notice upon such interested person by the person filing the Notice, whichever is later.

NOTICE IS GIVEN THAT IF AN OBJECTION IS NOT TIMELY FILED, THE OBJECTION IS FOREVER BARRED AND THAT THE ANCILLARY ADMINISTRATION OF THE WEST VIRGINIA REAL ESTATE OF THE ABOVE DECEDENT SHALL BE DEEMED FINAL AND COMPLETE IN ACCORDANCE WITH THE PROVISIONS OF LAW.

ENTER this ____ day of _____, 20__.

Clerk of the County Commission

IN THE COUNTY COMMISSION OF _____ COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____
DOD: _____

**NOTICE OF ANCILLARY ADMINISTRATION
OF WEST VIRGINIA REAL ESTATE
WITHOUT APPOINTMENT
(INTESTATE)**

The undersigned Clerk of the County Commission of _____ County does hereby give NOTICE that, pursuant to the provisions of West Virginia Code § 44-1-4(b), there has been filed and there is pending before me and the said County Commission an Affidavit for ancillary administration of West Virginia real estate without the appointment of any personal representative and does state as follows:

1. The name of the decedent is _____.
The decedent died intestate (without a will) on the ____ day of _____, 20____, residing at _____ (last known address). The decedent died owning real estate situate in the State of West Virginia. As reported in the affidavit filed herein, (a) the decedent has left no will as far as is known; (b) no will of the decedent has been presented or probated in this State or in any other jurisdiction; and (c) more than sixty days have passed since the death of the decedent and no personal representative or administrator of the decedent's estate has been otherwise appointed in the State of West Virginia for any proper purpose.

2. The County Commission before whom the affidavit has been filed is the County Commission of _____ County, with mailing address of _____.

3. The name and address of the person filing the affidavit is:

Such person is related to the decedent as _____.
The affidavit is dated the ____ day of _____, 20____ and was filed with the County Clerk on the ____ day of _____, 20____.

4. This Notice has been first published on the ____ day of _____, 20____.

5. Any interested person objecting to the filing of the affidavit or objecting to the absence of appointment or administration being made in this State must file a written objection with the County Commission within sixty (60) days after the date of first publication or thirty (30) days of service of this Notice upon such interested person by the person filing the Notice, whichever is later.

NOTICE IS GIVEN THAT IF AN OBJECTION IS NOT TIMELY FILED, THE OBJECTION IS FOREVER BARRED AND THAT THE ANCILLARY ADMINISTRATION OF THE WEST VIRGINIA REAL ESTATE OF THE ABOVE DECEDENT SHALL BE DEEMED FINAL AND COMPLETE IN ACCORDANCE WITH THE PROVISIONS OF LAW.

ENTER this ____ day of _____, 20__.

Clerk of the County Commission

IN THE COUNTY COMMISSION OF _____ COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____
DOD: _____

**CERTIFICATE OF SERVICE
OF
NOTICE OF ANCILLARY ADMINISTRATION
OF WEST VIRGINIA REAL ESTATE
WITHOUT APPOINTMENT**

STATE OF _____,

COUNTY OF _____, to-wit:

I, _____, the undersigned, being first duly sworn, upon oath and under penalty of perjury, do hereby certify that on the ____ day of _____, 20____, I served a true and correct copy of the attached or foregoing "NOTICE OF ANCILLARY ADMINISTRATION OF WEST VIRGINIA REAL ESTATE WITHOUT APPOINTMENT" concerning the estate of the decedent _____ on the interested parties hereto by United States Mail, postage prepaid, addressed as follows:

- a. Name: _____
Address: _____
Relationship to Decedent: _____
- b. Name: _____
Address: _____
Relationship to Decedent: _____
- c. Name: _____
Address: _____
Relationship to Decedent: _____
- d. Name: _____
Address: _____
Relationship to Decedent: _____

- e. Name: _____
 Address: _____
 Relationship to Decedent: _____
- f. Name: _____
 Address: _____
 Relationship to Decedent: _____
- g. Name: _____
 Address: _____
 Relationship to Decedent: _____
- h. Name: _____
 Address: _____
 Relationship to Decedent: _____
- i. Name: _____
 Address: _____
 Relationship to Decedent: _____

Check if Continuation sheet attached ()

Witness my hand and seal this ____ day of _____, 20____.

 Signature of Affiant

Taken, subscribed, and sworn to before me the undersigned authority by
 _____, this ____ day of _____, 20____.

{seal}

My Commission expires: _____

 Notary Public

**CONTINUATION SHEET
For
CERTIFICATE OF SERVICE**

Name of Decedent: _____

Additional interested parties of the estate:

j. Name: _____
Address: _____

Relationship to Decedent: _____

k. Name: _____
Address: _____

Relationship to Decedent: _____

l. Name: _____
Address: _____

Relationship to Decedent: _____

m. Name: _____
Address: _____

Relationship to Decedent: _____

n. Name: _____
Address: _____

Relationship to Decedent: _____

Signature of Affiant

Date: _____

IMPORTANT: The party filing the foreign will or affidavit shall, not later than thirty days after the date of first publication, serve a copy of the notice at the last known address by first class mail, postage prepaid or by personal service on the following persons: (1) The decedent's surviving spouse, if any; (2) If there is a will, the personal representative or personal representatives named therein; (3) If there is a will, all devisees or beneficiaries named therein; (4) The heirs at law of the decedent determined under the laws of this State; and (5) Any known creditors of the decedent residing or located in this State or who may claim a lien or interest against the real estate of the decedent situate in this State.