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The Basics of Probate

Caregivers facing end-of-life situations seldom stop to think about what will happen after the death of a loved one. After a person dies, friends and family members are often responsible for dealing with a variety of difficult issues including finalizing funeral arrangements, notifying insurance agencies and other concerned parties, and overseeing the probate process.

Probate is a legal procedure that finalizes an individual's affairs after his or her death. It includes:

- Proving that the individual's will is valid
- Identifying and inventorying the deceased person's property
- Conducting a property appraisal
- Paying any debts or taxes owed by the estate
- Distributing property according to the provisions set forth in the will

The executor-or an attorney and the executor-can handle the paperwork and court appearances included in probate. Most individuals choose the latter, as probate attorneys make the entire process much simpler. Probate attorneys can be expensive, however, because they often charge a percentage of the overall estate. If you wish to avoid additional estate costs, try to find an attorney who will work for less than the normal fee, or find an executor's handbook that can help you complete the process without an attorney.

Generally, the probate process occurs as follows:

- The executor (if the deceased had a will) or court-appointed representative (if the deceased did not have a will) files papers with the probate court.
- The individual proves the validity of the will and gives the court a list of the deceased's property, debts, and estate.
- Relatives and creditors are officially notified of the death.
- During the year it takes for probate to conclude, the executor or representative manages the deceased's assets.
- Some property passes through probate, including a simple transfer of property to a surviving spouse, and any property held in joint tenancy or a living trust.

As a caregiver you should find out as much as you can about your loved one's estate-and the probate process-before the need to administer a will arises. The death of a loved

one is emotionally and physically draining, and the more prepared you are, the easier it will be for all friends and family members involved.

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