



Gregory L. Ely
Hardy County Clerk
204 Washington St. Rm 111
Moorefield WV 26836
(304) 530-0250

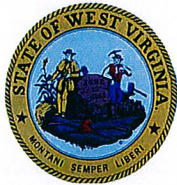


Testate Probate Process [with Will]

In order to be appointed as Personal Representative of a decedent's estate you will need to **call and schedule an appointment**. Qualification to administer an estate should be in the decedent's County of residence.

1. Bring an original death certificate
2. Bring the original Last Will and Testament
3. Person named as Executor(trix) will need to appear before the Clerk of the County Commission, bring a picture ID.
4. Please make sure Will provides for "no bond" or "no surety on bond"; if it does not, a bond will be **required**. [Please contact our office for additional information on bonding, if bonding is required.]
5. Complete list of beneficiaries as set forth in the Will along with mailing address and phone numbers.
6. Name and contact information for the attorney that will be working with you on the estate, if any.
7. You will need to sign papers to appoint you as Personal Representative, and will receive a "Letter of Administration" along with an "Estate Appraisement and Non-Probate Inventory" forms. Nominal fee required at the time of qualification, generally \$50.00+/-, we accept cash or check.
8. Keep track of all money coming into and going out of the estate.
9. You are required to return the Appraisement and Non-Probate Inventory forms within 90 days [2 original 6.01 forms and 1 original 6.02 form if applicable]. Filing fee begins at \$11.00.
10. A Notice to Creditors and Beneficiaries will be published in the local newspaper, the Clerk's office will place the ad. After publication you will be provided with a copy of the publication. The personal representative is to provide a copy of this notice to all beneficiaries, heirs and known creditors. You will also receive an "Affidavit of Mailing Notice," which is to be signed, notarized and returned to the Clerk's Office.
11. The date of publication sets the 60 day claim period for any creditor or beneficiary to appear before the Clerk of the County Commission.
12. Anytime after the 60 day claim period has expired you may file either a Final Accounting Settlement or an Affidavit and Waiver of Settlement to close the estate. Recording fee starts at \$11.00. **Please be sure you have completed all estate business prior to doing this.**
13. A copy of the settlement or waiver will be provided to all listed beneficiaries and creditors on file.
14. This form will be held a minimum of 10 days.
15. If no objections is filed with the County Clerk it will be presented to the County Commission for approval at the next regularly scheduled County Commission meeting.
16. If the County Commission approves the settlement or waiver, an order will be issued to record it, close the estate and release any bond. **At this time you are relieved of your duties as personal representative and no longer have any authority to act on behalf of the estate.**
17. If you are unable to complete all of the estate business within 1 year of qualification, WV §44-4-2 provides that the personal representative of the estate file an annual accounting of the estate, and each year thereafter until such time that the estate is closed. Recording fees start at \$11.00.

Some estates require additional actions and/or appointment of a Fiduciary Commissioner.



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Intestate Probate Process [No Will]

In order to be appointed as Personal Representative of a decedent's estate you will need to **call and schedule an appointment**. Qualification to administer an estate should be in the decedent's County of residence.

