

PROBATE INFORMATION FORM: MIDDLESEX COUNTY CIRCUIT COURT

1. Decedent's full name exactly as it appears on the death certificate:

2. Decedent's full name exactly as it appears on the will & codicil(s), if such document exists:

3. Marital Status: Married Widowed Divorced Never Married Unknown
4. Decedent's residence address at death (street, city, and state):

5. Date & Place of death: _____ Date of Birth: _____
6. Was the decedent a Middlesex County Resident? Yes No
If no, the jurisdiction of probate is where the decedent was residing?

7. Was the decedent in a nursing home at the time of death? Yes No
If yes, where did the decedent reside prior to entering the nursing home?

8. Proof of death: Death Certificate: other _____
9. Decedent died: with a will (and codicils, if applicable) without a will
10. Date of wills (and codicils): _____

11. Name, address & telephone number of ALL PERSONS probating will and/or seeking appointment as: Executor Administrator Probate of Will Only Other: _____

NOTE: If the person seeking appointment is NOT a Virginia resident, you will need a Virginia resident to either co-qualify as executor/administrator or to be appointed as the resident agent. If the Virginia resident will co-qualify with you, they must appear in person at the time of the appointment. If the Virginia resident is just going to serve as your resident agent you must mail us (before the appointment) a completed, notarized Resident Agent form.

A. Name: _____
Address: _____
Cell Telephone #: () _____ Work Telephone #: () _____
Email Address: _____
Employer: _____
Work Address: _____

B. Name: _____
Address: _____
Cell Telephone #: () _____ Work Telephone #: () _____

Email Address: _____
Employer: _____
Work Address: _____

C. Name: _____
Address: _____
Cell Telephone #: () _____ Work Telephone #: () _____
Email Address: _____
Employer: _____
Work Address: _____

12. Does an attorney represent the Fiduciary? Yes No
13. The approximate value of personal assets held in the decedent's name **alone**:
Personal: \$ _____
14. The fair market value of the real estate and the county/city it is in the decedent's name
alone. **Virginia** Real Estate: \$ _____
Location (county/city): _____
Real Estate **outside** of Virginia: _____

INFORMATION TO BE FURNISHED BY EACH PERSON SEEKING QUALIFICATION

15. Are you a person under a disability? (See instructions) Yes No
16. Have you ever been convicted of a felony? Yes No
17. Have you ever filed for bankruptcy? Yes No
18. Are you now, or have you ever been, an attorney at law in Virginia or elsewhere?
 Yes No

(If yes, and you do not now possess an active license from the Virginia State Bar, explain the details on a separate sheet of paper.)

I (we) hereby certify that to the best of my (our) knowledge and belief this is an accurate statement of facts, and I (we) acknowledge a continuing duty to report any later discovered errors or inconsistencies to the Clerk of Court.

Date Printed Name of Requesting Person Signature of Requesting Person

Date Printed Name of Requesting Person Signature of Requesting Person

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Date Printed Name of Requesting Person Signature of Requesting Person

INSTRUCTIONS ----- PROBATE INFORMATION FORM

GENERAL: This form provides the Probate Division with information necessary to probate Wills, and to appoint persons to carry out the terms of Wills or to settle the estates of persons who have died without a Will. Two other forms may also have to be filed with the Clerk. If the total value of a decedent's real and personal estate is more than \$15,000, a Probate Tax Return may be necessary and if the Clerk probates a Will, or appoints an administrator or executor, a List of Heirs is also required. The Clerk's office will prepare these forms for you. If you have any questions, you should call the Clerk's office at 804-758-5317. If you are unable to complete this form, someone at the Clerk's Office will assist you. **Please call the Clerk's Office to schedule an appointment before coming to the office.** Please complete as much of this form as possible before your appointment. We must have this form back 24 hours before your scheduled appointment. If we **do not** have it, then we will call to reschedule or cancel the appointment.

REQUIREMENTS FOR PROVING A WILL:

The Clerk cannot probate a Will until certain matters concerning its execution are proved. In many cases, this evidence is contained in a writing attached to the Will called a "self-proving affidavit." This affidavit follows the signatures of the decedent and witnesses to the Will itself. It states that in the presence of a notary public, the decedent and the witnesses have made certain statements about the execution of the Will. The self-proving affidavit is then signed by the decedent and the witnesses and the affidavit is notarized. If a Will has a self-proving affidavit, it is not necessary for any witnesses to come to the probate appointment. If the Will does not have this writing, then you must obtain a witness deposition from one of the subscribing witnesses to the Will. The Clerk's office will provide this form to you.

If a Will is written entirely in the handwriting of the decedent, then witness signatures on the Will are not required but you must obtain two witness depositions from two persons who can testify (i) that they are familiar with the decedent's writing; and (ii) that the writing on the Will is that of the decedent. These two persons must be **disinterested** persons, i.e., not relatives, beneficiaries, or relatives of beneficiaries. The form for such deposition can be obtained from the Clerk.

REQUIREMENTS FOR GIVING A SURETY BOND: Unless waived by the Will or by a specific Virginia Code provision, every personal representative must post a surety bond with the Clerk's office. This is normally done by purchasing a surety bond from an insurance company and paying for it out of estate assets. May Wills contain a provision waiving this surety bond requirement and this waiver is effective in most cases. If the Will does not waive surety, or if there is no Will, the Clerk will tell you if there is a Code provision for waiver. Please note that if the name executor is not a Virginia resident, even if surety is waived in the Will a surety bond is required unless they co-qualify with a Virginia resident.

Line 1. Include the decedent's full name as listed on the death certificate.

Line 2. Include the decedent's full name as listed on the Will.

Line 4. Virginia law provides that “where any person has because of advanced age or impaired health either voluntarily or involuntarily become a patient in a nursing home, a convalescent home, or a similar institution, the place of legal residence of such person shall be presumed to be the same as it was **before** he became such a patient; provided, however, that such presumption may be rebutted by competent evidence.”

Line 8. Be sure to bring the **original** death certificate with you when you come to the courthouse.

Line 10. Be sure to bring all **originals** of the **will** and any **codicils** with you when you come to the courthouse.

Line 11. An administrator is the person who settles the estate of a person who died without a will. An executor does this task if there is a Will nominating the executor. Sometimes no work is necessary to settle an estate under a Will, but the Will is probated and recorded to establish the identity of the persons who receive real estate and to serve as their title to this real property. This can be the same as the person making the request, or another person nominated by the requestor. State law gives certain persons a right to appointment, and upon how many days have elapsed since the death of the decedent.

Lines 13-14. This question is concerned only with the decedent’s probate estate. Thus, do not include (i) any property that the decedent owned with another with the right of survivorship, (ii) life insurance unless it is payable to the decedent’s estate, (iii) real estate transferred by a transfer on death deed; or (iv) any other property passing by contract or beneficiary designation from the decedent to another person. Because of the difficulty in determining exact values at the time of qualification, the clerk will accept a reasonable estimate of the fair market value of the decedent’s personal property. If you do not know the actual value of the real property, you may use the local real estate tax assessed value.

Line 15. A person under a disability as defined in Virginia Code §8.01-2 is not eligible to qualify. You are considered to be under a disability if (1) you have been convicted of a felony and are still in prison; (2) you are under 18 years of age; (3) you are an incapacitated person as defined in Virginia Code §64.2-2016; (4) you are an incapacitated person as defined in Virginia Code §37.2-100; or (5) you are an incapacitated person as defined in Virginia Code §64.2-2000.

Line 16-18. These questions must be answered by the person(s) who wishes to be the administrator or executor. A “yes” answer to any of these questions does not automatically disqualify a person from serving. Each case must be decided by the court based on its specific facts.

PLEASE LIST ALL THE HEIRS, THEIR ADDRESSES, THEIR RELATIONSHIP TO THE DECEDENT AND THEIR AGE.

NAMES OF HEIRS	ADDRESSES	RELATIONSHIP	AGE