

Overview of the Estate Administration Process

The Estate of a deceased person is administered in a **three-step process**, as follows:

STEP 1: The Appointment

Begin by filling out either the "Probate Checklist With or Without Will," following those guidelines. Once filled out, and all of the necessary information is provided, the personal representative must come in person to the probate office to be appointed over the decedent's estate.

The **Appointment** is for a personal representative to serve as the Fiduciary over the Estate. The Fiduciary is called an Executor/Executrix if named as such in the Last Will and Testament of the decedent. They are called an Administrator/Administratrix if there is no Will or if the Will does not name a Fiduciary. The appointment of the Fiduciary will normally be made within 30 days from the date of death. Being appointed as Personal Representative does not entitle inheritance, unless listed as an heir on the "Affidavit of Heirs."

This first step takes about an hour to an hour and a half, at least, to complete. Please, plan accordingly. Again, this is the only step that must be done, in person, in our office. Everything else can be sent back by mail.

STEP 2: The Appraisalment

The filing of the **Appraisalment** of the Estate. The Appraisalment is the form created by the State Tax Department to gather information about all of the assets of deceased persons. The Fiduciary must return the appraisalment within 90 days after the date of appointment. **Failure to comply with this requirement to return the appraisalment by the due date, constitutes a \$10.00 late fee and you could be subject to a misdemeanor which may result in prosecution and a fine up to \$500.00.**

This form is standard for the entire state and requires a complete listing of all assets held in the decedent's name alone and/or held jointly with any other living person. Once the appraisalment is received, it will be recorded in the County Clerk's Office and it will publish in the newspaper on the first two Wednesday's of the next month. The publication will name the decedent, the Fiduciary, and the address of the Fiduciary. The publication of the Appraisalment is to give notice to creditors that the **90 period for filing claims against the estate** has begun.

The fiduciary should wait till the 90 day claim period is over to see if there is enough money in the estate to pay for all the claims. If there is no money in the estate to cover the claims, the fiduciary will be sent a letter with instructions on how to proceed. If there are claims filed and there is money in the estate to pay those claims, then the fiduciary will pay those claims and have the creditor fill out a notarized release form, which states that the claim has been paid. (This Release form is on our website or can be picked up in our office.) The Office of Fiduciary Supervisor must have the original release form in order to proceed with the 3rd step of probate (make sure the Notary uses their seal).

If the fiduciary pays debt out of the order designated, then the fiduciary can be held personally liable for any and all debt that comes in, regardless of there being money in the estate or not. Anything that was in the decedent's name alone, is subject to be sold for debt before any distribution can be made.

STEP 3: The Settlement

The final **Settlement** of the Estate. At the end of the claims period, if there are no outstanding claims, a "**Short Form Settlement**" will be mailed to the Fiduciary to be completed and signed before a Notary by the Fiduciary and each of the beneficiaries (make sure the Notary uses their seal for each signature). By the beneficiaries signing, they are showing that the fiduciary has handled the estate properly and it waives their right to an accounting of the estate.

If there are **outstanding claims, or if the beneficiaries do not agree on the distribution proposed by the Fiduciary, then the Estate must close using the "Long Form Settlement," which gives an accounting of the estate.** Once the Office of the Fiduciary Supervisor receives the settlement report and recording fee(s), it will be recorded at the County Clerk's Office, and the names of all Estates ready to be closed will be published in the newspaper on the first Monday of the succeeding month. If there are no objections, **all estates advertised will close by an order of the Kanawha County Commission on the last Thursday of the month in which the newspaper notice was published.**

The **distribution** of the assets to the beneficiaries should take place after the filing of the Short Form settlement has been turned into our office, and before the date that the County Commission signs the order to close the Estate. The Long Form settlement distribution should be made after the accounting has been turned into our office, and before the date that the County Commission signs the order to close the Estate. The order terminates the powers and appointment of the Fiduciary and closes the Estate. These forms are to be completed as soon as possible to avoid any future fines or misdemeanor charges.

There are fees for each step of the probate process that must be paid to our office, either by cash, check, or money order, payable to the Kanawha County Fiduciary Fund.

IF there is enough money in the estate, AND the fiduciary has paid for our fees or the bond out of their own pocket, they may reimburse themselves for the bond or our fees.

Step 1: Our fees range from \$75-\$300.

(Based on everything that the decedent's name was on at the time of death.)

This will be separate from a bonding fee, if that is required for the estate.

(Based on everything that was in the decedent's name alone at the time of death.)

