

**INSTRUCTIONS FOR PRELIMINARY INVENTORY
ON SIDE TWO OF APPLICATION FOR PROBATE AND LETTERS,
FORM AOC-E-201, Rev. 8/21**

THE CLERK IS THE JUDGE OF PROBATE AND CANNOT PRACTICE LAW OR GIVE LEGAL ADVICE. ACCORDINGLY, THE CLERK'S STAFF CANNOT HELP YOU FILL OUT THIS FORM. PARTS OF THIS FORM ARE SELF-EXPLANATORY. HOWEVER, FOR ANY NECESSARY ASSISTANCE, YOU SHOULD CONSULT AN ATTORNEY.

Application For Probate And Letters Testamentary Or Letters Of Administration CTA, Form AOC-E-201

If the decedent left a will, the person named as executor in the will may qualify by applying to the Clerk of Superior Court using this form. Side Two of this form contains a preliminary listing of the assets of the estate. This part of the form is intended as a preliminary report to the clerk, heirs and creditors of the nature and probable value of the property, real and personal, wherever located, owned by the decedent as of the date of death.

General Instructions:

Type or print neatly in **black ink**.

All values reported should be the **fair market value** of the item **as of the date of death**. If there is not sufficient space on the form, continue on a separate attachment.

Except where instructed to itemize, you should report in a lump sum the estimated total value of all property in each category. A complete itemization and valuation of decedent's property must be listed on the Inventory Form (AOC-E-505) and filed with the clerk within three months after qualifying.

- "Account" includes accounts in banks, savings and loans and other financial institutions, including money market accounts with brokerage houses or similar institutions.
- "Joint account with right of survivorship" is an account in the name of two or more persons in which the deposit agreement (1) is signed by all parties and (2) expressly provides that, upon the death of one of the joint depositors, the interest of the decedent passes to the survivor(s). Any joint account which is not "with right of survivorship" is a joint account **without** right of survivorship.
- "Stocks or bonds with right of survivorship" are securities in which the certificate clearly states that upon the death of one of the joint owners the interest of the decedent passes to the survivor(s). Any jointly owned security which is not owned "with right of survivorship" is owned **without** right of survivorship.
- "Securities registered in beneficiary form" means stocks, bonds, or other securities officially registered with the issuer of the security indicating the current owner of the security and the person who will automatically become the new owner of the security upon the death of the owner." (See G.S. 41-40 et seq.)

PART I. PROPERTY OF THE ESTATE

1. **Accounts solely in the name of decedent** - For each account, list the name of the institution, the account type, and the balance on the date of death, but do not list the account number.
2. **Joint accounts without right of survivorship** - For each account, list the name of the institution, the account type, and the name(s) of the other joint owner(s), but do not list the account number. If the percentage owned by the decedent can be determined, report that percentage and the value of that percentage on deposit on the date of death. If the percentage owned by the decedent is unclear, report the percentage as 100%, and list the total amount on deposit on the date of death. A copy of the signature card or depository contract should be attached either to this form or the inventory (AOC-E-505).
3. **Stocks/bonds/securities solely in the name of decedent or jointly owned without right of survivorship** - If the percentage owned by the decedent can be determined, report that percentage and the value, in a lump sum, of that percentage. If the percentage owned is unclear, report the percentage as 100%, and list the total value, in a lump sum, of all such stocks and bonds. A detailed itemization of these assets must be reported in the Inventory (AOC-E-505).
4. through 7. These categories should be self-explanatory.
8. **Interests in partnership or sole proprietor businesses** - Report all solely owned business interest and all partnerships in which the decedent was a general or limited partner. List the name of the business or partnership, the names of the surviving partners, the decedent's percentage interest in that partnership, and the value of that partnership interest or business.
9. through 11. These categories should be self-explanatory.
12. **Real estate willed to the Estate** - (**NOTE:** *Real property willed to any person or entity other than the estate must be reported in Part II, Item 4.*) List only real estate which the decedent devised (willed) to the estate or to the executor in the capacity as executor (not as an individual). Usually, such a devise is accompanied by a direction to sell the real estate and distribute the proceeds as specified in the will.
13. **Estimated annual income of Estate** - Income of the estate includes, for example, interest on checking and other accounts opened in the name of the estate, dividends and interest on stocks and bonds owned in the name of the estate, and other income to the estate. Income of the estate does not include interest on accounts, or dividends or interest on stocks or bonds, which pass directly to a surviving joint owner.

