

# A Handbook for Personal Representatives



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# A HANDBOOK FOR PERSONAL REPRESENTATIVES

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Trust Law Section**

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# PREFACE

As the personal representative selected to oversee the probate of an estate, you've been entrusted with a great deal of responsibility. How you carry out this responsibility may have important legal and financial consequences for other people, and for yourself as well.

Your appointment officially makes you an officer of the court: you're obliged to be completely fair and open with all parties in settling the deceased's estate and to uphold the law in all your official activities. If you misunderstand your responsibilities, you may incur personal liability, even if you've acted in good faith.

*So it's very important that you fully understand what your duties are and how the law requires that you perform those duties.*

This handbook was designed to provide a "road map" to the probate process and your role in it. It explains basic concepts, defines terms you'll need to know, outlines the tasks you'll need to perform, and contains a great deal of additional information to help you carry out your responsibilities. You'll want to read it carefully right away, and then refer to it frequently as you proceed through all the stages of probate.

But this handbook is *not* a substitute for having an attorney. Every probate proceeding is unique, and the laws can change at any time. Only a trained expert who knows the law and how it applies to different circumstances can help you analyze complex questions and interpret the law properly in various situations.

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## DO THIS NOW

Sometimes the most difficult part of a job is knowing where to begin. Here are the steps you should take right now:

1. *Read this entire handbook.* You don't need to memorize all the details at this stage, but you do need a general understanding of the probate process and your role in it. Later on, you can come back and study individual sections more closely.

2. *Select an attorney and come to a clear agreement about the services to be provided and the fees to be charged.* One of the first things you should do with your attorney is to review this handbook together and discuss any questions you have.

3. *Take immediate control of all property in the estate, make a complete inventory and insure it fully.* Details on these tasks are included in this handbook.

4. *Start your record keeping immediately.* You need to keep a record of all income, bills, and so forth. Again, you'll find guidelines in this handbook and a sample record-keeping form on page 20.

5. Here's one more important piece of advice: *keep things moving.* One of the most common sources of problems in this area is procrastination.

## IMPORTANT

This handbook was prepared based on law as it existed in July 2007. It is issued to inform, and not to advise. No person should ever apply or interpret any law without the aid of a trained expert who knows the facts, because the facts may change the application of the law.

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# INTRODUCTION

When a property owner dies in Wisconsin, whether with or without a will, state law requires a legal proceeding to settle the estate. This proceeding is called “probate.” It must take place in the county circuit court where the deceased lived. If the deceased lived out of state, a probate proceeding must be started in any Wisconsin county in which he/she owned real estate.

The purpose of probate is to do the following:

- collect, inventory and value all of the deceased’s property;
- protect the property;
- determine and pay debts, administration and tax expenses

(including income and death taxes);

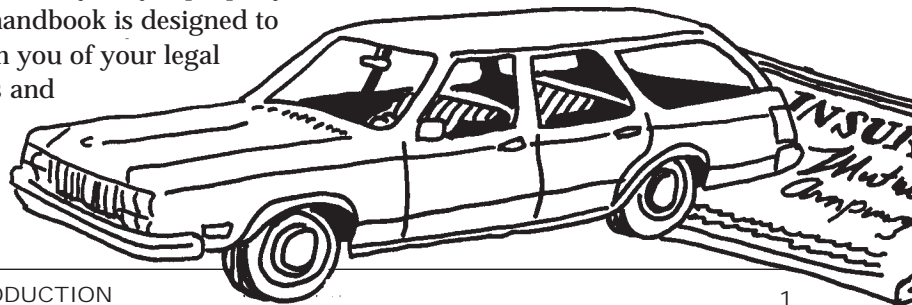
- determine who is entitled to share in the estate; and
- distribute the estate to the proper parties, in the proper

form.

In most cases, probate requires that one person be appointed to oversee the process and to make sure that the deceased’s estate is settled properly. In Wisconsin, this person is called a *personal representative*. In some other states, the term “executor” is used instead. If the deceased died “testate” – that is, with a will – the will names a personal representative. If the deceased died “intestate” – that is, without a will – the court will select a personal representative. No matter how you were chosen for this role, your duties are the same.

Indeed, you have many duties under the law. As mentioned in the preface to this handbook, it’s very important that you understand how you’re required to proceed, because if you don’t you may incur personal responsibility and liability, even if you’re acting in good faith and trying to do your job properly.

