

MARSHALL COUNTY, WEST VIRGINIA

PO BOX 459, MOUNDSVILLE WV 26041
PHONE: 304 845 1220 FAX: 304 845 5891

CONNIE HOWARD
MARSHALL COUNTY CLERK
www.marshallcountywv.gov
estates@marshallcountywv.gov

FORM MUST BE SUBMITTED PRIOR TO SCHEDULING APPOINTMENT

YOU MUST HAVE THE ORIGINAL WILL

COUNTY OF DEATH: _____

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

DATE OF DEATH: _____

DATE OF WILL : _____

PROBATE WITH WILL

Please complete this form and return it along with a **copy of the Will** and the required documents and photo ID. Thank you.

NAME OF ESTATE: _____ (decendent)

DEATH CERTIFICATE REQUIRED - Social Security Number _____

FIDUCIARY (person to be appointed):

Bring or attach your Driver's License or State ID

ADDRESS: _____

PHONE: _____

RELATIONSHIP TO DECEDENT: _____

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**APPROXIMATE VALUE OF ALL PERSONAL PROPERTY HELD SOLELY IN THE DECEDENT'S NAME
(EXCLUDING REAL ESTATE)**

<u>Asset</u>	<u>Value</u>

Total value of probate assets determines the bond amount (excluding real estate)

TOTAL _____

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BOND AND SURETY is a third party guarantee the Fiduciary will fulfill their obligation.

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**.
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.

BOND & SURETY REQUIREMENTS

Appointed as _____

___ BOND REQUIRED ___ NO BOND REQUIRED UNDER WILL ___ BOND AMOUNT _____

___ SURETY REQUIRED ___ NO SURETY REQUIRED UNDER WILL ___ SOLE BENEFICIARY

SURETY NAME & ADDRESS (UNDERWRITER) _____

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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 \$70.00** depending on the number of pages in the Will and number of beneficiaries to notify).

FORM MUST BE COMPLETED PRIOR TO SCHEDULING APPOINTMENT

After completion of 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 estates@marshallcountywv.gov.

Call to schedule your appointment.

Thank you.