



Applying for Administrator/Administratrix of an Estate in Monongalia County

- ❖ Decedent must be a resident of Monongalia County.
- ❖ Within 30 days of the decedent's death, if no will can be located, a petitioner can be appointed if he or she is:
 - 1) The surviving spouse and there are no children of the decedent from a prior marriage or relationship, or
 - 2) The sole heir, i.e., next of kin is an only child.
- ❖ If there is more than one heir-at-law, there are two options:
 - 1) Each heir-at-law is required to sign a Waiver of Administration form before a notary public waiving his or her right (form can be located on the Clerks website), or
 - 2) If waiver forms cannot be obtained, after 30 days has passed from the death, administration "may be granted to one or more of his creditors or to any other person" (WV Code 44-1-4). Please note that the first person to appear and meet all qualifications and have all the information required will be appointed.
 - All *personal representatives are required to be bonded, equal to the deceased person's personal assets (in decedent's name only, i.e., bank accounts, stocks, titled vehicles, life insurance made payable to the estate). **Unless** the petitioner is both the administrator and the sole heir of the estate. The following describes bond options:

Assets valued under \$10,000

- 1) Someone you know who owns real estate within West Virginia and is not an heir-at-law in this county is permitted to sign a surety bond for you. Please note if the property owned in a county other than Monongalia, he or she will have to obtain a "Justification of Surety" from the County Clerk's Office of that county to submit to our office at the time of your appointment.
- 2) If you do not have anyone one as described in number 1, you will need an estate bond secured through an insurance company.

Assets valued over \$10,000

- 1) You will need an estate bond secured through an insurance company. (See attached list for local bonding agents.)

What to bring with you to your appointment at the County Clerk's Office:

- ❖ Death Certificate.
- ❖ A valid driver's license or government issued ID of the Personal Representative.
- ❖ Someone to sign bond. (Someone who owns real estate in this county or someone from an insurance company for an estate bond.)
- ❖ Mailing addresses of all heirs.

*The County Clerk's office will refer to WV Code 44-5-3 (b)(1) to determine whether or not the bond amount requires to be doubled.

For more information visit our website at monongaliacountyclerk.com to obtain waiver forms, view bonding agents, or to make an appointment.

Cost for appointment will approximately amount to \$42.00

SUGGESTED BONDING COMPANIES WHO ISSUE ESTATE BONDS IN MONONGALIA COUNTY

The following should serve as a guide to bonding companies who issue "Estate" type bonds. These are just suggestions. If you know an insurance agent, you can call that person to inquire whether or not his/her company can issue "estate bonds".

If you are a West Virginia resident and are the spouse, parent, sibling, lineal descendent or sole beneficiary, the bond will be equal to *the value of personal property in the decedent's name only*, i.e., bank accounts, stocks bonds, titles of vehicles, mobile homes, boats and motorcycles. It also includes refund monies, state or federal income tax refunds made payable to the estate.

If you are a nonresident of West Virginia and/or not the spouse, parent sibling, lineal descendent or sole beneficiary, the amount of bond is to be doubled according to West Virginia Code 44-5-3(b)(1).

If there is a will but does not stipulate that you be permitted to serve without bond, a bond is needed based on the above. NOTE: The value of the real estate is to be included in that bond amount if the will states the personal representative has the "power to sell real estate" in accordance with West Virginia Code 44-1-7.

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