

Wills and Probate

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A will could be made by anyone who is legally competent and at least 18 years of age. The person should be of a sound mind. When a will is being prepared, a testator or the person preparing the will should understand value of his property or estate. He should also be fully aware of the people to whom his belongings will be transferred.

For a will to be valid, it must meet several legal requirements. The laws for validating a will vary from state to state, usually requiring two or more witnesses. The process of determining a will's validity is called probate, which means to prove or testify.

After the death of a testator, an orderly procedure is needed to assist in the proper transfer of property. A probate helps in ensuring that affairs of the deceased are duly settled. It safeguards the deceased's estate, and also helps in paying all debts and taxes. It enlists the names of people entitled to the property and the type of assets. The probate has information that helps in distributing property according to the wishes of the testator.

In most cases, a personal representative or an executor is responsible for handling and settling the deceased's estate. His responsibilities include contacting the heirs and creditors concerning probate proceedings. He determines and pays for state, federal and income taxes. If necessary, the executor may have to sell some part of the property in order to pay pending taxes and expenses.

Probate courts handle issues such as name changes and guardianship proceedings. They handle proving the will, appointing an executor, and settling the estate. When a person applies for probate, he is promising the probate court that he will deal with the estate, as set out in the will and according to law. If he doesn't follow the proceedings of the will, he may have trouble with the court and with the people who should benefit from the will. When there is no will or there are no executors named in the will or the executors have died, the official form is called a letter of administration. Wills provides detailed information on Free Wills, How to Write a Will, Last Will And Testament, Living Wills and more. Wills is affiliated with Living Will Forms.