Probate

Probate is the legal process of distributing the estate of the deceased to the rightful heirs. This process usually entails:

- The appointment of an individual by the court to act as a “personal representative” or “executor” of the estate. This person is often named in the will. If there is no will, the court will appoint a personal representative, usually the spouse or a relative.
- Proving that the will, if it exists, is valid.
- Informing interested parties, especially heirs and beneficiaries, that the will is being probated.
- Disposing of the estate by the personal representative in accordance with the will or the laws of the state.

In Washoe County, the Second Judicial District Court, (775) 328-3100, has jurisdiction over the probate process. The spouse or personal representative named in the will must file a petition with the court within 30 days after death. There is a filing fee for this process.

Depending on the size and complexity of the probatable assets, you may require legal assistance.

Probatable assets do not include property where the deceased and someone else are listed as owners. Proceeds from a life insurance policy or Individual Retirement Account (IRA), which can be paid directly to a beneficiary, are also not subject to probate.

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