

PROBATE CHECKLIST

1. **Affidavit of Entitlement:**

For estates under \$20,000 net, and which have no creditors and no real property. There is no waiting period for Notice to Creditors.

This is the Affidavit form currently used by the Las Vegas, Nevada probate court. Note that facts about the particular assets must be filled in.

**AFFIDAVIT OF ENTITLEMENT TO ESTATE
DOES NOT EXCEED \$20,000 PURSUANT TO NRS 146.080**

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

_____, being first duly sworn, upon oath, says:

That he/she is a person who has a right to succeed to the property of the decedent, or, a person who is the sole beneficiary under the last will and testament of the decedent, _____, Deceased, who died in the County of _____, State of Nevada, leaving an estate in the County of _____, State of Nevada, which is not real property nor interest therein, nor a lien thereon, of a gross value of less than \$20,000 consisting of the following:

(Set forth bank account, T/CD, stock certificate, or whatever the asset may be and the portion claimed.)

That he/she has the right, pursuant to the provisions of NRS 146.080 to succeed to said property of said decedent, and to have any evidence of interest, indebtedness or right transferred to him or her by

That at least 40 days have elapsed since the date of death of decedent.

That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.

That all debts of the decedent, including funeral and burial expenses and money owed to the department of human resources as a result of payment of benefits for Medicaid have been paid or provided for.

That affiant has given written notice, by personal service or by certified mail, identifying his claim and describing the property claimed, to every person whose right to succeed to the decedent's property is equal or superior to that of affiant, and that at least 14 days have elapsed since the notice was served or mailed.

That affiant is personally entitled to full payment or delivery of the property claimed or is entitled to payment or delivery on behalf of and with the written authority of all other successors who have an interest in the property.

That the affiant acknowledges that he understands that filing a false affidavit constitutes a felony in this state.

Signature

SUBSCRIBED AND SWORN to before me this
__ day of _____, 2001.

(Please print the following information)

Name

Street Address

Notary Public

City, State & Zip Code

2. **Set Aside Estate:**

For estates over \$20,000, but under \$100,000 net, or estates under \$20,000 with creditors and/or real property. There is no waiting period for Notice to Creditors. We have not provided forms since they vary according to individual circumstances.

- a. The following probate documents are required:
 1. Petition to Set Aside Estate without Administration;
 2. Notice of Hearing;
 3. Order Setting Aside Estate;
 4. Certificate of Mailing.

- b. Required Information.
 1. Name, address and phone number of Petitioner;
 2. Petitioner's relationship to decedent; and
 3. Name, address and phone number of decedent's spouse, children and other heirs named in Will (or if intestate, persons listed according to statute).

- c. Required Documents.
 1. Certified copy of Death Certificate;
 2. Original of Will
 3. If Real Property: Appraisal or Real Estate comparisons;
 4. If Stock or Bonds: Statement from brokerage firm with date of death values;
 5. If Bank Accounts: Copies of bank statements;
 6. If Cars: Copies of title, (or note VIN, make and model for each car.) Need Kelly Bluebook statement or appraisal;
 7. Copies of mortgage statements on real property and copies of car loan papers if car financed.
 8. Copies of bills of creditors not paid off yet;
 9. Copies of funeral bills and expenses that have been paid;
 10. If Time-Share: Must treat on case-by-case basis; and
 11. Other:

3. **Summary Administration:**

For estates over \$100,000, but under \$200,000 net. There is a 60 day Notice to Creditor period. We have not provided forms, since they vary according to individual circumstances.

- a. The following probate documents are required:
 1. (i) Petition for Probate of Will and Issuance of Letters Testamentary; or
(ii) Petition for Probate of Will and Issuance of Letters of Administration with Will Annexed; or
(iii) Petition for Appointment of Administrator (if intestate, no Will).
 2. Letters Testamentary or Letters of Administration.
 3. If there is an Administrator (not an executor), nominations may be needed.
 4. Disclaimers may be needed if any heir wants to disclaim (step aside for the other heirs to take his or her share).
 5. Affidavit of Proof of Will may be needed if the Will is not self-proving (i.e., 2 witnesses sign twice) or holographic (i.e., entirely hand-written by decedent).
 6. Notice of Hearing for one of the 3 types of Petitions (a-1-(i), (ii), or (iii)).
 7. Certificate of Mailing.
 8. Letters Testamentary or Letters of Administration.
 9. Notice of Appointment of Executor or Administrator (if intestate).
 10. Notice to Creditors (90 days).
 11. Proof of Mailing Notice to Creditors.
 12. Inventory.

