



## Find Out The Inside Story On Small Estate Probate

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If your parent, sibling, or other special person, dies and leaves you in charge of their small estate, do you want to spend a large part of your inheritance on legal fees just to process the paperwork required?

The reason for mystifying the probate process is pretty obvious. Lawyers charge \$2000+ to handle the paperwork. Probate judges were lawyers in their past life. Enough said.

Even though the probate process seems daunting to a layperson, it is really just a series of forms that need to be signed and filed with your local District Court. The Federal Summary Administration statute activated in 2000 creates a way through the maze for the average citizen to quickly resolve the legal issues, disburse the proceeds of the estate, and get on with life.

Each state lists the required documents that must be filed with their court. If the entire dollar value of the Estate is under \$175,000, including real estate, it can be processed without a licensed legal representative.

Most states are currently revising their paperwork to make it easier to complete this process. Some states, for example, Arizona, compress the paperwork to a few forms. Other states still require you to search out and create your own path under the Federal Summary Administration statute.

The probate process can be compared to registering a vehicle. In order to transfer the vehicle title that allows you to drive it legally on the streets of your state it needs to be registered with the Motor Vehicle Department. The state inspects the vehicle, collects the taxes, and issues a title clearance certificate, all within a certain timeframe.

Lots of paperwork along with proof that you are entitled to this vehicle are usually required. Several trips to the MVD office are often required to complete this transaction and drive away. Some states make this an easy process, others demand more paperwork and visits to their office to complete the transaction. This process does not intimidate us because it is familiar and commonplace.

Small Estate Probate works in a similar fashion. You must fill out and file the appropriate paperwork with your local District Court office, ensuring that it gets to the clerk in a timely manner. The probate judge and the state sign off on it after collecting state and local taxes (if any) and documenting that all debts are paid. Title to any real estate is transferred to the appropriate heir and case closed.

## The probate court is designed:

- + To secure clear title to real estate
- + Make sure there is a determination of heirs (everyone gets their share if there is not a Will)
- + Appoint an Administrator to manage the Estate until the end of probate (that would be you)
- + Distribute the Estate fairly among the heirs, or as bequeathed
- + Ensure all medical and funeral expenses are paid
- + Guarantee that the State and Federal governments get their share (if any)

If you understand the overview of the process, it is simple and to the point. Tell the judge who the heirs want to control the distribution of the estate (the Administrator), detail the value of the estate in question, list who gets what, ensure that all debts are paid, and follow the timeline laid out by the state in which the deceased resided. There is a form for each step.

The important point to remember here: keep to the court's timetable. The probate court requires that each form is completed and filed before the next step is taken. If you follow the path laid out by the court the process takes about three months to complete. If you miss a step you have to start over, so be patient and do the necessary research on your local district court. Most of the necessary information is available online, but a trip to the main library in the deceased home state may be in order.

It does require some organizational skills and persistence to get to the end of the process. Keep thinking about the goal: more money in your pocket. Don't delay, get this done and move on with your life's plan!

[For the rest of the story](#) that leads you through the complete probate process with helpful tips on how to navigate the court system, see the eBook *Do Your Own Probate*.

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