Step 2 and 3: Our fees will range from \$20-\$30.

Note: State law provides that the Fiduciary must complete the three-step process if administration of an Estate within five years of the date of their appointment. Failure to comply with the requirement to close the Estate in this time period may result in prosecution, and a possible fine up to \$1,000.

Items Needed for Appraisal Form

The appraisal form requires that **all assets be listed**, whether solely or jointly held. All values and/or balances are to be listed **as of the date of death**.

1. Real Estate:

- Copy of tax ticket for the year of the date of death for each piece of property (in or out of State).
- All deeds to real and/or mineral right property (in or out of State).
- Market Value of each piece of property as of the date of death – what you would sell the property for.

Please, let us know if any of the following apply:

- Real estate has been sold or transferred out of the decedent's name within the last three years.
- There was an *Inter Vivos Trust* agreement.
- The deceased owned an interest as a *Life Estate* or held a *Dower* interest.

2. Personal Property:

- Year, make, and model of all automobiles, campers, boats, motorcycles, four wheelers, trailers, etc. (Anything that has a title).
- Any item and its value specified in a *Last Will and Testament* that goes to a named beneficiary.
- Antiques, clothing, coin collections, doll collections, knife collections, gun collections, tools, etc.

3. Bank Account Information:

- Name of the bank and type of account (checking, savings, CD, Christmas Club, etc.)
- How the account is set up (in decedent's name alone, jointly held, or payable on death). If the account is jointly held or payable on death, you must list the person's name it is held with or payable to.

4. Investments:

- Name of Investment Company and type of account (IRA, 401K, Stocks, etc.)
- Name of individual stock owned, number of shares, value per share, and total market value. If the investment is jointly owned or payable to a beneficiary, you must show the name of the person the account is held with or payable to.

5. Bonds:

- Type of bond (Series E, EE, H, etc.).
- Cash value as of the date of death.

6. Pension Plans:

- If the deceased left a pension payable to someone, you must show where the money is coming from and the monthly amount that the person is to receive.

7. Life Insurance:

- Name of Insurance Company, amount of the policy being paid, name of beneficiary(s), and their relationship to the deceased.

West Virginia Code: 44-4-12.a
Compensation and expenses of personal representatives:

Personal representatives, as defined in section one [42-1-1], article one, chapter forty-two of this code, shall be allowed any reasonable expenses incurred by the personal representative as such and commissions upon the amount of all the person estate which is subject to administration, including the income from the personal estate, that is received and accounted for by them and upon the proceeds of real estate that is sold, as follows:

- For the first one hundred thousand dollars, at the rate of five percent (5%);
- All above one hundred thousand dollars and not exceeding four hundred thousand dollars, at the rate of four percent (4%);
- All above four hundred thousand dollars and not exceeding eight hundred thousand dollars, at the rate of 3 percent (3%);
- All above eight hundred thousand dollars, at the rate of two percent (2%).

Personal representatives also shall be allowed a commission of one percent on the value of real estate that is not sold. Personal representatives also shall be allowed a commission of one percent on all property that is not subject to administration and that is includable for purposes of computing the federal state tax. Notwithstanding the foregoing, no commission shall be allowed on joint and survivorship property, whether real or personal.

The basis of valuation for the allowance of such commissions on real estate sold shall be the gross proceeds of sale, and for all other property the fair market value of the other property as of the date of death of the decedent. The commissions allowed to personal representatives in the section shall be received in full compensation for all of their ordinary services. If more than one personal representative serves, the total compensation as set forth herein shall be apportioned between them as agreed upon by the personal representatives, or in the absence of an agreement between the personal representatives, in proportion to the services performed by them.

The commission set forth herein may be denied or reduced by the county commission upon a determination that the personal representative has not faithfully discharged the personal representative's duties. The commission set forth herein may be increased by the county commission upon a determination that the personal representative has performed extraordinary services in discharging the personal representative's duties.

Where the personal representative of an estate is a lawyer who renders professional services, compensation for such professional services in addition to a commission shall not be allowed.

Notwithstanding the foregoing, a testator may deviate from the commissions allowed herein by express language in the testator's last will and testament.

History.2007, c115.

Effective dates – acts 2007, c.115, provided that the act take effect June 8, 2007.



WEST VIRGINIA ESTATE APPRAISEMENT & NONPROBATE INVENTORY FORMS AND INSTRUCTIONS

This booklet is furnished by the Tax Account Administration Division of the West Virginia State Tax Department for use in filing the Appraisal and Nonprobate Inventory Forms for estates and decedents **dying on or after July 13, 2001**.

