



Office of the Monongalia County Clerk

Carye L. Blaney, County Clerk

243 High St., Courthouse Room 123
Morgantown, WV 26505-5491
(304) 291-7230 fax: (304) 291-7233



Applying for Ancillary Administration in Monongalia County

What to bring to your appointment:

- ❖ *Exemplified or Authenticated* copy of will obtained from the court in the county and state where estate records are probated.
- ❖ If no will, *Exemplified or Authenticated* copy of intestate records from the court in the county and state where estate records are probated.
- ❖ If you are **not** the personal representative named in the will, a Waiver of Executor form(s) signed before a notary public by all persons named as personal representatives in the last will and testament are needed. (Please note this form is found at our website.)
- ❖ Death Certificate of the Decedent.
- ❖ Mailing addresses of all beneficiaries/heirs.
- ❖ Proper ID of applicant (Personal Representative).
- ❖ Proper Bond if required by law.
 - Any person not named in the Will to serve without bond, or if there is not a will, applicants are required to be bonded. The amount is 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). The following describes bond options:
*Note: If there is a will and the personal representative is authorized to sell real estate or receive the rents and profits thereof, such values would be added to the personal property. WV Code 44-1-7

A nonresident of West Virginia's bond would need to be doubled if person applying is **not** a spouse, parent, sibling, lineal descendent or sole beneficiary. WV Code 44-5-3 (b)(1)

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 as described in number 1, you will need an estate bond secured through an insurance company.

*Note: If person to be appointed is a nonresident of WV, this option does not apply.

Assets valued over \$10,000

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

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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Leilani Davis
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