



Boone County Clerk

200 State Street
Madison, WV 25130

Phone (304) 369-7335
Fax (304) 369-7329

ROGER TONEY, CLERK



PLEASE NOTE!!!

1. **DO NOT REMOVE ANY ITEMS FROM THE PROPERTY** – not even items “promised” or listed in the decedent’s will. This means money, as well as vehicles, personal belongings, jewelry, and anything else that may have to be sold.
2. If there is no will and only one heir, a bond is not required.
3. Distribution of items listed in the will should take place once all the debts of the estate have been paid.
4. Do not pay any creditors until notified by the Probate Office. Tell any creditor who calls to send a claim to the Boone County Clerk, attention: Probate. West Virginia law requires creditors to be paid in a certain order. Loans and credit cards are last on that list.

West Virginia Code section 42-1-3 & 42-1-3a: **Intestate Succession**

The surviving spouse receives the entire estate if:

- The deceased dies without children, or
- All of the deceased's children are also descendants of the surviving spouse

The surviving spouse receives 3/5ths of the estate if the surviving spouse has one or more children who aren't descendants of the deceased.

The surviving spouse receives half of the estate if one or more of the deceased's children aren't descendants of the surviving spouse.

Any part of the estate that doesn't pass to the surviving spouse (or if the deceased dies without a spouse) passes in the following order until someone is alive to inherit:

- To the deceased's descendants
- To the deceased's parents
- To the deceased's brothers and sisters
- To the deceased's grandparents, or the descendants of the deceased's grandparents

If there isn't anyone alive to inherit under the statutes illustrated above, then the estate passes to the state of West Virginia.