

Why are wills probated?

When someone dies, probate allows the court to intervene and allow that person's property to be given to someone else, including creditors.

Does all property go through probate?

No. Some property transfers without the court's help. For example, if the person who died (the decedent) held a joint bank account with someone else the bank account does not need to go through probate. Real estate that is held as *tenants of the entirety* and most life insurance will also pass without probate (without the help of the court).

Small estates, those that are worth less than \$50,000.00, may also pass without the help of the court (without going through probate).

What does 'probating a will' mean?

Probating a will is the procedure which makes a decedent's wishes and directives a matter of public record. By admitting the Will to probate, the document is officially recognized as the Last Will and Testament of the deceased.

What does 'opening an estate' mean?

Opening an estate means the court gives someone the power to transfer ownership of a decedent's assets. Once the estate is opened, the estate can then be *administered*.

It is highly recommended that the probate process be completed with the help of an attorney.