AN IMPORTANT MESSAGE FOR ESTATE REPRESENTATIVES:

When a person dies an **estate** is created. An estate includes property which the decedent owned. The law requires that someone must **administer** the estate by filing the Appraisal and Nonprobate Inventory Forms within 90 days of qualification and completing final settlement in the decedent's county of domicile. **Administration** is the process of paying the decedent's outstanding debts and distributing the remaining property. The person in charge of the administration is called an **administrator** (if there is no will) or an **executor** (if there is a will). Also, because the administrator or executor holds a position of trust, a person with either title is often called a **fiduciary**. If there is no will, the decedent is said to have died **intestate**, and his property passes by statutes called the **laws of intestacy**. Thus you will also see the phrase "transfers by will or intestacy".

THIS BOOKLET IS INTENDED TO HELP YOU WITH THREE DUTIES REQUIRED BY WEST VIRGINIA LAW:

- The administration of the estate (also called the process of probating the estate).
- The filing of an inventory of ALL real estate and probate property with the County Clerk's Office using Form ET 6.01 (**recorded with the County Clerk's Office**).
- The filing of an inventory of nonprobate personal property with the County Clerk's Office using Form ET 6.02 (**NOT recorded with the County Clerk's Office**).

Beginning the legal process to settle the business and personal affairs of a decedent involves a series of steps, outlined below and explained in detail in this booklet:

- STEP 1 READ THESE INSTRUCTIONS.
- STEP 2 COMPLETE APPRAISEMENT FORM ET 6.01.
- STEP 3 COMPLETE NONPROBATE INVENTORY FORM ET 6.02 (IF REQUIRED).
- STEP 4 MAIL OR DELIVER THE FORMS TO THE PROPER AUTHORITIES

A MORE DETAILED LOOK AT THESE FOUR STEPS BEGINS ON THE NEXT PAGE.

STEP 1: READ THESE INSTRUCTIONS FOR FILING FORM ET 6.01 AND FORM ET 6.02.

You should read these introductory instructions completely before beginning any work on the forms. You will notice references to other specific instructions that also must be understood before completing related parts of the forms.

To qualify as fiduciary, a person must visit the office of the Clerk in the courthouse of the county where the decedent lived. Any person who has an interest may administer the estate. However, the husband or wife of the decedent is given preference and then other distributees (others who are entitled to a share of the estate) are considered. If no distributee applies within thirty days after the date of death, one or more creditors or any other person may be appointed. If there is a will that names an executor, then the named person has the right to serve. In any event, the Clerk is the first person to visit, and he or she will determine who can qualify as fiduciary.

This booklet is designed to help the fiduciary administer the estate and file the Appraisal and Nonprobate Inventory Forms. The fiduciary is required under oath to list and appraise on the enclosed Appraisal Form (ET 6.01) all nonprobate and probate real estate and all other probate assets owned by the decedent at its fair market value on the date of the decedent's death. The fiduciary is required to complete the Appraisal and return the original and two (2) copies thereof (with all attachments) to the Clerk within 90 days of qualification. The original Appraisal, and its attachments, must be recorded by the Clerk.

For every decedent who owned or had an interest in any nonprobate personal property, the fiduciary shall, under oath, list and appraise on the enclosed Nonprobate Inventory Form (ET 6.02), all tangible and intangible nonprobate personal property owned by the decedent or in which the decedent had an interest, at its fair market value on the date of the decedent's death. If a Nonprobate Inventory Form (ET 6.02) is required to be filed, the fiduciary must complete the form and return the original to the Clerk within 90 days of qualification.

STEP 2: COMPLETE FORM ET 6.01

Part 1: General Information Questionnaire. This information is used to establish that an estate actually does exist, and to provide the information necessary for the Clerk and the State Tax Department to process the appraisal, determine if the estate is subject to Estate Tax, and approve the final distribution and closing of the estate.

Question Instructions for Form ET 6.01

- A Be sure to include the decedent's complete name. Any other names by which the decedent was known should be shown after the complete name.
- C Be sure to write the date of death as shown on the decedent's death certificate.
- D-F For the purpose of completing the appraisal, these sections should show the decedent's domicile at the time of his death. In the event death occurred in a hospital or nursing home, the decedent's domicile would be the

address to which he would return if released from the care facility.