This handbook is designed to inform you of your legal duties and



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responsibilities. However, you also should work under the guidance of an attorney, who has the necessary training and experience to prevent you from making honest but costly mistakes.

### **SOME SPECIAL CASES**

There are a few exceptions to the requirement that a personal representative be appointed. A personal representative may not be necessary if the legal requirement to settle the estate is satisfied by one of the following: a “termination of joint tenancy”; a “termination of marital property”; a “certificate of descent”; a “summary assignment”; a “summary settlement”; a “termination of life estate”; or a “transfer by affidavit.” Each of these terms refers to a specific legal instrument or procedure. You can ask your attorney if any of these exceptions apply to your case.

Finally, if there’s a delay in appointing a personal representative, and/or if there’s an immediate need for someone to act in the deceased’s behalf before the personal representative can begin settling the estate, the court may appoint a “special administrator.” Essentially, this special administrator fills in until the personal representative is ready to take over. The special administrator must consult with an attorney before doing anything, and in some cases must obtain the court’s direction or approval before acting.

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# FIRST THINGS FIRST

When you assume the role of personal representative, there are some basic “housekeeping” tasks that have to be accomplished before you do anything else. Here they are.

## **TAKING TITLE**

You take title to the deceased’s interest in property (both real estate and personal). “Title” refers to ownership of property; it goes to you upon your appointment as personal representative. This gives you the legal right to receive income, make payments, and conduct other business associated with the property.

## **RECEIVING EVIDENCE OF AUTHORITY**

You receive the authority to act in behalf of the deceased. The court bestows this authority upon you and gives you signed and sealed “domiciliary letters” – legal documents that serve as evidence of this authority. For a charge, the court will issue extra certified copies on request. You should bring a copy of these letters with you whenever you transact estate business.

## **RETAINING AND WORKING WITH AN ATTORNEY**

Although you have primary responsibility for administering the estate, in most cases the law requires that you retain an attorney to help prepare the necessary legal documents and to see that you comply with the laws of probate. There’s a type of simplified proceeding known as “informal administration,” in which an attorney isn’t required, although it’s still advisable to have one.

Select an attorney carefully, because he or she will be your closest adviser. The attorney will make certain the estate proceeds as quickly as the law allows and will represent the estate at court proceedings. Whether the estate is large or small, the attorney must exercise great care and assume responsibility for advising you on the probate process and tax payment.

As personal representative you must be prompt in obtaining

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information and reports the attorney requests, and you should cooperate closely with him/her in preparing legal documents, especially the inventory described later. Your failure to do this could delay the completion of probate and cause the court to remove you as personal representative.

### **POSTING BOND**

Because personal representatives often deal with substantial property and funds, the court usually requires them to post bond to secure their proper performance. The court sets the amount based on the estate's estimated value. Some wills may exempt personal representatives from posting bond, but the court may require one anyway.

This bond may be signed by persons who own property in the county, or you can purchase it from a bonding or insurance company, in which case it's called a "corporate surety bond." The bond is subject to court approval.

### **OPENING A SEPARATE BANK ACCOUNT**

You need to open a new checking account for the estate. The estate checking account should be in the estate's name, such as:

Estate of John A. Doe  
Jane P. Doe, Personal Representative

Place all money you receive as personal representative in this account. It's especially important that each item deposited into the estate checking account be separately accounted for to eliminate problems later when the final account is prepared. If possible, use duplicate deposit slips listing each item separately. Make all estate payments by check, and keep all canceled checks and bank statements in a safe place where they're readily available to you and the estate attorney. Don't pay *any* estate expenses in cash.

Your attorney will usually advise you to open a savings or investment account in addition to the checking account. This second account ensures that deposited funds collect interest during probate, because assets should not be left idle during the proceedings.

*Do not put your money in the estate accounts, and never put estate money into your personal account.*

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# YOUR DUTIES

As personal representative, you're the impartial representative of all parties with an interest in the estate, including persons with claims. You're actually an officer of the court, and in many counties you must take an oath, swearing that you will uphold the law and fulfill the duties of your office.

Your job is to take possession of all the estate property and distribute it properly. In doing this, you must be completely fair and open in dealing with all parties involved.

