

Tips When Going Through Probate

Posted by Mary E. Mullin, Attorney at Law on Jun 3, 2013 11:03am PDT

Whether or not probate is necessary depends on what property a decedent owned, how it was held, the probate laws applicable to our state and the probate laws of any states in which the decedent held property. When it comes to probate, what most individuals find the most frightening is its aura of unfamiliarity. While probate is a complex and often scary process, having a seasoned probate attorney on your side can make this process much less intimidating and can help you understand the points on which you are confused.

Also, while sometimes a probate process is relatively straightforward, at other times, depending on the estate, the probate process can become extremely complicated fast! Each state has its own laws concerning the enforcement and carrying out of a will, so it is always best to consult with a local probate attorney as opposed to simply relying off of information online.

During probate administration, tucking away some basic advice can help you make wise decisions and can alleviate your fears and concerns. To explain probate in a nutshell, this is the process when a deceased individual's will is scrutinized by the court and state laws and beneficiaries are given notice concerning what they are entitled to receive. The probate process involves paying off the debts the decedent owed and distributing the decedent's assets to the appropriate beneficiaries. Not all of a decedent's assets qualify as the probate estate. A probate estate is only made up of probate assets (for example, the assets that the decedent solely owned, not ones he/she shared with others).

Sometimes an individual dies testate (with a valid will) and at other times an individual dies intestate (without a will). Each situation comes with its own difficulties and decisions. When an individual dies intestate, the laws of our state determines who gets what part of the estate.

When a person dies testate, the will determines how their estate is transferred and to whom. Just because someone leaves a valid will, however, does not mean that probate will necessarily be a breeze! If the beneficiaries are unhappy with the distribution, they can challenge the decedent's will (known as probate litigation). Other factors that are taken into account during the probate process are estate taxes. If you are an administrator of an estate, you will be responsible for the following steps:

- Notifying heirs, creditors and the public of the decedent's death
- Inventorying the decedent's property
- Distributing the estate

If your loved one did not leave a valid will, the court will decide who will become the personal representative for your loved one's estate. In this instance, you can request that the court appoint you as the personal representative.

Whether you are an executor of a will, a family member or friend, [Mary E. Mullin, Attorney at Law](#) would be happy to navigate you through the probate process and be a listening, caring support system for you throughout this often stressful and emotional time. We will help you identify which steps you need to take,

following the passing of a loved one and can also assist you with planning for your own future, after a family member's death. Don't delay in receiving the counsel you need in order to carry out your legal, tax and administrative responsibilities correctly!

Still have more questions? Perhaps you are wondering "how long will probate take," "how much will it cost," "do I have to go to court," or maybe another question entirely is plaguing you. Our law office is licensed to practice probate law in our jurisdiction and is a reliable source of information for you!

The unique nature of your situation makes our advice and counsel the best method for determining your specific needs and what course of action you should take! For more probate information and advice, check out our website today or contact our firm at (562) 283-5507! We are proud to offer prospective clients a **free case evaluation!**

FIRM NEWS