The Internal Revenue Service requires the filing of a Federal Estate Tax Return (Form 706) for the estate of every citizen of the United States whose gross estate at the time of death was larger than the amount of the federal exemption equivalent. The exemption equivalents are:

Year of Death	Exemption Equivalent
2004 through 2005	\$1,500,000
2006 through 2008	\$2,000,000
2009	\$3,500,000
2010 through 2011	\$5,000,000
2012	\$5,120,000
2013	\$5,125,000
2014	\$5,340,000

For further information concerning federal estate tax requirements, contact your local IRS office or call their toll-free number 1-800-829-1040.

L & M Be sure to provide the complete mailing address and phone number for both the fiduciary and preparer. If the address or phone number shown is incorrect or incomplete, it may be difficult to contact you if additional information is necessary to process the appraisal.

Part 2: Questionnaire of Nonprobate Real Estate. Nonprobate real estate includes any real estate that does not pass by the will or the laws of intestacy. This includes real estate jointly held with right of survivorship, real estate held under a trust agreement or contract, life estates, or powers of appointment. This real estate passes directly to the specified persons at the date of death according to these specific terms and thus is not subject to administration, but is included in the gross estate for estate tax purposes. If there is any nonprobate real estate, additional information is required to be furnished as part of the appraisal to fully describe the transfer, including the type of transfer, recipient and relationship to the decedent, and the description and value (as of the date of death) of the transferred property. The Inventory of Nonprobate Real Estate is included with this booklet for your convenience. The appraisal is incomplete if the fiduciary fails to include this information. **Also, you must provide the description of ALL out of state real estate, including the appraised value.**

Note: Oil, gas, coal and other natural resource holdings are considered as real estate for the purpose of this inventory. These holdings should be listed either on Part 2 as nonprobate real estate, or on Schedule A of Part 4 as probate real estate.

Part 3: Summary of Probate Assets. All probate assets (assets in decedent's name only) must be on record at the Clerk's office prior to being transferred to the heir or beneficiary. This property will be transferred under the terms of the decedent's will, or under the laws of intestacy if the decedent died without a will. Until the assets are transferred, they are required to be managed (administered) by the fiduciary. Probate assets are to be described

in detail in Part 4 of the appraisal; the total value of each type of property will then be entered in Part 3.

Part 4: Inventory of Probate Assets. A complete description of ALL probate assets is to be provided in Part 4. Real property should include the description used on the real property tax tickets as to county, district, and physical location and description of the property. The personal representative must list the value of each probate asset at the date of the decedent's death. Total the values of all property shown in each schedule of Part 4 and enter the total on the appropriate line of Part 3 (Summary of Probate Assets).

SCHEDULE A: INCLUDE the clear legal description of any REAL ESTATE. The description must provide sufficient information to identify the property and include, where applicable, the county, district and lot size (number of acres). Include the assessed value of the real estate as shown on the decedent's property tax receipt. If the decedent has been given the Homestead Exemption, the full assessed value (without the deduction for Homestead Exemption) must be shown. Include the full appraised value of the decedent's interest in the real estate. When the decedent owned a fractional interest, list the full value of only his or her share (for example "½ interest \$000.00). The appraised value must be the MARKET VALUE as of the date of death. Market value is defined as the price a willing buyer would pay willing seller for the property. This value must be used regardless of whether the property will be kept or sold by the beneficiaries. The date the property was acquired by the decedent should also be shown. **Also, you must provide the description of ALL out of state real estate, including the appraised value.**

Note: Oil, gas, coal and other natural resource holdings are considered as real estate for the purpose of this inventory. These holdings should be listed on Schedule A of Part 4 as probate real estate, or on Part 2 as nonprobate real estate.

IF THE DECEDENT OWNED REAL ESTATE IN MORE THAN ONE COUNTY, an appraisal containing the description of the property must be filed in each county where real estate is located. The various counties should all be listed in Part 1: General Information Questionnaire (Question H).

SCHEDULE B: INCLUDE the type and market value of all TANGIBLE PERSONAL PROPERTY. Tangible personal property consists of assets which you can touch, that is, which can be possessed physically, including goods, wares, merchandise, furniture, personal effects, and automobiles.

SCHEDULE C: INCLUDE all bonds and securities OTHER than corporate stock, the date of purchase and market value as of the date of death.

SCHEDULE D: INCLUDE corporate stock of every kind. List the name of the company, the number of shares, value per share and the total market value of the decedent's interest as of the date of death. Place a check mark in the "CLOSELY HELD" column if the corporation is NOT listed on a stock exchange.

SCHEDULE E: INCLUDE any intangible personal property (cash, bank accounts, certificates of deposit, notes, accounts receivable, etc.) owned by the decedent. Show a description of the property and include the market value as of the date of the decedent's death.

