

Common words in **probate** cases

Administrator:

The person (usually the spouse, domestic partner or close relative) who the court appoints to manage the estate of a person who dies without a will. The administrator is also called the personal representative of the estate.

Estate paperwork:

An estate is all the money and property owned by a person, living or deceased. When a person passes away, their estate may be probated through the courts or disbursed in other ways, such as a small estate affidavit if available under the state's laws.

Executor:

A person named in a will and appointed by the court to carry out the deceased person's wishes. The executor is also called the personal representative of the estate.

Intestate:

When someone dies without leaving a will.

Intestate succession:

The order in which heirs inherit from a decedent's estate when there is no will.

Living trust:

A trust set up during the life of a person into which assets are placed, often for their own benefit during their lifetime, and transferred to a beneficiary at death.

Personal property:

Things like cash, stocks, jewelry, clothing, furniture or cars.

Personal representative:

The administrator or executor that the court appoints to manage the estate.

Probate:

The court process for distributing a deceased person's assets, paying debts owed by the deceased person, and settling the financial affairs of people when they die.

Real property:

Buildings and land.

Small estate affidavit:

A form used to collect personal property of a decedent when probate is not necessary, and the total value of the estate is worth less than the state-specified amount (usually between \$1,000 to \$100,000).

The affidavit is used to distribute the property without going through the probate courts. The affidavit lists all successor(s) or affiant(s) to the decedent's estate.

Small estate affidavits may also be referred to as:

- Affidavit of decedent's successor for delivery of certain assets owned by decedent
- Affidavit of collection of personal property
- Affidavit of claiming successor
- Affidavit of entitlement

Successor:

Anyone who has the legal right to receive property of a person who dies, under the probate code (usually under a small estate affidavit).

Testate:

When someone dies leaving a will.

Trust paperwork:

A trust is a relationship created at the direction of an individual (settlor), in which one or more persons (trustee) hold the individual's property subject to certain duties to use and protect it for the benefit of another (beneficiary).

Will:

A legal paper that lists a person's wishes about what will happen to his or her property after death. A will has to be taken to the probate courts to establish an estate, unless a small estate procedure is available.

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