

## OVERVIEW OF THE ESTATE ADMINISTRATION PROCESS

THE ESTATE OF A DECEASED PERSON IS ADMINISTERED IN A THREE-STEP PROCESS, AS FOLLOWS:

1. The **Appointment** of a personal representative to serve as the Fiduciary over the Estate. The Fiduciary is called an Executor/Executrix if named as such in the Last Will and Testament of the decedent. They are called an Administrator/Administratrix if there is no Will or if the Will does not name a Fiduciary. The appointment of the Fiduciary will normally be made within thirty (30) days from the date of death.
2. The filing of the **Appraisement** of the Estate. The Appraisement is the form created by the State Tax Department to gather information about all of the assets of deceased persons. The Fiduciary must return the appraisement within ninety (90) days after the date of appointment. **Failure to comply with this requirement to return the appraisement by the due date constitutes a \$ 10.00 late fee and is subject to a misdemeanor and may result in prosecution and a fine of up to \$500.00.** The form is standard for the entire state and requires a complete listing of all assets held in the decedent's name alone and or held jointly with any other living person. Once the appraisement is received, it will be recorded in the County Clerk's Office and it will publish in the newspaper on the first two Wednesday's of the next month. The publication will name the decedent, the Fiduciary, and the address of the Fiduciary. The publication of the Appraisement is to give notice to creditors that the **ninety-day period for filing claims against the estate** has begun.
3. The final **Settlement** of the Estate. At the end of the claims period, if there are **NO outstanding claims, a SHORT FORM SETTLEMENT** will be mailed to the Fiduciary to be completed and signed before a Notary by the Fiduciary and each of the beneficiaries. (Make sure the Notary uses their seal for each signature.) If there are **outstanding claims or if the beneficiaries do not agree on the distribution proposed by the Fiduciary, then the Estate must close using the LONG FORM SETTLEMENT.** Once the Office of the Fiduciary Supervisor receives the settlement report and recording fee(s), it will be recorded at the County Clerk's Office, and the names of all Estates ready to be closed will be published in the newspaper on the first Monday of the succeeding month. If there are no objections, **all estates advertised will close by an ORDER of the Kanawha County Commission on the last Thursday of the month in which the newspaper notice was published.** The distribution of the assets to the beneficiaries should take place after the filing of the SHORT FORM settlement is turned into our office. The LONG FORM settlement distribution should be made after the letter stating the distribution is to be made and before the date that the County Commission signs the ORDER to close the Estate. The ORDER terminates the powers and appointment of the Fiduciary and closes the Estate. These forms are to be completed as soon as possible to avoid any future fines or misdemeanor charges.

June 1, 2008