Your principal duties are:

- Take possession of and protect all property (both real and personal).
- Keep all property properly insured, including maintaining the necessary liability insurance.
- Prepare a complete inventory of the estate's assets, and notify interested parties that they may have a copy of the inventory upon request.
- Receive any rents and payments due, and collect interest, dividends and other income.
- Prepare a list of claims filed, with full details, and furnish it to interested parties who request such a listing.
- Determine the names, ages, residences and degree of relationship of all possible heirs, as well as beneficiaries named in the will.
- Litigate or settle any pending lawsuits in which the deceased had an interest.
- Keep the estate's property in good repair.
- Obey and perform the probate court's orders.
- Determine and pay inheritance, estate, state and federal income taxes, and state and federal gift taxes.
- Advise each beneficiary of the inheritance tax value of his/her bequest.
- Object to invalid claims of creditors, pay the valid claims and, if necessary, sell estate property to do so.
- Prepare a complete final account for filing in circuit court and provide copies of the final account to interested parties.

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□ Distribute the remaining assets to the proper beneficiaries and file receipts with the court.

□ Keep all interested parties fully informed of estate progress.

If you fail to perform your duties, you can be held liable for the loss you cause the estate, and the court can order your removal. Also, the court can require the party furnishing your bond to repay the estate.

*There are severe consequences for an irresponsible or neglectful personal representative.*

## PREPARING THE INVENTORY

You must prepare an inventory of all the deceased's property. The inventory requires a complete listing and often a complete physical check of the deceased's assets. Valuations are to be made as of the date of death. You must maintain a *general inventory*, which lists all property in the estate. In addition, you may need to maintain a *selection of personal property* list, which describes all property that is selected by the surviving spouse. In this case, the selected property will appear on both lists.

The inventory must include all property subject to probate administration. You must indicate any mortgages, liens or any other indebtedness against any item. The law also requires that marital property be identified. It may be useful where marital property is involved to classify property completely and to seek the court's approval. Be sure to inventory all marital property, even property that is titled in the surviving spouse's name.

Ordinarily the attorney prepares the actual inventory form for the court. But it's your responsibility to make an accurate accounting of items and see that they are properly listed and preserved until distributed to estate beneficiaries or sold.

Not more than five days after filing an inventory with the court, you should mail or deliver a statement to the surviving spouse and to all other persons interested (except those whose only interest is as beneficiary of a monetary bequest or a bequest of specific property). This statement must tell them that the inventory has been filed and that a copy will be sent to them upon their written request.

## WHAT TO INCLUDE IN THE INVENTORY

The listing below is not intended to be a complete list of possible assets.

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It's provided here only to suggest possible assets and the information needed to describe these assets.

1) **Real estate.** Provide your attorney with a list of all real estate in which the decedent had an interest. This includes any and all forms of ownership interest, including "individual," "joint," "tenancy in common," "life estate" and "remainder interest after life estate"; your attorney can help you identify the types of interest, if necessary. Joint tenancy means that an item of property is owned jointly by two or more parties, with the agreement that when one party dies the other(s) will have full ownership of the property. Life tenancy means that an item of property belonged to the deceased only for his or her lifetime. List the city, village or town; street address; legal description; amount of land; improvements; if rental property, give rental and names of tenants; if mortgaged, list mortgagee, amount and when payments are due; taxes, when last paid or what is presently due; abstract or title insurance; whether abstract is current; and insurance on the property, including each kind (such as fire, liability and so on), amount, company, policy number, local agent and expiration date.

2) **Personal property.** This includes all property other than real estate and covers a variety of belongings. When preparing your list for the attorney, you may find the categories listed below helpful.

a) *Automobiles and trucks.* Include make and model, year, title, serial or motor number, license number, insurance, liens or security interests.

b) *Household furniture.* Major pieces usually are described room by room, with pieces of greater value such as refrigerator, stove, laundry equipment and antiques listed separately; mortgages or other incumbrances against them.

c) *Farm machinery.* List each major item separately, with year and model number, mortgages or other incumbrances.

d) *Farm livestock.* List each animal or group of animals or fowl separately, naming the kind, age, other identifying characteristics, mortgages or other incumbrances.

e) *Business inventory (not stocks in corporations).* List stock in trade, fixtures, tools and equipment of each business in which the deceased was owner or part-owner separately. If you don't feel qualified to make this listing, ask for help from another part-owner or an experienced employee.

