

DECEASED ESTATES

The court can not give legal advice or assistance. If you have legal questions or need assistance you must contact an attorney of your choice. Forms must be completed in ink and be legible. The court can refuse incomplete documents. If you do not wish to retain the services of an attorney, you are presumed to know the law and the requirements for processing paperwork. A copy of the Estate and Protected Individuals Code is available as well as the Court Rules, but the books can not be removed from the court offices.

If the deceased was a resident of Barry County or a resident of another state but left property in Barry County in this State, venue is proper in Barry County.

ASSIGNMENT OF PROPERTY: An assignment of property allows the transfer of property to the person paying the funeral bill, the surviving spouse or surviving children if the across value of the estate after payment of the funeral bill does not exceed \$21,000 There is a \$25.00 filing fee and the cost for a certified copy is \$12.00. An inventory fee is assessed based on the gross value of the estate. Liens or encumbrances may not be deducted from the value of the estate in determining whether the estate qualifies for an Assignment of Property. If the funeral bill has not been paid, cash assets will be assigned to the funeral home. If the Family Independence Agency has paid the funeral bill, the State is entitled to reimbursement. A copy of the death certificate and receipt showing who paid the funeral bill must be filed.

UNSUPERVISED, INFORMAL PROCEEDING: This is an estate proceeding in which the Probate Register issues a statement and the letters of authority. There is a \$150.00, filing fee that must accompany the application and other various documents required to initiate this proceeding. The court does not supervise the acts of the personal representative.

UNSUPERVISED, FORMAL PROCEEDING: This is an estate proceeding in which the Judge of Probate formally determines testacy of the deceased, may or may not appoint the personal representative and determines heirs. There is a \$150.00 filing fee that must accompany the petition and various documents. required Jo initiate this proceeding. The court does not supervise the acts of the personal representative.

SUPERVISED ADMINISTRATION: This is an estate proceeding in which the Judge of Probate formally determines testacy, determines heirs and appoints the personal representative. The court supervises all acts of the personal representative. The personal representative can not distribute assets to devisees or heirs without court order. There is a \$150.00 filing fee that must accompany the petition and various documents required to initiate this proceeding.