Note: Inventory Information:

 - a. Appraisal of real estate;
 - b. Stocks and bonds: statement from brokerage firm;
 - c. Bank account and money market statements;
 - d. Cars: title slip (or VIN, make, model, Kelly Bluebook statement);
 - e. Mortgage Statement;
 - f. Time-share: treat on case-by-case basis;
 - g. Appraisal for household contents; and
 - h. Other:
 13. Petition for Settlement of First and Final Account and Decree of

Distribution.

14. Notice of Hearing.
15. Certificate of Mailing.
16. Final Order.
17. Distributee Receipts.
18. Executor or Administrator's Deed (if real property)
19. Decree of Discharge

b. Required Information.

1. Name, address and phone number of Petitioner;
2. Petitioner's relationship to decedent; and
3. Name, address and phone number of decedent's spouse, children and other heirs named in Will (or if intestate, person listed according to statute).

c. Required Documents.

1. Certified copy of Death Certificate;
2. Original of Will;
3. If Real Property: Appraisal;
4. If Stock or Bonds: Statement from brokerage firm with date of death values;
5. If Bank Accounts: Copies of bank statements;
6. If Cars: Copies of title, (or note VIN, make and model for each car). Need Kelly Bluebook statement or appraisal;
7. Copies of mortgage statements on real property and copies of car loan papers if car financed.
8. Copies of bills of creditors not paid off yet;
9. Copies of funeral bills and expenses that have been paid;
10. If Time-Share: Must treat on case-by-case basis; and
11. Other:

4. **Full Administration.**

For estates over \$200,000 net. 90 day Notice to Creditor period.

a. The following probate documents are required:

1. (i) Petition for Probate of Will and Issuance of Letters Testamentary; or
(ii) Petition for Probate of Will and Issuance of Letters of Administration with Will Annexed; or
(iii) Petition for Appointment of Administrator (if intestate, no Will).
2. Letters Testamentary or Letters of Administration.
3. If there is an Administrator (not an executor), nominations may be needed.
4. Disclaimers may be needed if any heir wants to disclaim (step aside for the other heirs to take his or her share).
5. Affidavit of Proof of Will may be needed if the Will is not self-proving (i.e., 2 witnesses sign twice) or holographic (i.e., entirely hand-written by decedent).
6. Notice of Hearing for one of the 3 types of Petitions (a-1-(i), (ii), or (iii)).
7. Certificate of Mailing.
8. Letters Testamentary or Letters of Administration.
9. Notice of Appointment of Executor or Administrator (if intestate).
10. Notice to Creditors (60 days).
11. Proof of Mailing Notice to Creditors.
12. Inventory.

Note: Inventory Information:

- a. Appraisal of real estate;
- b. Stocks and bonds: statement from brokerage firm;
- c. Bank account and money market statements;
- d. Cars: title slip (or VIN, make, model, Kelly Bluebook statement);
- e. Mortgage Statement;
- f. Copies of unpaid creditor bills;
- g. Time-share: treat on case-by-case basis;
- h. Appraisal for household contents; and
- i. Other:

13. Petition for Settlement of First and Final Account and Decree of Distribution.

111. Notice of Hearing.
112. Certificate of Mailing.
113. Final Order.
17. Distributee Receipts.
18. Executor or Administrator's Deed (if real property)
19. Decree of Discharge

b. Required Information.

1. Name, address and phone number of Petitioner;
2. Petitioner's relationship to decedent; and
3. Name, address and phone number of decedent's spouse, children and other heirs named in Will (or if intestate, person listed according to statute).

c. Required Documents.

1. Certified copy of Death Certificate;
2. Original of Will;
3. If Real Property: Appraisal or Real Estate comparisons;
4. If Stock or Bonds: Statement from brokerage firm with date of death values;
5. If Bank Accounts: Copies of bank statements;
6. If Cars: Copies of title, (or note VIN, make and model for each car). Need Kelly Bluebook statement or appraisal;
7. Copies of mortgage statements on real property and copies of car loan papers if car financed;
8. Copies of bills of creditors not paid off yet;
9. Copies of funeral bills and expenses that have been paid;
10. If Time-Share: Must treat on case-by-case basis; and
11. Other: