

**FORM MUST BE SUBMITTED PRIOR TO SCHEDULING APPOINTMENT**

**YOU MUST HAVE THE ORIGINAL WILL**

## **PROBATE WITH WILL**

### Decedent & Fiduciary Info:

**County of Death:** \_\_\_\_\_

*If not Marshall County, you must provide a Certificate of Death*

**Date of Will:** \_\_\_\_\_ **Date of Death:** \_\_\_\_\_

**Name of Estate:** \_\_\_\_\_

**Decedent's Social Security Number:** \_\_\_\_\_

**Decedent's Place of Residence at Time of Death:** \_\_\_\_\_

**Fiduciary (person to be appointed):** \_\_\_\_\_  
*Bring your Driver's License or State ID*

**Fiduciary's Address:** \_\_\_\_\_

**Fiduciary's Phone:** \_\_\_\_\_

**Relationship to Decedent:** \_\_\_\_\_

### Decedent's Personal Property:

**Approximate Value of All Personal Property Held Solely in Decedent's Name:**

<b>Asset</b>	<b>Value</b>
_____	_____
_____	_____
_____	_____
_____	_____

## Bond and Surety:

***If the Will does NOT waive bond and surety***, the amount of the bond must cover all asset values in the decedent's name solely, **excluding real estate**.

**Bond & Surety** is a third party guarantee the Fiduciary will Fulfill their obligations.

- The amount of the bond **MUST** cover all assets values in the decedent's name solely, **excluding real estate**.
- State law requires an appointed Fiduciary must be bonded if there is no Will or you are not named as Executor/Executrix in the Will.
- No surety is required on the bond of the Fiduciary if they are the sole beneficiary of the decedent.

There are 2 types of Surety:

1. ***Corporate Surety Bond*** is when an insurance company or bond person covers the amount of the probate assets, excluding real estate. You should contact the bond person or agent prior to the appointment as they must also be present at the time of the appointment. If the person to be appointed is an **out-of-state resident**, the bond amount must be **doubled**.

**NOTE: THERE IS A COST FOR CORPORATE SURETY AS IT IS THROUGH A BONDSMAN AND/OR AN INSURANCE AGENT**

2. ***Justification of Surety Bond*** is using real estate to cover the amount of the bond. This too is a third party. A Fiduciary **CANNOT** use their own property.
  - This person must be present at the time of the appointment.
  - They must own real estate in West Virginia.
  - If the person/surety does not own real estate in Marshall County, they must provide a **Justification of Surety** from the West Virginia County where the real estate is located. This may be obtained from the County Clerk of the county where the property is located.

**Beneficiaries Under Will:** *Complete Names and Addresses*

**Beneficiary 1 Name:** \_\_\_\_\_

**Beneficiary 1 Address:** \_\_\_\_\_

**Beneficiary 1 Phone:** \_\_\_\_\_ **Relationship:** \_\_\_\_\_

**Beneficiary 2 Name:** \_\_\_\_\_

**Beneficiary 2 Address:** \_\_\_\_\_

**Beneficiary 2 Phone:** \_\_\_\_\_ **Relationship:** \_\_\_\_\_

**Beneficiary 3 Name:** \_\_\_\_\_

**Beneficiary 3 Address:** \_\_\_\_\_

**Beneficiary 3 Phone:** \_\_\_\_\_ **Relationship:** \_\_\_\_\_

**Beneficiary 4 Name:** \_\_\_\_\_

**Beneficiary 4 Address:** \_\_\_\_\_

**Beneficiary 4 Phone:** \_\_\_\_\_ **Relationship:** \_\_\_\_\_

**Beneficiary 5 Name:** \_\_\_\_\_

**Beneficiary 5 Address:** \_\_\_\_\_

**Beneficiary 5 Phone:** \_\_\_\_\_ **Relationship:** \_\_\_\_\_

**Beneficiary 6 Name:** \_\_\_\_\_

**Beneficiary 6 Address:** \_\_\_\_\_

**Beneficiary 6 Phone:** \_\_\_\_\_ **Relationship:** \_\_\_\_\_

If there are more beneficiaries, please list this information in the body of the email when submitting this form.

## Oil & Gas Property:

Yes No

**Is there real estate or oil & gas property?**

**If yes, list Each Property's Legal Description as Found on Tax Ticket:**

## Fees:

A \$300.00 deposit is required at the time of ALL appointments to cover costs of a Fiduciary Commissioner if referred during the probate. The deposit will be refunded AFTER the settlement is approved if there is no referral. **THIS DEPOSIT IS SEPARATE AND MUST BE CASH, CHECK OR MONEY ORDER.**

There will be a fee for filing the Will and the appointment (usually under \$50.00 depending on the number of pages in the Will and number of beneficiaries to notify).

### **FORM MUST BE COMPLETE PRIOR TO SCHEDULING APPOINTMENT**

After completing this form, download it using the decedent's last name, followed by a dash, and then the decedent's first name as the file name. Example: Smith-John.pdf. Email the completed form to [probateforms@marshallcountywv.gov](mailto:probateforms@marshallcountywv.gov).

To schedule an appointment, call 304-845-1220.