



Probate

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The passing of a loved one is a painful and sobering experience. One of the last things you'll want to deal with during such a devastating time is handling your deceased family member's estate. We can help you manage the estate, settle any debts and distribute your loved one's assets, with or without a will, so you don't have to face the burden alone.

What is Probate?

Probate is a court-supervised procedure that determines the ownership of property previously owned by a person who is now deceased. When a person dies, all property that does not pass directly by law to others through a community property agreement, beneficiary designation agreement, or other non-probate transfer, is subject to probate under state law. Some estates do not require probate. Whether or not probate is necessary will depend on factors such as the following:

- The value and nature of the assets
- The relationship of the survivors to the deceased
- How title to estate assets are held

In the state of Washington, the probate process is relatively simple and requires very little court supervision. The process requires the preparation and filing of legal documents and may require the holding of one or more court hearings which generally do not require an appearance by the Personal Representative. The person who administers an estate, formerly called an Administrator or Executor, is now referred to as a Personal Representative. A Personal Representative's role is to take possession of and protect the assets of the Decedent.

Avoiding Probate

In Washington State, a husband and wife can enter into a community property agreement. Typically, the agreement takes effect upon the death of one spouse and may cover all or any part of the property acquired by the couple while married. Generally, all property covered by the agreement is transferred to the surviving spouse without the need for probate proceedings. In some cases, informal methods may be used to transfer property without court proceedings. Similarly, an affidavit procedure is available to pass assets in small estates with a net value of \$60,000 or less that contain no real estate. Other assets that are not subject to probate are proceeds of life insurance, retirement benefits, annuities, IRAs, or other assets that are payable by separate beneficiary agreements.

Call us today at (206) 223-1515 to schedule a consultation.