

**MARION COUNTY, WEST VIRGINIA, FIDUCIARY SUPERVISOR'S  
PROCEDURES FOR PROBATING WILLS AND ADMINISTERING ESTATES**

Upon the presentation of a will to the Marion County Clerk's office, and the appointment of an Executor (male)/ Executrix (female), or the appointment of an Administrator (when there is no will) by the County Clerk's office, Clerk's office will collect a fee for the Marion County Fiduciary Fund, based upon the value of the assets of the estate, both probate and non probate. The fee is for the publication of notices to creditors and interested parties, publication of notices for hearings, the taking and reviewing of proofs of claims, holding hearings, preparation of reports and the general supervision of said estate as required by law. Fees are set by WV Code and are determined as follows:

If the Estate (Probate and Non-Probate) has a gross value of:

\$0 to \$10,000.00	\$25.00
\$10,000 to \$50,000.00	100.00
over \$50,000.00	175.00

There are other fees that will be payable to the County Clerk for recordings and Clerk publications.

After the qualification of the personal representative, the estate is turned over to the Fiduciary Supervisor's office.

Information required at the time of qualification in the County Clerk's Office:

- (a) The original will (copies are not accepted) \*\*\*\*
- (a) Social Security number of the deceased;
- (b) Date of time of death
- (c) Approximate value of all property in the deceased's name, both jointly owned and individually owned;
- (d) Description and value (assessed and market) of any real estate located in any WV county that the deceased had any interest in, including oil and gas royalties;
- (e) The names and addresses of all children or the deceased and any other heirs of the estate.

\*\*\*\* If the will has been probated in another state, an authenticated copy with a triple certification from that state is required.

Bond requirements:

If the will of the deceased does not specifically exempt the Executor/Executrix from giving surety, the Executor/Executor, and all Administrators, must, at the time of qualification, post bond accordingly, with surety, (this is to insure the value of the probate estate; surety can be a friend or relative who owns real estate in WV, or a corporate surety bond can be obtained. If the real estate to be used is owned jointly, both owners must sign the bond) A husband or wife cannot sign bond for a spouse on jointly owned real estate.

Appraisements: Appraisements are required to be filed within 60 days of appointment of the personal representative (Executor etc), listing all property owned by the deceased, either jointly or individually, (real estate and personal property, including vehicles, bank accounts, CDs, life insurance, IRAs, stock, bonds, etc). The appraisal is to be submitted in triplicate, each signed and notarized. Appraisal forms are give at the time of qualification and are briefly explained at that time. If all information and assets information needed is supplied at the time of qualification, the deputy clerk will help complete the forms at the same time. (There are recording fees for these documents to be filed)

The Fiduciary Supervisor will advertise the estate twice in the month following qualification, on the third and fourth Wednesday of the month, in the Fairmont Times, giving creditors 75 days to file claims with the Executor/Administrator, and 90 days to file claims the Supervisor.

The County Clerk's office will publish a notice for any interested parties who wish to contest the will or object to the appointment of the Executor or Administrator. There is a \$20.00 fee for this publication. The Fiduciary Supervisor will send a copy of this publication to each Executor or Administrator. It is the responsibility of the Executor or Administrator to supply this notice to all heirs, beneficiaries and known creditors of the estate.

\*\*\*\*If there will not be enough money in the estate to pay all claims in full, **do not pay any claims** until after the claims period has expired. Then you must notify the Fiduciary Supervisor's office of the deficiency and he will prorate the monies available for payment to creditors, according to WV code. If there is real estate in the decedent's name alone, claims are liens against that real estate and the money cannot be prorated.

Once the time period for creditors to file claims against the estate is up, the Fiduciary Supervisor's office will mail a Waiver and Short Form Settlement to the Executor/Administrator for completion. The heirs of the estate will all sign this Waiver form before a notary public. The recording fee for the Waiver and Short Form Settlement is \$16.00, payable to the Marion County Clerk (an additional \$1.00 is charged for each page after five). If it is not possible for all the heirs to sign the Waiver, if there is a minor child that is an heir, or if an heir is incompetent, a Long Form Settlement will have to be completed. After either the Waiver or the Long Form Settlement is returned to the Fiduciary Supervisor, the estate will be published as having had a settlement filed and will go before the Marion County Commission for approval and to hear any objections from heirs or other interested parties. If no objections are heard, the Settlement will be set for a confirmation hearing, and upon confirmation, the settlement will be recorded and the estate closed. This final settlement process takes two months.

NOTE: IF THE DECEASED OWNED ANY INTEREST IN REAL ESTATE, IT IS VERY IMPORTANT FOR THE ESTATE TO BE PROBATED IN ORDER FOR TITLE TO THE REAL ESTATE TO BE CLEAR. SOME BANKS AND TITLE ATTORNEYS REQUIRE THAT ALL PROBATE STEPS BE COMPLETED AND THE ESTATE CLOSED BEFORE THEY WILL RELEASE ANY MONEY FROM THE SALE OF REAL ESTATE.

FOR QUESTIONS, PLEASE CALL THE FIDUCIARY SUPERVISOR'S OFFICE AT:

DAVID A. GLANCE – (304) 367-5457 (Cindy Danley, deputy supervisor)