f) *Personal insurance.* List each policy under which benefits are

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payable (such as life, accident, health, hospitalization and so on) separately. Include company, serial number, amount, beneficiary, whether the most recent premium was paid, and annuities or retirement benefits. (This list will not include policies on real estate, machinery or equipment.)

g) *Cash assets.* If in a bank or savings and loan company, list name of account, checking or savings, name of bank and address, and amount of deposit. List exact cash amount in the deceased's possession or safe deposit box. Joint accounts should include the name and address of each joint owner.

h) *Promissory notes.* Include name and address of maker and endorser, principal amount, date due, interest rate, present balance due, accrued interest and dates of interest. Also list whether note is secured by a mortgage and describe.

i) *Other receivables.* Accounts receivable and other obligations owing to the deceased.

j) *Stocks and bonds.* This list should include name of issuing company or association, serial number, type of issue, registered owner, interest rate and dates on bond, date last dividend was paid, accrued dividends and interest, principal amount or par value of each bond or stock share. Jointly owned stocks or bonds should be listed separately with owners.

k) *Collections of value* such as stamps, coins, buttons, books and so on.

l) *Jewelry, furs or other items* of personal adornment value.

m) *Any other miscellaneous valuable items*, including but not limited to boats; boating, camera, hunting or fishing equipment; snow-mobiles; power tools; china; silver and so on.

n) *Any inherited property*, whether received or to be received from an estate or trust in process.

If you have any questions about listing ownership of property, ask your attorney.

## IDENTIFYING OTHER ASSETS

Some assets need not be included on the inventory, but they may be reportable for tax purposes. For this reason, you should gather information on the following items:

- 1) life insurance payable to named beneficiaries;
- 2) property over which the deceased had a power of appointment;

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3) gifts made by deceased – to whom, when and amount of each. Some gifts are exempt. Federal law exempts some gifts up to a certain amount to any person. That amount has changed over time. It was \$3,000, and later increased to \$10,000. For gifts made from 2002 through 2005 it is \$11,000. For gifts made in 2006 and 2007 it is \$12,000. The government may adjust the amount, so you should consult an attorney to determine whether a gift will qualify for the exemption and what the exemption amount is for the year of the gift.

4) transferred property in which the deceased still retains the use or income;

5) property held in joint tenancy or as survivorship marital property; and

6) any property in which the deceased had a life estate at the time of his or her death.

## IDENTIFYING ALL CLAIMS AGAINST THE ESTATE

During informal probate the court or probate registrar sets the deadline for filing a claim against the estate. This date should not be less than three nor more than four months from the date of the court's order. The deadline for filing a claim against the estate should be published in a local newspaper. This notice will announce to creditors that they must file their claims before the date specified in the court's order.

Failure to file a claim by the specified date will not prevent a creditor from filing a claim in circumstances where the creditor did not have actual knowledge that the estate proceeding was pending. Therefore, as personal representative you should exercise reasonable diligence to determine the existence of potential claims against the estate, the potential claimant's identity and his or her mailing address. You then should send a copy of the form to any potential claimant so identified.

When the time for filing claims expires, you should examine the claims that have been filed, prioritize them and, if marital property is involved, classify the claims. You may contest a claim or the consequences of a classification, or assert an offset or counterclaim in court. To do so, a copy of the objection, offset or counterclaim is served upon the claimant by mail or personally filed with the court. The objection, offset or counterclaim may be served any time prior to entry of judgment on the claim, unless the claim has been served upon you or the estate's attorney. In this case the objection, offset or counterclaim must be served upon or mailed to the claimant and

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filed with the court within 60 days after the copy of the claim was mailed to or served upon the personal representative or the estate's attorney.

After the final date for filing claims, the court will hold a hearing to determine what claims should be paid. It is your duty to pay the claims allowed and to file receipts with the court.

Any person interested in the estate may make a written request to you for a statement listing all claims that have been filed against the estate. Within five days after receiving the request, you must mail or deliver a copy of the statement showing each claim, the claimant's name, a brief description of the claim's basis and the amount claimed.

You may pay unfiled claims against the estate upon proof that they are just claims. You may do so any time before the deadline for filing claims or at any time after the deadline with the consent of the heirs or beneficiaries affected by the payment.

You should direct any parties wishing to file a claim to your attorney, their attorney or to the county circuit court where the estate is in probate. There they can obtain a claim form to file.

## KEEPING FINANCIAL RECORDS

One of your major responsibilities is to keep accurate records of the estate's income and expenses. You're accountable for all money you receive or spend on behalf of the estate. It's most helpful to have a daily listing of each item showing the date, person or company from whom it was received or paid, the purpose and exact amount. This record should be separate and in addition to the checking and savings or investment accounts you maintain for the estate. Appendix A is a sample daily record.

You must also keep accurate records of your own expenses as personal representative. By law you're entitled to be reimbursed for travel, postage or other miscellaneous expenses. You'll need your records when you seek approval for reimbursement at a later time. The court may also require proof that all expenses claimed by you or your attorney were paid.

## DETERMINING AND PAYING TAXES

You must complete, or arrange to have completed, all necessary tax returns for and on behalf of the deceased. You must also pay taxes due from the estate on time. The following tax returns are your responsibility:

- 1) *Deceased's last income tax return.* Give prompt attention to federal

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and Wisconsin state income tax returns that have not been filed for periods prior to death.

2) *Estate income tax returns.* Income received during administration must be reported on special “fiduciary” income tax forms and filed with both federal and state tax authorities. You must work closely and carefully with your attorney in deciding what administration expenses, if any, may or should be claimed on these returns as deductions, and what time period will be covered by the first fiduciary returns filed by the estate.

3) *Wisconsin death taxes. Wisconsin estate tax.* Before Oct. 1, 2002, Wisconsin’s only estate tax was a tax equal to the credit allowed for state death taxes on the federal estate tax return of the deceased’s estate. Beginning Oct. 1, 2002, and through Dec. 31, 2007, Wisconsin limited the exclusion to \$675,000 and amounts above that are subject to tax. The amount of the tax is calculated on Wisconsin estate tax return, Form W706 which can be obtained online at [www.dor.state.wi.us](http://www.dor.state.wi.us).

4) *Federal estate tax.* If a federal estate tax return is required, you’re responsible for filing it and paying the tax due on it. Only larger estates must file such a return (generally, under present law, if the estate exceeds \$1,000,000 for deaths in 2003, \$1,500,000 in 2004 and 2005, \$2,000,000 in 2006 - 2008 and \$3,500,000 in 2009). The return and payment are due within nine months of the date of death. Failure to file the return and pay the tax due within this time will subject the estate, and possibly yourself, to substantial penalties and interest.

5) *Gift tax returns.* Early on, you need to determine whether the deceased made gifts, the gift size, and whether necessary gift tax returns were filed. You’re responsible for filing any gift tax returns that may be due.

The responsibility placed on you as personal representative in the tax area may seem awesome. But you’ll have expert help in this area from your attorney. Always consult with your attorney before making any final decisions regarding taxes.

## **SELLING THE ESTATE’S ASSETS**

As personal representative, you may sell, mortgage or lease estate assets, including real estate, without notice, hearing or court order. The exception is assets that the will has specifically bequeathed: you can’t sell or encumber any of these. You’ll be held financially responsible to the interested parties if you act carelessly or unreasonably when selling estate assets.

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Any transfer of an estate's real estate should be made by a "personal representative's deed," since a personal representative cannot give a warranty deed. This fact should be noted when signing a listing contract with a real estate broker. Of course, you should show any documents to the estate's attorney before signing them.

Never make any promise, either written or oral, to sell or otherwise dispose of any property until you have discussed it fully with your attorney.

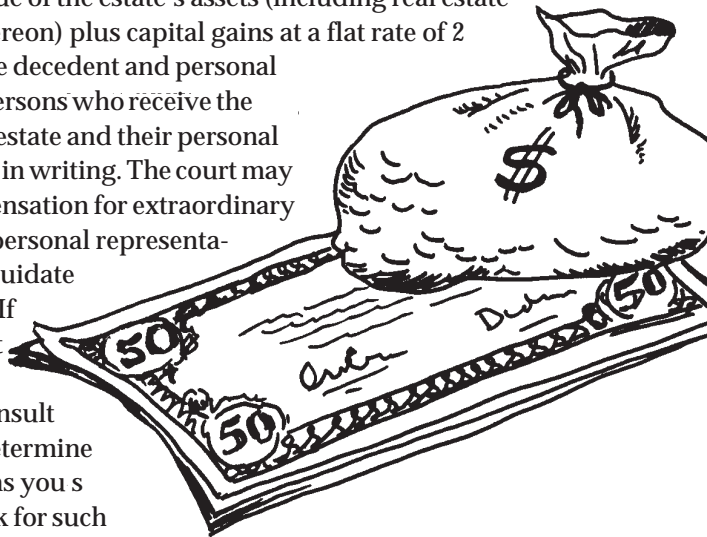
*Unless specifically authorized by the deceased's will, you are not allowed to buy any estate property yourself without approval of the court or all interested parties. If you want to sell estate assets to your relatives, or at amounts less than the appraised value, you may need court approval.*

