



King County Law Library

OPENING & CLOSING PROBATE FOR A PERSON WITH A WILL

In King County

These instructions are for informational purposes only and do not constitute legal advice. If you do not understand this information, please contact an attorney.

If your specific situation is beyond the scope of this packet, please contact an attorney.

About this packet:

Probate is the legal process for distributing a person’s property after they have died.

The person who died is called the “Decedent”. The things that the Decedent owned are called the “Estate”. The person who becomes responsible for managing the Decedent’s estate is called the “Personal Representative” (sometimes this person is called an “Executor” in a Will). The legal document that makes a person the Personal Representative is called either “Letters Testamentary” or “Letters of Administration With Will Annexed”.

The probate process is a court case used to gather the assets of a person who has died, settle their debts, and distribute the assets to their heirs. There are two types of probate. If the Decedent died with a Will, the probate is called “testate probate.” If the Decedent died without a Will, the probate is called “intestate probate.”

The instructions and forms in this packet are for a basic testate probate. They may help with the following things:

- Open a probate case when there is agreement of the heirs
- Request that the Court allow you take charge of the estate
- Request that the Court issue Letters Testamentary or Letters of Administration With Will Annexed
- Close a probate case when there is agreement of the heirs

To help decide if using the testate probate process is right for your situation, review [Title 11 of the Revised Code of Washington](#) for information regarding probate, or contact an attorney.

If, after reviewing the Revised Code of Washington and/or consulting an attorney, you believe the testate probate process is right for you, this packet can assist with starting and ending the process.

Forms included in this packet:

- A - Declaration of Witness to Decedent's Will
- B - Declination to Act as Personal Representative
- C - Declination, Designation, & Waiver by Surviving Spouse or Domestic Partner
- D - Consent to Grant of Nonintervention Powers; Waiver of Bond & Notice of Hearing
- E - Oath of Personal Representative

F -	Petition for Probate of Will, Letters Testamentary, & Nonintervention Powers
G -	Order Admitting Will to Probate, Granting Letters Testamentary, & Nonintervention Powers
H -	Petition for Probate of Will, Letters of Administration With Will Annexed, & Nonintervention Powers
I -	Order Admitting Will to Probate, Granting Letters of Administration With Will Annexed, & Nonintervention Powers

J - Notice of Appointment and Pendency of Probate

K - Certificate of Mailing Notice of Appointment and Pendency of Probate

L - Notice of Appointment and Pendency of Probate for DSHS

M - Certificate of Mailing Notice of Appointment and Pendency of Probate for DSHS

N - Notice of Appointment and Pendency of Probate for Dep't of Revenue

O - Certificate of Mailing Notice of Appointment and Pendency of Probate for Dep't of Revenue

P - Receipt & Waiver by Heir or Beneficiary

Q - Declaration of Completion of Testate Probate

- R - Notice of Filing of Declaration of Completion of Testate Probate
- S - Certificate of Mailing Notice of Filing of Declaration of Completion of Probate
- T - Receipt of Distribution by Heir or Beneficiary

WARNING

- **DO YOU NEED HELP ADMINISTERING THE ESTATE?** This packet does not cover administration issues. This packet only covers the opening and closing of the estate. Consult an attorney.
- **ARE YOU A WASHINGTON RESIDENT?** This packet is intended to be used only by residents of Washington State.
- **WAS THE WILL MADE OUTSIDE OF WASHINGTON STATE?** If the Will was made in another state, it must meet the requirements of that state. If it does, Washington will treat it as valid.
- **ARE YOU NAMED AS A PERSONAL REPRESENTATIVE IN THE WILL?** If the Will does not name you as a Personal Representative, preference is given to people who are named. If none of the named people can serve, you may be eligible, but will have slightly different paperwork (included in this packet).
- **ARE OTHER PEOPLE NAMED TO BE PERSONAL REPRESENTATIVE IN THE WILL BEFORE YOU?** If you are named as a possible Personal Representative in the Will, but other people are named before you, you will need to submit paperwork to confirm to the Court that the people nominated before you are not willing or able to be Personal Representative.
- **HAS IT BEEN FEWER THAN 40 DAYS SINCE DEATH?** If fewer than 40 days have passed since the decedent’s death, check the eligibility flowchart to determine if you can apply to become the personal representative.
- **TO APPLY TO BECOME PERSONAL REPRESENTATIVE:**
 - You must be over the age of 18
 - You must not have been convicted of any felony
 - You must not have been convicted of any crime involving moral turpitude
 - You must be of sound mind
- **ARE THE DEBTS OF THE ESTATES BIGGER THAN THE ASSETS?** If the value of the estate is less than the amount of debts the estate owes it is “insolvent.” This packet is not for an insolvent estate. Consult an attorney.
- **IS AN HEIR UNDER 18 OR OTHER INCAPACITATED PERSON?** Seek assistance from an attorney or use the “Distribution to Minors & Incapacitated Persons” packet, in addition to this packet.
- **YOU MUST ADMINISTER THE ESTATE DILIGENTLY AND REMEMBER TO CLOSE THE ESTATE.**