SCHEDULE F: INCLUDE any other assets by the decedent at the time of death EXCEPT those reported on the NONPROBATE INVENTORY FORM (ET 6.02) of the estate. If the decedent had life insurance policies payable to the estate (rather than to individual beneficiaries), they must be included on this schedule.

Part 5: Beneficiaries. A complete list of the individuals who will inherit under the terms of the will, or through the laws of intestacy, is required. The relationship of each recipient to the decedent must also be provided.

Part 6: Oath of Fiduciary. This oath must be completed in the presence of a notary. It is a sworn statement that the fiduciary has made every effort to completely list and describe the assets of the estate. The signature of the fiduciary and the notary must be affixed to the original appraisal. An appraisal which does not have original signatures will not be accepted by the Clerk. After completion of this oath, the fiduciary must obtain two (2) complete copies and deliver the appraisements to the proper authorities, who will complete the remaining parts.

Part 7: Approval of Fiduciary Commissioner/Fiduciary Supervisor. The Fiduciary Commissioner or Fiduciary Supervisor will complete and sign the appraisal in this section after he determines it to be accurate and complete.

Part 8: Clerk of the County Commission. The Clerk will complete this section when the appraisal is recorded.

STEP 3: COMPLETE FORM ET 6.02 (IF REQUIRED). For every decedent who owned or had an interest in any nonprobate personal property, the fiduciary shall, under oath, list and appraise on the enclosed Nonprobate Inventory Form (ET 6.02), all tangible and intangible nonprobate personal property owned by the decedent or in which the decedent had an interest, at its fair market value on the date of the decedent's death. The nonprobate personal property to be included on the Nonprobate Inventory Form includes: 1) personal property held as joint tenants with right of survivorship; 2) personal property payable on death to others; 3) personal property held by the decedent as a life tenant; 4) life insurance to named beneficiaries; 5) powers of appointment; 6) annuities; 7) transfers during the decedent's life; 8) transfers in trust; 9) taxable gifts; and 10) all other nonprobate personal property includible in the federal gross estate of the decedent.

The fiduciary is required to make the Nonprobate Inventory Form available for inspection by or disclosure to: 1) any heir at law or beneficiary under the will; 2) a creditor who has timely filed a claim against the estate with the fiduciary commissioner or fiduciary supervisor; 3) any party who has filed a civil action in any court of competent jurisdiction in which any assets of the decedent is in issue; or 4) the attorney for the estate or its personal representative or the attorney-in-fact duly authorized by any of the aforementioned persons.

Part 1: General Information Questionnaire. Be sure to complete the General Information Questionnaire of the NONPROBATE INVENTORY FORM. This information should be the same as reported on the Appraisal.

Part 2: Questionnaire of nonprobate personal property. Answer each question in this summary. If a question does not

apply to the decedent, mark the "NO" box and enter zero for the market value for that line. For any "YES" answer, remember to complete Part 3, Inventory of Nonprobate Personal Property. Be sure to enter the total of ALL nonprobate personal property on line 11 of Part 2.

Part 3: Inventory of Nonprobate Personal Property. For each "YES" answer in Part 2, you must provide in Part 3 the property description, the name(s) of the person(s) receiving the property and their relationship to the decedent, and the fair market value at the date of death.

Part 4: Oath of Fiduciary. This oath must be completed in the presence of a notary. It is a sworn statement that the fiduciary has made every effort to completely list and describe the assets of the estate.

STEP 4: MAIL OR DELIVER THE FORMS TO THE PROPER AUTHORITIES

In counties where there is a Fiduciary Supervisor, the fiduciary must deliver an original completely executed appraisal and two (2) copies thereof (including any attachments) to the Fiduciary Supervisor. The Fiduciary Supervisor will in turn deliver an original and one (1) copy of the appraisal to the Clerk's office after completing Part 7. After completing Part 8, the Clerk will admit the original appraisal (and its attachments) to record.

In counties where there is no Fiduciary Supervisor, the fiduciary must deliver an original completely executed appraisal and two (2) copies thereof (including any attachments) to the Clerk's office. After completing Part 8, the Clerk will admit the original appraisal (and its attachments) to record and forward one (1) copy of the appraisal to the Fiduciary Commissioner (if reference to a Fiduciary Commissioner is required).

The Fiduciary Commissioner or Fiduciary Supervisor cannot assist you in the preparation of a tax return (if one is required) or of any other report on which he must eventually pass judgment. He is also prohibited from practicing law in connection with an estate that has been referred to him (West Virginia Code

§42-3A-38 and §44-3-4).