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# FEES

## PERSONAL REPRESENTATIVE FEES

Under law, besides being reimbursed for your expenses, you're entitled to fees based on the value of the estate's assets (including real estate values but less liens thereon) plus capital gains at a flat rate of 2 percent or a rate that the decedent and personal representative, or the persons who receive the majority interest in the estate and their personal representative, agree to in writing. The court may allow additional compensation for extraordinary services such as when personal representatives operate and/or liquidate a deceased's business. If you anticipate a request for extraordinary services, you should consult with your attorney to determine when and on what items you should record time to ask for such extra compensation. Some courts will approve travel by out-of-state personal representatives as extraordinary expenses.



You also should be fully aware that the court may reduce or deny fees to you if you don't carry out your duties in accordance with the law.

Your personal representative fees are reportable on your income tax returns and may be deductible to the estate. You may, if you wish, waive the fee payment from the estate.

## ATTORNEY FEES

As personal representative, you select an attorney for the estate and enter into a personal contract with him or her. It's your right to fire that attorney, if you decide to, subject to any terms of your contract.

Because probate is governed mainly by written laws that require detailed work, a substantial amount of time and overhead expense are

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involved on the part of your attorney. As the estate's size increases, the tax problems become greater – and so may your attorney's fees. It is always recommended that you discuss fees fully with the attorney when probate begins. This simple step, perhaps followed by a binding fee contract, can help you avoid many problems later on. The court usually will refrain from interfering with this relationship, but the court retains the authority to determine the appropriateness of the fees.

When fees are questioned the court considers the following factors when there is no direction in the will: the time and labor involved; the attorney's experience and knowledge; and the complexity and novelty of the problems encountered during the estate's administration, including the payment of estate taxes. The sufficiency of the estate assets properly available to pay for the attorney's fees also can be considered, but the estate's value is not a controlling factor. Fees must be just and reasonable.

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# A TIMETABLE

You must be aware of time limits imposed by law on completing many phases of estate administration. Your failure to act timely, even if such failure is unintentional, can result not only in your discharge as personal representative but also in your personal liability.

Here is a schedule of some of the important dates, prepared according to the law as it existed in August 2006. Remember, though, Wisconsin probate and tax law is changing constantly, so you should review this timetable with your attorney.

<b>Document or filing</b>	<b>Date to be done</b>
Date of deceased's death (D.O.D.)	Many dates are calculated from the D.O.D
Date of appointment of personal representative (D.A.)	Many dates are calculated from the D.A.
Date to file will with court	Within 30 days after D.O.D.
Publication of notice of time for filing claims and determining heirship	Within 15 days after date of order fixing such time limit
Notice mailed to known creditors	To be given as soon as possible after D.A. or when creditor is known. If not given, time for filing a claim may be extended
Filing claims with court	Within three months after date of order fixing such time limit unless no mailed notice was given
Objecting to claims	Prior to entry of claim's judgment, unless the claim was served

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<b>Document or filing</b>	<b>Date to be done</b>
	upon the personal representative or the attorney for the estate. In this case, within 60 days after service.
Claims must be heard	Within one year after filing
Listing of all claims when requested by interested parties	Within five days after receipt of request
Filing of inventory with court	Within six months after D.A. in formal administration
Notice of inventory on file (not required if bequests are only money or if waived)	Within five days after filing inventory
Election of deferred marital property or augmented marital property	Within six months after date of spouse's death
Renunciation of interest	Within nine months after D.O.D.
Deceased's final income tax return due	By April 15 of year after year of death
First estate income tax returns	The 15th day of the fourth month after the close of the fiscal year selected. A fiscal year cannot exceed 12 months commencing with D.O.D.

