
Probate Terms Glossary

Understand the Language of Probate with Confidence

A–Z Probate Terminology

Administrator:

A person appointed by the court to manage and distribute the estate when there is no Will or no named Executor.

Affidavit of Heirship:

A legal document used to establish heirship when no formal probate is opened.

Beneficiary:

A person or entity named to receive assets from a Will, trust, or life insurance policy.

Bond:

A type of insurance the court may require of the Administrator or Executor to protect the estate from potential mismanagement.

Codicil:

A legal document that modifies, amends, or revokes part of an existing Will.

Decedent:

The person who has passed away, whose estate is being probated.

Estate:

All real and personal property, financial accounts, and other assets owned by the decedent at death.

Executor (or Executrix):

The individual named in a Will to carry out the decedent's wishes and manage the estate through probate.

Fiduciary Duty:

A legal obligation to act in the best interest of another party—in probate, this applies to the Executor or Administrator.

Heir:

A person legally entitled to inherit assets when there is no Will.

Intestate:

Dying without a valid Will. The estate is then distributed according to state law.

Letters of Administration:

A legal document issued by the court granting authority to the Administrator to act on behalf of the estate.

Letters Testamentary:

Court-issued authority for an Executor named in a Will to carry out estate duties.

Notice to Creditors:

A formal notice published to inform creditors of the decedent's death and give them a deadline to file claims.

Personal Representative:

Generic term for either an Executor or Administrator handling the estate.

Probate:

The legal process of validating a Will (if there is one), appointing a representative, paying debts, and distributing assets.

Real Property:

Land or real estate owned by the decedent, such as a home or commercial property.

Small Estate Affidavit:

A simplified probate alternative used when the estate's value is below a certain threshold.

Testate:

Dying with a valid Will.

Will:

A legal document stating a person's wishes regarding distribution of their assets after death.

✂ Bonus Tip:

Keep this glossary handy as you navigate your probate process. Understanding these terms can save you time, reduce stress, and make conversations with attorneys, courts, and professionals more productive.

Disclaimer:

This glossary is provided for informational purposes only and does not constitute legal, financial, or professional advice. For assistance with your specific case, consult a licensed attorney or probate professional.