The following statements and definitions are provided to help you understand the questions asked on Form ET 6.01 and Form 6.02.

Power of Appointment is authority conferred by one person (called the "donor") by deed or will upon another (called the "donee") to select the person who is to receive and enjoy real or personal property after the death of the donor or the donee, or after the termination of an existing right or interest.

Gifts Made Within Three Years prior to date of death may be presumed to have been made in contemplation of death and must be listed.

Life Estate means the decedent during his lifetime transferred real property by deed, grant, sale or gift but reserved an interest in the property for the remainder of his lifetime. If the recipient did not pay an appropriate consideration for the transfer of the remainder interest, the entire date of death value must be listed for estate tax purposes. If the decedent was granted a life estate or **dower interest** in real property, the life estate or dower interest expires at death and has no value for estate tax purposes. However, this property should still be listed to clear title.

Right of Survivorship means that the decedent's share of the property automatically goes to the remaining owner(s) after his death. The entire market value of survivorship property must be listed with no exclusions or deductions.

Payable on Death means an asset owned by the decedent which is paid to another at the time of the decedent's death.

If the decedent transferred assets to a **trust** during his lifetime, a complete inventory (with the market values) of the assets must be included.

Transfers due to the terms of an **annuity, investment contract, or pension plan** payable on account of death to named beneficiaries, or to a trust for the benefit of any individual must be listed. The value listed should be the date of death lump sum value of the annuity, available by contacting the sponsoring company.

IF YOU HAVE QUESTIONS, INFORMATION REGARDING SPECIFIC CIRCUMSTANCES IS AVAILABLE FROM THE CLERK OF THE COUNTY COMMISSION, FIDUCIARY COMMISSIONER, OR FIDUCIARY SUPERVISOR. YOU MAY ALSO NEED TO CONTACT AN ATTORNEY, ACCOUNTANT OR TRUST OFFICER FOR MORE INFORMATION.

**APPRAISEMENT OF THE ESTATE
FOR DECEDENTS DYING ON OR AFTER JULY 13, 2001**

PART 1: GENERAL INFORMATION QUESTIONNAIRE

A. Decedent's Name		B. Social Security Number	C. Date of Death
D. Decedent's Residence at Death		E. State	F. County
G. Marital Status at Death Married <input type="radio"/> Single, Widow(er) or Divorced <input type="radio"/>	Name of Surviving Spouse	H. West Virginia Counties Where Decedent Held Real Estate.	
I. Will this estate be required to file a Federal Estate Tax Return FORM 706 (see instructions on page 2)?		YES <input type="radio"/>	NO <input type="radio"/>
J. Will this estate be required to file the Nonprobate Inventory Form ET 6.02 (see instructions on page 3)?		YES <input type="radio"/>	NO <input type="radio"/>
K. Did the Decedent leave a WILL?		YES <input type="radio"/>	NO <input type="radio"/>
L. Fiduciary's Name and Mailing Address (include zip code)		M. Preparer's Name and Address	CPA <input type="radio"/> Attorney <input type="radio"/>
Fiduciary's Phone Number:		Preparer's Phone Number:	

PART 2: QUESTIONNAIRE OF NONPROBATE REAL ESTATE

Answer each of the following questions concerning the decedent's interest in NONPROBATE REAL ESTATE. If you answer "YES" to any question below, you must complete the attached Inventory of Nonprobate Real Estate provided with this form which shows:

- a. the type of transfer(s) with reference to the question number below;
- b. name(s) of the person(s) with an interest in the real estate as joint tenant or transferee;
- c. relationship to the decedent of ALL above named persons;
- d. market value at the date of death; and
- e. description of the real estate including assessed value.

		MARKET VALUE
1. Did the decedent own an interest in any real estate as joint tenant with right of survivorship?.....YES <input type="radio"/> NO <input type="radio"/>	1	
2. Did the decedent transfer an interest in any real estate without adequate consideration within three years prior to date of death?.....YES <input type="radio"/> NO <input type="radio"/>	2	
3. Did the decedent own an interest in any real estate in an inter vivos trust (living trust) arrangement or in which the decedent retained the right of use and enjoyment?.....YES <input type="radio"/> NO <input type="radio"/>	3	
4. Did the decedent own an interest in any real estate in which the decedent retained a power of appointment, whether special or general?.....YES <input type="radio"/> NO <input type="radio"/>	4	
5. Did the decedent own an interest in any real estate as a life estate including a dower interest?.....YES <input type="radio"/> NO <input type="radio"/>	5	
6. TOTAL VALUE OF NONPROBATE REAL ESTATE (add lines 1 through 5 above).....	6	

PART 3: SUMMARY OF PROBATE ASSETS

Complete PART 4 first. Enter the total from each schedule of PART 4 on the appropriate line below.

