



Berkeley County Office of Fiduciary & Probate
Berkeley County Courthouse - Administration Building
400 W. Stephen Street, Suite 107
Martinsburg, West Virginia 25401
Phone: (304) 267-3001
Fax: (304) 267-7830
www.berkeleywv.org

Probate Requirements WITH Original Will/Codicil(s)
West Virginia Code Chapter 44

You must apply for appointment in person with a Valid Photo ID no later than 4:00 PM.

Immediate Appointment of Executor/ix is not possible in every situation.

Certified copy of the state issued Death certificate required (WV Code 44-1-30). Berkeley County must be listed as the decedent's residence

Originally signed Will, not a copy, should be delivered to this office within 30 days of death, preferably by the named Executor/ix.

Witness depositions as well as waivers and/or **bond may be required. Fiduciary Staff will advise.

** Wills generally waive a Surety Bond for named Executors. Otherwise unless applicant is sole beneficiary under the Will a Surety Bond is required. A WV Resident may post property or corporate bond. Corporate Bond required for non-resident.

Complete Page 2 – Estimate of Probate Estate (To the best of your knowledge).

Complete Page 3 – Address & Relationship to decedent, if any, of each beneficiary named in the Will. Include Address/Contact Information for Charitable Organizations, Churches, Trustees etc.

Additional information may be required for named beneficiaries who are also deceased.

Appointment and Recording Fees – See Page 4 – Range: \$52.00 to \$202.00+

** Probate Assets		Estimated Value (If None, Enter 0)
Tangible personal property owned SOLELY BY and titled SOLELY in the name of the decedent (furnishings, jewelry firearms, tools, antiques, etc. & vehicles/mobile homes including those titled in the name of the deceased "and" another in which case decedent owns a "fractional" interest (1/2, 1/3 etc.)		\$
Bank accounts, CD's, bonds, stocks, treasury notes, securities, accounts receivable, etc. titled SOLELY in the name of decedent (NO survivor /beneficiary listed) including any titled in their name "and" another person(s) in which case decedent owns a "fractional" interest (1/2, 1/3, etc.)		\$
** Real estate titled SOLELY in the decedent's name (NO survivorship/life int/TOD) and any in which decedent owns a "fractional" interest (1/2, 1/3, etc.		\$
All other assets not mentioned including insurance and monies expected to be paid to the estate.		\$
ESTIMATE of the TOTAL PROBATE ESTATE	=	\$
** SUBTRACT real estate estimate (if any)	-	\$
Estimate of PROBATE PERSONAL ESTATE - TOTAL: (You must manually calculate)	=	\$

** IF bond required and there are NO probate assets a MINIMUM \$100.00 bond is entered. ALL bonds are subject to adjustment based on content of submitted inventory and appraisalment.

IF NO probate assets and NO real estate enter the reason Letters of Administration have been requested (example: obtain medical records; civil action pending, etc.).

REASON: _____

Submitted by: _____ Date: _____ Fiduciary Staff Initial: _____
 Signature

Name:	Address:	Relationship to Decedent:	If a MINOR Check Box:	If a MINOR Enter The Date of Birth:

Name of Estate: _____

APPOINTMENT & RECORDING FEES

Payable to the "Berkeley County Clerk"

Your **FIRST TWO** administrative costs are combined and due at the time of your appointment. Payment accepted in the form of check, money order or cash only.

A. APPOINTMENT Fee (*WV Code 44-3A-42*)

<i>GROSS</i> estate (<i>includes JOINT/ non-probate assets</i>)	REQUIRED FEE
Estate up to \$10,000	\$25.00
Estates over \$10,000 but not exceeding \$50,000	\$100.00
All estates over \$50,000	\$175.00
Testamentary Trustee/Guardian/Misc.	\$25.00

B. *RECORDING Fee (*WV Code 59-1-10 & SA-8-15*)

Will/Codicils	\$12.00**
Executor/ Administrator Application/ Affidavit & Oath	\$17.00**
Testamentary Trustee/Guardian/Misc.	\$12.00**

** If documents **EXCEED** five (5) pages the recording fee is increased.

Cost of corporate surety bond is additional.

All costs of administration are **reimbursable** as **probate** funds may be available.