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<b>Document or filing</b>	<b>Date to be done</b>
Wisconsin estate (pick-up) tax due	Within nine months after D.O.D.
Notice to distributees of Wisconsin inheritance tax return	Within 10 days after filing
Contest of inheritance tax determination	Within six months after date of closing certificate
Federal estate tax return due	Within nine months after D.O.D.; the valuation date will be the D.O.D. or alternate valuation date of six months after D.O.D.
Time for closing estate	Within 18 months after petition for administration or application for informal administration*
Final account filed with court	At least three weeks before hearing on final account unless notice of hearing waived (formal administration only)
Receipts from distributees of personal property filed with court	Within 120 days after final judgment entry (formal administration only)

When informal administration is used, the law does not impose any specific dates for filing documents with the court (except claims), but the administration is to be completed within 18 months of date of death. Local courts and probate registrars have wide authority for establishing rules that apply to informal administration, so you need to find out about local court practices.

\*However, many counties are now requiring the estate to be closed within 12 months and it is necessary to apply for an extension of time to close after that.

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After assets are distributed to the beneficiaries in informal administration, a closing statement is filed with the court. There's a limit on how long you may be held liable for breach of fiduciary duty by interested persons and certain creditors. With some exceptions, you no longer have liability six months after filing the closing statement.

It's difficult to predict with certainty how long it takes to settle any estate, because each one is different. Your attorney may request that you take the maximum time allowed by law in order to exercise certain tax options. Considerable money can be saved by using proper tax planning, and sometimes such planning requires holding the probate proceeding open for longer time periods. There are even times when the estate must or should be held open beyond the time set by law for closing. Then a petition for extension should be submitted to the court, setting forth the reasons for the extension and the estimated time needed to close the estate. The court will honor a reasonable request of this type and extend the time for a certain period.



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# ESTATE CLOSING

The final stage in probate is the closing of the estate. The procedure is different for formal and informal probate proceedings. Here's an overview of both types of closings.

## FORMAL ADMINISTRATION

1) **Final account.** When you petition the court for the estate's final settlement, you must file a verified accounting of your administration. You're required to give notice of the final account's hearing or to secure waivers of notice of hearing from all interested persons. Then you also should mail or deliver a copy of the account to each person. Unless notice of hearing is waived by all interested parties, the court must hold a hearing on the final account at a time not less than three weeks after the account's filing.

2) **Distribution.** After the court enters final judgment – after you've settled and paid claims, expenses and taxes – your attorney will give you the proper estate receipt forms and instruct you to distribute the shares to the estate beneficiaries. Make sure these receipts are properly filled out, signed and filed with the court.

3) **Discharge.** After you've distributed the estate and the receipts are on file with the court, the court will sign the order discharging you as personal representative, and you may be released from your bond if the court required one. This will end your responsibilities.

## INFORMAL ADMINISTRATION

In informal administration, court proceedings are required only when problems are encountered, such as when a claim is disputed. You aren't formally discharged as personal representative, and distribution is made by transfer of title, such as through the use of a personal representative's deed, bill of sale or check. Probate-type receipts should still be used for all non-real estate distributions.

# APPENDIX A

## DAILY RECORD OF ALL ESTATE ACTIVITY

		Receipts		Disbmts.	
		All deposits & income		All withdrawals & expenses	
1/1/79	Deposit of personal checking account to start estate checking account at White State Bank	\$ 737	50		
1/1/79	Transfer from Regular Savings Acct. # 01234 to estate checking account (White State Bank)	2,000	00		
1/1/79	U.S. Treasury "E" Bond Interest (Bond No. ABC)	30	00		
1/1/79	U.S. Treasury "H" Bond Interest (Bond #XYZ \$100; and UVW \$100)	200	00		
1/4/79	Brown Funeral Home			2,000	00
1/7/79	Black State Bank CD # 54321 cashed and deposited in Estate Golden Passbook Account #11111 (CD \$2,000 and interest \$120)	2,120	00		
1/15/79	Pink Milk Co. - milk check for the period 12/15/78 through 12/31/78	1,500	00		
1/16/78	Receipt of W.P.S. check	125	00		
1/17/78	Red Milling Co - paid feed bill for period 12/15/78 through 01/15/79			750	00
1/17/79	Sold 1 Holstein calf (appraised at \$200)	225	00		
1/17/79	Green Ins. Co. - refund of health insurance	37	00		
1/20/79	1977 Chev. appraised @ \$3,000 sold for	3,000	00		
1/20/79	Sale of household furniture (appraised at \$1,000)	1,115	00		
1/25/79	Electric bill for period 12/20/78 - 01/20/79			57	00