1. Bring an original death certificate
2. Surviving Spouse will be given preference in qualification to administer an estate during the first 30 days after death and then to others entitled to distribution: After 30 days of death any person with an interest in the estate may qualify to administer the estate, [WV Code §44-1-4].
3. Bring a complete list of heirs along with mailing addresses and telephone numbers.
4. Name and contact information for the attorney that will be working with you on the estate, if any.
5. Bond is **required**. Bond amount is to be equal to the probate assets of the estate for WV residents administrators [for non-resident administrators, the amount is doubled and must be with a Bonding Agency] WV §44-5-3(b). Please call. Options for bonding are as follows for residents of WV:
 - a. Bonding Agency
 - b. Cash bond posted with the County Clerk
 - c. Land bond (resident land owner signature required).
6. You will need to sign papers to appoint you as Personal Representative, and will receive a "Letter of Administration" along with an "Estate Appraisement and Non-Probate Inventory" forms. Nominal fee required at the time of qualification, generally \$50.00+/-, we accept cash or check.
7. Keep track of all money coming into and going out of the estate.
8. You are required to return the Appraisement and Non-Probate Inventory forms within 90 days [2 original 6.01 forms and 1 original 6.02 form if applicable]. Filing fee begins at \$11.00.
9. A Notice to Creditors and Beneficiaries will be published in the local newspaper, the Clerk's office will place the ad After publication you will be provided with a copy of the publication. The personal representative is to provide a copy of this notice to all beneficiaries, heirs and known creditors. You will also receive an "Affidavit of Mailing Notice," which is to be signed, notarized and returned to the Clerk's Office.
10. The date of publication sets the 60 day claim period for any creditor or beneficiary to appear before the Clerk of the County Commission.
11. Anytime after the 60 day claim period has expired you may file either a Final Accounting Settlement or an Affidavit and Waiver of Settlement to close the estate. Recording fee starts at \$11.00. **Please be sure you have completed all estate business prior to doing this.**
12. A copy of the settlement or waiver will be provided to all listed beneficiaries and creditors on file.
13. This form will be held a minimum of 10 days.
14. If no objections is filed with the County Clerk it will be presented to the County Commission for approval at the next regularly scheduled County Commission meeting.
15. If the County Commission approves the settlement or waiver, an order will be issued to record it, close the estate and release any bond. **At this time you are relieved of your duties as personal representative and no longer have any authority to act on behalf of the estate.**
16. If you are unable to complete all of the estate business within 1 year of qualification, WV §44-4-2 provides that the personal representative of the estate file an annual accounting of the estate, and each year thereafter until such time that the estate is closed. Recording fees start at \$11.00.

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Probate Process Non-Residents

In order to be appointed as Personal Representative of a decedent's estate you will need to **call and schedule an appointment**. Qualification to administer an estate should be in the County in which decedent owned property.

1. Non-resident estates should be probated in their State and County of residency **prior** to appearing before the Clerk of the Commission of this County and State. WV §44-5-3(a)(1)
2. Bring an original death certificate
3. Bring the original or exemplified copy of the Last Will and Testament and certified copies of all documents provided by your State and County of residency office. [i.e. order of appointment]
4. Person named/appointed as Personal Representative will need to appear before the Clerk of the County Commission, bring a picture ID.
5. Please make sure Will provides for "no bond" or "no surety on bond"; if it does not, a bond will be **required**.
6. If bonding is required, for non-resident administrators, the amount is doubled the amount of the probate assets of the estate and must be with a Bonding Agency. WV §44-5-3(b).
7. Bring a complete list of beneficiaries or heirs along with mailing addresses and phone numbers.
8. Name and contact information for the attorney that will be working with you on the estate, if any.
9. You will need to sign papers to appoint you as Personal Representative, and will receive a "Letter of Administration" along with an "Estate Appraisement and Non-Probate Inventory" forms. Nominal fee required at the time of qualification, generally \$50.00+/-, we accept cash or check.
10. Keep track of all money coming into and going out of the estate.
11. You are required to return the Appraisement and Non-Probate Inventory forms within 90 days [2 original 6.01 forms and 1 original 6.02 form if applicable]. Filing fee begins at \$11.00.
12. A Notice to Creditors and Beneficiaries will be published in the local newspaper, the Clerk's office will place the ad After publication you will be provided with a copy of the publication. The personal representative is to provide a copy of this notice to all beneficiaries, heirs and known creditors. You will also receive an "Affidavit of Mailing Notice," which is to be signed, notarized and returned to the Clerk's Office.
13. The date of publication sets the 60 day claim period for any creditor or beneficiary to appear before the Clerk of the County Commission.
14. Anytime after the 60 day claim period has expired you may file either a Final Accounting Settlement or an Affidavit and Waiver of Settlement to close the estate. Recording fee starts at \$11.00. **Please be sure you have completed all estate business prior to doing this.**
15. A copy of the settlement or waiver will be provided to all listed beneficiaries and creditors on file.
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19. If you are unable to complete all of the estate business within 1 year of qualification, WV §44-4-2 provides that the personal representative of the estate file an annual accounting of the estate, and each year thereafter until such time that the estate is closed. Recording fees start at \$11.00.

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