



King County Law Library

OPENING & CLOSING PROBATE FOR A PERSON WITHOUT 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". The legal document that makes a person the Personal Representative is called "Letters of Administration".

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 intestate 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 of Administration
- Close a probate case when there is agreement of the heirs

To help decide if using the intestate 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 intestate probate process is right for you, this packet can assist with starting and ending the process.

Forms included in this packet:

- A - Declination, Designation, & Waiver by Surviving Spouse or Domestic Partner
- B - Consent to Grant of Nonintervention Powers; Waiver of Bond & Notice of Hearing
- C - Oath of Personal Representative
- D - Petition for Letters of Administration & Nonintervention Powers
- E - Order Granting Letters of Administration & Nonintervention Powers
- F - Notice of Appointment and Pendency of Probate
- G - Certificate of Mailing Notice of Appointment and Pendency of Probate
- H - Notice of Appointment and Pendency of Probate for DSHS
- I - Certificate of Mailing Notice of Appointment and Pendency of Probate for DSHS
- J - Notice of Appointment and Pendency of Probate for Dep't of Revenue
- K - Certificate of Mailing Notice of Appointment and Pendency of Probate for Dep't of Revenue
- L - Receipt & Waiver by Heir or Beneficiary
- M - Declaration of Completion of Probate
- N - Notice of Filing of Declaration of Completion of Probate
- O - Certificate of Mailing Notice of Filing of Declaration of Completion of Probate
- P - Receipt of Distribution by Heir or Beneficiary

WARNINGS

- **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 by residents of Washington State. If you are not a Washington resident, you will need to designate another person as your agent to receive documents related to the probate. The designated person must live in the county where the probate is pending. To do this, you will need a Designation of Resident Agent form, which is not included in this packet. Contact the King County Law Library for this form.

- **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
- No corporation, limited liability company, or limited liability partnership can be a personal representative

- **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.**