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Probate Paperwork: Where to Find Critical Estate Documents

You have all of your important personal documents neatly organized and filed away in an easy-to-find place, right? Right. Well, neither does anyone else. And unfortunately, that causes complications for estate executors searching for probate paperwork.

After a loved one dies, executors and other family members usually have to scour closets, computers, filing cabinets or even piles of old mail to locate the documents they need to settle the deceased person's estate. They may have to contact professional advisors (such as accountants or lawyers) and friends to determine if a Will exists and locate other key documents to complete the probate paperwork.

Here are some tips for what key documents you need for the probate process, and where to search for them.

Probate Paperwork: What You'll Need

The first step of settling any estate is determining if a Will exists. If it does, you will need an original signed version – copies won't hold up in court. If there is no will, intestate laws will guide the estate settlement process.

The second step is to compile an inventory of the deceased person's assets. The Will (if one exists) and the asset information must be presented to the probate court to determine if probate is even necessary. If the deceased person's assets were all jointly owned by, say, a spouse, or beneficiaries are already designated on assets like retirement accounts, probate may not be necessary.

Some states don't require probate if the estate is valued below a certain amount. This is why knowing the total value of the deceased's estate is so important.

To compile the all-important inventory, you will need these key documents:

- original version of the Will
- titles and deeds to personal property such as real estate and automobiles
- recent bank and investment account statements
- insurance policies and annuities
- business ownership documents
- appraisal valuations of high-value personal belongings such as jewelry and furniture

As you search for probate paperwork, keep any other legal documents you find. These may be needed later in the estate settlement process. These can include personal trust documents, divorce decrees and any legal contracts. When in doubt, save it!

Probate Paperwork: Where to Look

In the house, start your sweep by checking the most obvious places. These include filing cabinets, fireproof lock boxes (which may be hidden in a closet or under a bed) and recent mail. Important probate paperwork may also be in a safe-deposit box at the deceased person's bank or credit union.

Some people have their attorney hold the original copy of their Will, so it's worth finding out if the person had an attorney and contacting them. If you know the decedent's passwords, you may also be able to log into their online accounts and review financial account information.

If you're unable to find the records you need, expand your search. Look under beds and through drawers in the house. Call trusted friends and family members who may know the whereabouts of those documents or may have been asked to keep a copy of the Will.

What If There's No Will?

If you do an exhaustive search and can't find a Will, don't worry. All states have laws and procedures for how to handle estate distribution in the event that no Will is located. Just focus on compiling a complete and accurate list of the assets and probate law will guide you the rest of the way.

After a loved one dies, it's important to gather important documents quickly, before they accidentally get thrown away. Depending on what you find, you may discover

that the estate doesn't need to go through a lengthy probate process after all.

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