(Over)

PART II. PROPERTY WHICH CAN BE ADDED TO ESTATE IF NEEDED TO PAY CLAIMS

This part of the form is used to list certain kinds of property which the decedent owned or in which the decedent had an interest during his or her lifetime, which are not ordinarily part of the estate, but which may be recovered by the personal representative if the assets of the estate are not sufficient to pay all the debts of the decedent and claims against the estate. (**NOTE:** *The personal representative should NOT receive or disburse any personal property in this category prior to meeting all statutory requirements for bond or bond increases.*)

1. **Joint accounts with right of survivorship** - List all joint accounts with right of survivorship. For each account, list the name of the financial institution, the account type, the names of the other joint owners, and the total balance on the date of death, but do not list the account number. Attach a copy of the signature card or depository contract for each such account to this form or to your Inventory (AOC-E-505).
2. **Stocks/bonds/securities registered in beneficiary form and immediately transferred on death or jointly owned with right of survivorship** - A lump sum total of the value of all such stocks or bonds should be reported here. A detailed itemization of these assets must be reported in the Inventory (AOC-E-505). It also includes securities registered in beneficiary form and automatically transferred on death.
3. **Other personal property recoverable** - This category includes accounts which are called "Payable On Death or Trustee Accounts" in the signature card or deposit agreement or in which the decedent otherwise established a "Tentative" or "Totten" trust. It also includes property which the decedent gave to someone in contemplation of the decedent's own death, and property transferred by the decedent, without receiving adequate consideration, with the intent to hinder, delay or defraud the decedent's creditors. If you believe there may be any property which falls into these latter categories, you may wish to consult an attorney.
4. **Real estate owned by decedent and not listed elsewhere** - (**NOTE:** *Real estate owned by the decedent and spouse as tenants by the entireties should be reported in Part III. Do not report real estate in which the decedent had an interest only for his or her lifetime.*) All other interests in real estate owned by the decedent should be reported here in a lump sum using fair market values as of date of death. A more detailed listing and identification of the properties should be made in the Inventory (AOC-E-505).

PART III. OTHER PROPERTY

This part of the form is used to indicate certain property, rights and claims which are not administered by the personal representative as part of the decedent's estate and which the personal representative can not generally recover to pay debts of the decedent or claims against the estate. However, this property may be included in the value of the "estate" for federal or state estate and inheritance tax purposes, or which are listed for the information of heirs and others to whom the property may pass.

1. **Entireties real estate** - Indicate whether or not there is real estate jointly owned by the decedent and his or her surviving spouse as tenants by the entireties.
2. **Insurance, Retirement Plans, IRAs, annuities, etc., payable to named beneficiaries** - This category includes all life insurance proceeds, death benefits under pension and retirement plans, the balance remaining in IRA, annuities, 401(k) and other similar accounts which, at the death of the decedent, pass to a beneficiary **other than** the estate.
3. **Claim for wrongful death** - This category is for cases in which the death of the decedent was caused by the wrongful act, neglect or default of another, who may be liable in action for damages brought by the personal representative. The potential existence of a claim for damages should be reported here. [**NOTE:** *(a) The personal representative should NOT receive or disburse wrongful death proceeds prior to meeting all statutory requirements for bond or bond increases. (b) Any recovery is not subject to the claims of creditors except for burial expenses of the decedent, reasonable hospital and medical expenses incident to the injury resulting in death and not totaling over \$4,500 (but not over 50%) of the damages recovered after deducting attorneys' fees, and Medicaid claims. (c) The proceeds of the recovery must be distributed by the personal representative in accordance with the Intestate Succession Act, regardless of the existence or terms of any will. (d) Except for payment of the expenses expressly allowed by statute, the personal representative must not commingle wrongful death proceeds with assets of the estate. The personal representative must file a separate accounting with the clerk of superior court regarding any and all wrongful death proceeds. If you believe there may be a wrongful death claim, consult an attorney.*]

SIGNATURE - All applicants must sign. The signature of each must be separately notarized before a notary public or acknowledged before the clerk, assistant, or deputy.