United States of America

State of West Virginia

County of Monongalia, ss:

243 High Street Room 123
Morgantown WV 26505-5461
www.monongaliacountyclerk.com

Phone: (304) 291-7230
Fax: (304) 291-7233
estates@monongaliacountyclerk.com

OPENING PROBATE FORMS & INSTRUCTIONS
WITH A WILL (TESTATE) WV Code Chapter 44

A. TO RECORD THE WILL AND OPEN PROBATE COMPLETE AND RETURN:

1) Application of Fiduciaries/Oath of Executor(s) Form (attached)

- Complete the Application with the executor/trix(s) name as listed in the Will, decedent's name as listed in the Will, the last 4 digits of the decedent's social security number, date of death, and the names and last known mailing addresses of all beneficiaries/devisees. If any names are different than in the Will, add "AKA" and put the correct name.

- On our website there is an optional Waiver for Appointment of Executor form. If the second named executor/trix is qualifying, or if a co-executor is not serving, then a notarized Waiver of Appointment form will be required.

2) Will

- The Will must be the **original** document (not a copy). It must be signed by the decedent, have two witness signatures, and be notarized.

- On our website there is an Affidavit of Decedent's/Witness signature form, in case the Will is missing one or more witnesses or the notary. Contact our office if the Will is a Holographic Will.

- An estate bond will be required unless the Will states the executor/trix can serve without surety or bond. See the form referenced below, under Opening Probate Intestate (Without a Will).

****All submissions must include a death certificate, which will be returned to you.**

Return the original, notarized forms, fees, death certificate, and Will by mail (via certified or overnight mail) or they can be dropped off at the front desk. Our office hours are Monday – Friday, 8:30am to 4:30pm.

****You are welcome to drop-off your forms in person, but you may not be able to meet with the probate department without an appointment****

Filing Fees:

$12 Application of Fiduciaries

$12 Will, up to 4 pages. $1/per page more for each additional page

$20 Notice of Administration (This is the publication fee)

$2.50/each Additional Letters of Administration (3 are included)

Monongalia County Clerk's Office
Attn: Probate Dept.
243 High Street, Room 123
Morgantown, WV 26505

We accept checks, money orders or credit card payments. If you'd like to pay by credit card, please indicate that with your submission and leave a phone number that our staff can reach you at Mon.-Fri. 8:30am to 4:30pm.

We accept original, e-recorded probate documents. Please contact your attorney for information.

We will process the Will and Application of Fiduciaries as quickly as possible, and mail you three Letters of Administration, a copy of the Will, and your receipt.

You'll also receive the Appraisement form, which is the second part of probate. The Appraisement form is also available on the website.

If you'd like to make an in-person appointment to speak to someone in the probate department, please:

call 304-291-7230 x 7270

email estates@monongaliacountyclerk.com

or use our online scheduling link at
https://monongaliacountyclerkoffice.as.me/schedule.php?appointmenttype=246126

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County of Monongalia, ss:

Application of Fiduciaries

For Personal Representative of Estate for a Deceased Person On Motion of:

Decedent:

Last 4 of Decedent's Social Security Number:

Date of Death:

Surety Company (if needed):

Surety Amount (if needed):

Personal Representative(s)

Personal Representative(s) Name and Fiduciary Title	Personal Representative mailing address

List of Heirs

Beneficiary Names as listed in Will, with current name as AKA; OR all Heirs-at-Law	Relationship to Decedent	Beneficiary/Heir mailing address

Affidavit & Oath

LIST OF HEIRS, DISTRIBUTEES, DEVISEES & LEGATEES OF DECEDENT

_____ being duly sworn, deposes and says the names, residences and post-office addresses of the heirs and distributees of the Estate of _____ , as set out in the foregoing affidavit are correct to the best of his or her knowledge and belief, except as to matters therein stated to be alleged on information and belief, and to those matters he or she believes them to be true; and affiant further states that such heirs and distributees as given as unknown upon diligent inquiry, he or she has been unable to ascertain their names and addresses. I will mail by first class postage prepaid, a copy of the notice of administration in accordance with West Virginia State Code §44-1-14(d) to the persons listed on this form. Further, in accordance with West Virginia State Code §44-1-3, I further swear that I will faithfully perform the duties of my office to the best of my skill and judgment.

_____

Notarized Personal Representative Signature, Fiduciary Title

_____

Notarized Co-Personal Representative Signature,
Fiduciary Title (if applicable)

State of _____
County of _____

Subscribed and sworn to this _____ day of _____, 20_____,

NOTARY STAMP/SEAL

Notary Signature: _____ _____
Commission Expires