

## TO PROBATE A WILL, QUALIFY ON AN ESTATE, OR RECORD A LIST OF HEIRS

**Please contact the court to set up time with the clerk to discuss any matters listed above.**

Consider the decedent's last legal address when deciding which circuit court to contact for probate.

To probate a will means that the original will is reviewed and accepted by the court as part of its permanent records. You must have the decedent's original will, a certified copy of the death certificate, and your own photo identification. Be prepared to also complete a list of heirs at the time of probate. The list of heirs shows all legal heirs and their addresses. If an address is unobtainable than noting it as "unknown" is acceptable.

If the decedent owned real estate then probating the will can show who has inherited real estate. There is a state tax of a \$1 per \$1,000 using the assessment of the property if the beneficiary of the real estate is not listed on the decedent's deed as co-owner with right of survivorship.

There is a \$16 fee for all documents to become part of the permanent will or fiduciary record. There is a \$1 transfer fee to show if someone has inherited real estate. If the decedent owned real estate in other localities or states there is a \$10 fee to make a certified copy of the probate documents and clerk's attestation, for those localities to record in their records.

To qualify on an estate means that there is a need for someone to act as personal representative on someone's estate because at the time of death there were personal assets in that person's name only, or the named beneficiary predeceased the decedent, or there is a need for an executor to use the power of sale of real estate. A will names an executor. Without a will, the clerk may appoint an administrator.

In addition to fees described with the probate of a will, there is a state tax of \$1 per \$1,000 for estates valued over \$15,000. A bondsman is required when the estate is valued over \$15,000 and surety is not waived by will or statute. Virginia law waives surety when the personal representative is the sole beneficiary.

To record a list of heirs/real estate affidavit means that the decedent has died without a will but there is a need to show who has inherited real estate. The fee for this is \$22. A form is available through the Supreme Court of Virginia website [www.court.state.va.us](http://www.court.state.va.us). Please add the tax map number for the property to the form. The tax map number is on the tax bill or you can contact the Commissioner of Revenue.