		MARKET VALUE
1. Schedule A: Real estate or any interest therein.....	1	
2. Schedule B: Tangible personal property of every kind.....	2	
3. Schedule C: Government bonds and securities of every kind.....	3	
4. Schedule D: Shares of corporate stock of every kind.....	4	
5. Schedule E: Money, certificates of deposit, notes, accounts, etc.	5	
6. Schedule F: All other assets not hereinbefore mentioned.....	6	
7. TOTAL VALUE OF PROBATE ASSETS (add lines 1 through 6 above).....	7	

PART 4: INVENTORY OF PROBATE ASSETS – TRANSFERS BY WILL OR INTESTACY
 After completing PART 4, enter the total from each schedule on the appropriate line in PART 3.

SCHEDULE A: Describe any real estate or any interest in real estate. Include description and appraised value of out of state property, but do not include this amount in the total. See page 3 of the instructions.	ASSESSED VALUE	APPRAISED VALUE
TOTAL (enter the total appraised value on line 1 of PART 3)		

SCHEDULE B: Tangible personal property of every kind. See page 3 of the instructions.	APPRAISED VALUE
TOTAL (enter the total appraised value on line 2 of PART 3)	

SCHEDULE C: Bonds and securities of every kind. See page 3 of the instructions.	APPRAISED VALUE
TOTAL (enter the total appraised value on line 3 of PART 3)	

PART 4 (continued)

SCHEDULE D: Corporate stock of any kind. See page 3 of the instructions.				
NAME OF THE COMPANY	CLOSELY HELD	NUMBER OF SHARES	MARKET VALUE PER SHARE	TOTAL MARKET VALUE
TOTAL (enter the total market value on line 4 of PART 3)				

SCHEDULE E: Money, bank accounts, certificates of deposits, notes, accounts receivable, etc. Show dates of notes. See page 3 of instructions.	APPRAISED VALUE
TOTAL (enter the total appraised value on line 5 of PART 3)	

SCHEDULE F: All other assets, not hereinbefore mentioned, including insurance payable to the estate. See page 3 of the instructions.	APPRAISED VALUE
TOTAL (enter the total appraised value on line 3 of PART 3)	

PART 5: BENEFICIARIES. List the names and relationships of all beneficiaries or heirs of the estate. Show the age of any life tenant after their name. See page 3 of the instructions.

BENEFICIARY OR HEIR	RELATIONSHIP	BENEFICIARY OR HEIR	RELATIONSHIP

PART 6: OATH OF FIDUCIARY

State of _____ County of _____, To-wit:

I, _____, fiduciary for the estate of _____ after diligent effort to ascertain the taxable property of this estate, have made answers to each of the questions and have completed, in detail, the schedules for each category of property and believe each item thereof to be correct. I thereby believe the foregoing to be the true and lawful appraisal of ALL real estate and probate property of the estate of the above named decedent.

Fiduciary

Subscribed and sworn to before me this _____ day of _____, 20_____

Notary Public

My Commission expires _____, 20_____

PART 7: APPROVAL OF FIDUCIARY COMMISSIONER/FIDUCIARY SUPERVISOR

I, _____, Fiduciary Commissioner/Fiduciary Supervisor of _____ County, West Virginia, to whom the estate of the above named decedent was referred, do hereby approve the foregoing appraisal of such estate.

Given under my hand this _____ day of _____, 20_____

_____ By _____

Fiduciary Commissioner/Fiduciary Supervisor
Deputy

PART 8: CLERK OF THE COUNTY COMMISSION

STATE OF WEST VIRGINIA

COUNTY OF _____, To-wit:

In the Clerk's office of _____ County on the _____ day of _____, 20_____, the forgoing appraisal of the above named decedent was presented and upon motion admitted to record.

Attest _____, Clerk

By _____, Deputy

Decedent's Name: _____

INVENTORY OF NONPROBATE REAL ESTATE

If you answered "YES" to any question under PART 2: QUESTIONNAIRE OF NONPROBATE REAL ESTATE, show the following on this page:

- a. the type of transfer(s) with reference to the question number in PART 2;
- b. name(s) of the person(s) with an interest in the real estate as joint tenant or transferee;
- c. relationship to the decedent of ALL above named persons;
- d. market value at the date of death; and
- e. description of the real estate including assessed value.

