

## WHERE SHOULD I FILE PROBATE?

If your loved one dies in West Virginia, you have 30 days to submit his will to the court. If you don't, and the will was in your custody at the time of his death, you're guilty of a misdemeanor criminal offense. *The proper court is the one in the county where the deceased lived at the time of his death* or -- if he didn't live in the state -- in the West Virginia county where he owned property. You must take a copy of his death certificate when you submit the will, and the will must be the original, not a copy. The court clerk keeps the will and mails notice of the death to the executor named in it, if this isn't you. The clerk will also take care of sending notice to all the beneficiaries named in the will. The executor can claim the will from the clerk and apply to have it admitted for probate. The will must be proved, which means the court accepts it as valid. To prove the will, the witnesses make statements under oath that they were present for the will signing. However, since West Virginia law recognizes self-proving affidavits, their testimony isn't necessary if the witnesses signed an affidavit at the time the deceased signed his will.