

Register of Wills

Bedford County
Register of Wills and Recorder of Deeds

ESTATE INFORMATION:

PLEASE NOTE: *This information has been issued to INFORM and not to advise. It is based on Pennsylvania Law, The statements are GENERAL, and individual facts in a given case may alter their application or involve other laws not referred to here.*

This office highly recommends that you consult an attorney that specializes in estates.

This office is not permitted to provide legal advice, nor are we able to provide assistance in the completion of documents.

WHAT IS ESTATE ADMINISTRATION?

When an individual has died, it is often necessary to follow formal procedures in settling the estate. This process is called Estate Administration. Requirements are established by state and federal laws, which must be followed. Administration includes procedures and requirements relating to collecting of assets, satisfying of obligations such as debts, expenses and taxes and distributing property to the heirs and beneficiaries. Although it is not required that you hire an attorney to probate a Will or have an administrator appointed, an attorney with estate experience knows the current laws and necessary procedures to insure the executor or administrator is complying with all the legal requirements.

WHO ADMINISTERS AN ESTATE?

A personal representative is the individual charged with administration of an estate. If an individual has executed a will during his or her lifetime, the Will should designate the personal representative, who is called an Executor. If the deceased person did not have a Will, an Administrator will be appointed to handle the estate. Law establishes the individuals entitled to administer an estate.

WHAT DOES A PERSONAL REPRESENTATIVE DO?

An Executor or Administrator must obtain the necessary legal documents to enable him or her to act for the estate. These documents, called either Letters Testamentary (executor), or Letters of Administration (administrator), are obtained through the Register of Wills in the county in which the deceased person lived at the time of death.

Duties of the personal representative include, but are not limited to:

- Finding the Will and having it probated
- Locating and protecting the assets of the estate
- Finding and notifying all heirs
- Paying debts, expenses and taxes of the estate from its assets
- Complying with all state and federal laws
- Distributing property to the heirs after all procedures are followed

WHAT IS DONE DURING ADMINISTRATION?

At the beginning, all assets of the estate, including personal possessions and real estate, are inventoried and sometimes physically gathered. All the beneficiaries (if there is a will) or heirs (if there is no will) are located. They are told that they were named in the will or have a legal right to receive an inheritance. Funeral expenses, debts state and federal taxes are paid, and necessary tax returns are filed. At the conclusion of the administration period, a final accounting of all assets is presented for approval to the county court. After approval, distribution of the balance of assets is accomplished.

WHAT SHOULD BE DONE FIRST?

If someone close to you has died, it is suggested that nothing be done to disturb any of the property of the deceased unless it is necessary to protect it from being lost, stolen or destroyed. Shortly after the funeral, an attorney should be contacted to discuss the matter with those close to the deceased. The attorney will provide advice, determine whether administration will be required, and explain what procedures will be involved. If a Will is found, the person named as executor/executrix should protect the Will and give it to the attorney at the first consultation. The Will must be "probated" in order to become effective. A will is probated with the Register of Wills by the Executor(s)/Executrix(s) named in the Will. To probate a Will, the executor(s) must present the Register of Wills with the following items:

- The Original, signed Will
- A Petition for Grant of Letters
- An Original Death Certificate
- A completed Estate Information Sheet
- Renunciations of other heirs (if applicable)
- The probate fee, based upon the size of the probate estate

The person or persons named as executor or executrix must appear before the Register of Wills and sign the Petition for Grant of Letters **IN THE PRESENCE** of the Register of Wills. The executor must also take an oath that he or she will faithfully discharge the duties of the office. Once the Register issues Letters (Testamentary or Administration), the executor / administrator uses the letters and accompanying documents as proof of official appointment and may start the estate administration.

NOTE: Letters are granted by the Register of Wills only AFTER the funeral unless probate of the Will is necessary to get access to funding for the funeral or to ensure the continuation of a business.

ADDITIONAL REQUIREMENTS OF THE PERSONAL REPRESENTATIVE:

- Advertisement of Probate
- Notification to the Department of Public Welfare and Attorney General
- Within three (3) months of Date of Death - Prepayment of inheritance taxes if discount is to be obtained.
- Within three (3) months of Date of Death — Rule 10.5 Certification of Notice to Heirs must be filed.
- Within nine (9) months of Date of Death — REV-1500 Inheritance Tax Return in duplicate with a copy of the Will (if applicable) filed with the Register of Wills. A filing fee may be applicable along with payment of inheritance tax and the filing of an estate inventory.
- Within two (2) years of Date of Death and annually until the estate is complete — rule 10.6 Status Report must be filed.

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Forms required for the completion of an Estate can be found at the following online address:

https://www.bedfordcountypa.org/departments/register_and_recorder.php