NONPROBATE INVENTORY OF THE ESTATE
FOR DECEDENTS DYING ON OR AFTER JULY 13, 2001

PART 1: GENERAL INFORMATION QUESTIONNAIRE

A. Decedent's Name	B. Social Security Number	C. Date of Death
D. Decedent's Residence at Death	E. State	F. County
G. Marital Status at Death Married <input type="radio"/> Name of Surviving Spouse _____ Single, Widow(er) or Divorced <input type="radio"/>		
H. Fiduciary's Name and Mailing Address (include zip code)	I. Preparer's Name and Address CPA <input type="radio"/> Attorney <input type="radio"/>	
_____	_____	
_____	_____	
_____	_____	
Fiduciary's Phone Number:	Preparer's Phone Number:	

PART 2: QUESTIONNAIRE OF NONPROBATE PERSONAL PROPERTY

Answer each of the following questions concerning the decedent's interest in NONPROBATE PERSONAL PROPERTY. Nonprobate personal property means all property which does not pass by operation of the decedent's will or by the laws of intestate descent and distribution or is otherwise not subject to administration in a decedent's estate.

Note: All real estate and probate property are to be reported on the Appraisal of the Estate (ET 6.01) filed with the County Commission.

If you answer "YES" to any question below, you must complete PART 3 of this form which shows:

- the type of transfer(s) with reference to the question number below;
- name(s) of the person(s) with an interest in the property as joint tenant or transferee;
- relationship to the decedent of ALL above named persons;
- market value at the death; and
- description of the property.

		MARKET VALUE	
1.	Did the decedent possess any powers of appointment? _____ YES <input type="radio"/> NO <input type="radio"/>	1	
2.	Did the decedent make any gifts or transfers without adequate consideration within three years prior to the date of death? _____ YES <input type="radio"/> NO <input type="radio"/>	2	
3.	Did the decedent make any transfers in Trust which passed to others upon his death? _____ YES <input type="radio"/> NO <input type="radio"/>	3	
4.	Did the decedent own any stock, bonds, bank accounts, certificates of deposit or other personal property as a joint tenant with the right of survivorship? _____ YES <input type="radio"/> NO <input type="radio"/>	4	
5.	Did the decedent own any life insurance policies in named beneficiaries? _____ YES <input type="radio"/> NO <input type="radio"/>	5	
6.	Did the decedent own any annuities? _____ YES <input type="radio"/> NO <input type="radio"/>	6	
7.	Did the decedent own an interest in any personal property as a life tenant? _____ YES <input type="radio"/> NO <input type="radio"/>	7	
8.	Did the decedent own any personal property which was payable on death to others? _____ YES <input type="radio"/> NO <input type="radio"/>	8	
9.	Did the decedent file any Federal Gift Tax Returns with the IRS or make any taxable gifts under Federal Gift Tax law or regulations? _____ YES <input type="radio"/> NO <input type="radio"/>	9	
10.	Did the decedent own any other nonprobate personal property includible in the federal gross estate of a decedent? _____ YES <input type="radio"/> NO <input type="radio"/>	10	
11.	TOTAL VALUE OF NONPROBATE PERSONAL PROPERTY (add lines 1 through 10 above)	11	

PART 3: INVENTORY OF NONPROBATE PERSONAL PROPERTY (attach additional sheets if needed)

- a. the type of transfer(s) with reference to the question number in PART 2;
- b. name(s) of the person(s) with an interest in the property as joint tenant or transferee;
- c. relationship to the decedent of ALL above named persons;
- d. market value at the date of death; and
- e. description of the property.

Question No.	DESCRIPTION OF PROPERTY AND TRANSFER	MARKET VALUE
TOTAL VALUE OF NONPROBATE PERSONAL PROPERTY (this total must equal total of line 11 on PART 2)		

PART 4: OATH OF FIDUCIARY

State of _____

County of _____, To-wit:

I, _____, fiduciary for the estate of _____, after diligent effort to ascertain the taxable property of this estate, have made answers to each of the questions and have completed, in detail, the list for each category of property and believe each item thereof to be correct. I thereby believe the foregoing to be the true and lawful inventory of ALL nonprobate personal property of the estate of the above named decedent.

Fiduciary

Subscribed and sworn to before me this _____ day of _____, 20_____

Notary Public

My Commission expires _____, 20_____