

I was told I have to publish something in the local paper, what is that?

You are not required to publish anything in the local newspaper. We handle that for you. What we publish is called "A notice to creditors." This notification informs anyone who may hold a debt that your loved one owes that they may file a claim against the estate. They have sixty (60) days from the date of the first publication to file these claims. Once a claim is received in our office and it is within the timeframe, we will forward that claim to the personal representative of the estate for them to handle.



I have never done this before, will you help me?

Certainly! We acknowledge that you have recently experienced a profoundly challenging period in your life, and we understand that you do not require additional stress or anxiety at this time. Our team and I are committed to providing you with support and guidance throughout this process, ensuring that you have ample time to process your emotions and address your concerns without undue pressure.



Do I need an appointment to open the estate?

To ensure that our families receive our undivided attention and avoid feelings of being rushed, we kindly request that everyone schedule an appointment to open an estate. To schedule an appointment to open your loved one's estate, please contact my office at (304) 772-3096 Extension 3



"What we have once enjoyed, we can never lose. All that we love deeply becomes a part of us."
~Helen Keller

"Grief, I've learned, is really just love. It's all the love you want to give but cannot. All of that unspent love gathers up in the corners of your eyes, the lump in your throat, and the hollow part of your chest."
~Jamie Anderson

"Grief is the last act of love we have to give to those we loved. Where there is deep grief, there was great love"



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Monroe County
West Virginia

Estate Process Overview

Jeremy E. Meadows
County Clerk

Introduction

First and foremost, I would like to extend my deepest sympathies for the loss of your family member or friend. The loss of a loved one is one of the most profound and painful experiences one can endure. During this difficult time, the responsibilities and information that are entrusted to you may seem overwhelming. I want to assure you that our office is here to provide support and guidance during this challenging period.

West Virginia State Law mandates that an estate be opened upon the passing of an individual. This process is often referred to as “tying up any loose ends” that the decedent may have left behind. In this brochure, I hope to address some of the questions you may have regarding this process.



Did the decedent leave a Will?

To determine the distribution of assets, it is crucial to ascertain whether your loved one had a will. A will serves as the last testament of your loved one's wishes, ensuring their final wishes are carried out. A will can be drafted by an attorney or prepared by hand.

If a handwritten will exists, it must adhere to specific requirements:

- The will must be entirely in the decedent's handwriting.
- The will must be signed by the testator (decedent).
- The will must be witnessed by two individuals who have no interest in the estate.
- The signatures of both witnesses must be affixed to the will.

If a will exists, the original document should be obtained, not a copy. The will may be stored in safes, safety deposit boxes, or secure locations. If your loved one had a will, you may access and review it. Upon delivery to our office, we will retain the original will for safekeeping. It is never destroyed and remains on record.

The will should specify the individual(s) appointed to manage the estate. This person(s) will need to contact our office to schedule an appointment to open the estate.

The decedent had no will, now what?

If your loved one did not have a will, the distribution of their estate will proceed in a slightly different manner. The surviving spouse will be granted the first opportunity to administer the estate. However, if there is no surviving spouse or if the spouse predeceased the decedent, the decedent's children will then be required to make a decision regarding the administrator of the estate. Children who do not wish to serve as administrators must submit waiver forms obtained from the County Clerk's Office. These waivers only relinquish the child's right to administer the estate; they do not relinquish any inheritance rights they may have. If the decedent does not have a spouse or children, then any surviving parent or siblings will then be in line to administer the estate.



What information do you need to start an estate?

To initiate the estate process, the following information is required:

- The decedent's Social Security Number
- An official obituary from the funeral home or a death certificate.
- A list of heirs (without a will) or beneficiaries (with a will), along with their addresses. Please obtain these addresses prior to your appointment.
- An estimate of the estates value, including checking accounts, real estate owned, and personal property owned by the decedent.



What is a bond? Will my loved ones estate need one?

A bond safeguards the assets of your loved one's estate. Should the administrator of the estate intentionally misappropriate funds or items, and this is proven in a court hearing, the bond will compensate for those items. There are two types of bonds:

- Personal Recognizance Bond—This bond serves as personal liability insurance. If the aforementioned occurs, you will personally be held responsible for the amount the court deems appropriate.
- Insurance Company Bond—This bond is issued by a local insurance company and is a monetary bond. You will be required to pay a specific amount to the insurance company.

All estates in West Virginia are legally required to post a bond. My probate clerk or myself will determine the specific type of bond that the estate will need.



Do I have to have everything they owned appraised?

While an appraisal or inventory of the decedent's personal and real property is required, it is not necessary to appraise every item. During your appointment, my Probate Clerk or myself will provide you with an overview of the appraisal process. You are not required to provide a comprehensive list of the decedent's possessions. Instead, we will categorize them into different sections, such as household items, furniture, and garden items. Next, we will determine a basic value for each category based on its potential resale value. Additionally, we will consider the value of the decedent's real estate if it were to be sold. This will provide us with the “fair market value.” However, it is crucial to be realistic in pricing the estate to avoid potential property gains tax liability if the value is undervalued.