Application Guidelines for a TESTATE FULL ESTATE

APPLICATION FOR PROBATE & LETTERS

This packet contains the following forms:

- >Application for Letters of Administration with Instruction Sheet (AOC-E-202)
- >Oath/Affirmation (AOC-E-400)

>Family History Affidavit

>Appointment of Resident Process Agent (AOC-E-500)

> Renunciation of Right to Qualify (AOC-E-200)

NOTE: Additional forms may be required to begin the qualification process and will be determined based upon the circumstances.

READ FORMS CAREFULLY AS THEY CONTAIN INSTRUCTIONS AND INFORMATION NECESSARY IN THIS PROCESS.

ONLINE RESOURCES

- General Information about the Estate Administration Process
- Estates Division YouTube Video Tutorials
- NC Courts Guide & File Service
- View Estates Division WebEx <u>Virtual Appointment Availability</u> (<u>Click here</u> to submit an appointment request)

Application for Probate and Letters is available when...

The personal representative (executor/executrix) named in the will wishes to have the will probated and to be appointed over an estate.

OSTEPS FOR QUALIFICATION...

- 1. Fill out the Application for Probate and Letters (AOC-E-201)
- 2. Beneficiaries must be listed on the form with the full names and addresses
- 3. Oath form (AOC-E-400)
- 4. Original Will
- 5. Death Certificate
- 6. Court Filing Fee \$120 (Acceptable forms of payment: Certified check or money order payable to "Clerk of Superior Court.")
- 7. If you are *not* a North Carolina resident, complete the Resident Process Agent form (AOC-E-500) appointing a North Carolina resident who will act as your representative for Court service. The appointed agent must sign the document in front of a notary.
- 8. Renunciation of Right to Qualify (AOC-E-200): This form is used if the named personal representative in the will does not wish to serve in this capacity
- 9. A surety bond might be necessary based upon specific guidelines discussed in the online Bond tutorial.

EXPLANATION OF TERMS:

- **Decedent:** Individual who passed away.
- Applicant: Someone who is applying for the position of personal representative (executor/executrix).
- **Testate:** The decedent died leaving a Last Will & Testament.
- **Heir/Beneficiary:** A person who inherits or is entitled by law or by the terms of a will to inherit the estate of another
- Qualification: The possession by an individual of the qualities, properties, or circumstances which render him/her eligible to perform a duty or function.
- Oath: A form of attestation by which a person signifies that he/she is bound in conscience to perform an act faithfully and truthfully.

- Renunciation: The act of voluntarily declining to take up the duties of the office of executor/executrix to handle the distribution of estate assets.
- Resident Process Agent: The North Carolina resident selected by the out-of-state applicant to accept mail and other service of process regarding estate matters.
- Surety Bond: Written guaranty or pledge which is purchased from a bonding company (usually an insurance firm) to guarantee some form of performance. If there is a failure, the bonding company will make good up to the amount of the bond.

Completed filings may be dropped off during normal business hours at:

Mecklenburg County Courthouse, 832 E. 4th Street, Charlotte NC 28202

You may also mail completed filings to:

Clerk of Superior Court, Estates Division, PO Box 37971, Charlotte NC 28237

Estates Phone Number: 704-686-0460 Estates E-Mail: mecklenburg.estates@nccourts.org

STATE OF NORTH CAROLINA			File No.				
County			In The General Court Of Justice Superior Court Division Before The Clerk				
	IN THE MATTER OF THE ESTAT	E OF					
Name, Street Address, City, State, And Zip Code Of Decedent				APPLICATION			
				FOD F	_	-DC	
				_	PROBATE AND LETTI	_	
				☐ TESTAMENTARY ☐ OF ADMINISTRATION CTA			
COLL	nty Of Domicile At Time Of Death			AND	ADDENDUM (AOC-E	-309)	
Jour	ny or bonnone vic vinno or boath				G.S. 28A-2A-1, -2, -5	5· 28A-6-1· 28A-12-4	
Date	Of Death Date Of Will And Co	odicil(s), If A	ny	Place Of Death (if different from County Of Domicile)			
Vam	ne, Street Address, PO Box, City, State, And Zip Code Of Ap,	olicant		Name, Street Address, PO	Box, City, State, And Zip Code Of Co-	Applicant	
		Telephor	ne No.			Telephone No.	
ega	al Residence (County, State)			Legal Residence (County, S	State)		
Vam	ne, Street Address, PO Box, City, State, And Zip Code Of Att	orney		Attorney Bar No.			
				Telephone No.			
				rolophiche No.			
I. t	he undersigned, applying for probate and for le	tters in th	ne above	 estate. being first duly:	sworn, say that:		
	The decedent was domiciled in this county at				•	v orwas a	
١.	nonresident motorist who died in North Carolii						
2.	The decedent left the paper-writing(s) purporting to be the decedent's Last Will and Testament and codicil(s), dated as shown above.			dated as			
3. a. I am an executor, devisee, or legatee named in the will, or			or a next-of-kin or cred	itor of the decedent.			
	b. I am the person entitled to apply for le	ters or a	m applyin	g after all persons hav	ing prior right to apply have re	nounced.	
	c. I am applying subject to G.S. 28A-6-2	1) and m	ove that	all necessarv notices b	e issued.		
	d. I am the public administrator appointed	•		,			
1	-						
	. I am not disqualified pursuant to G.S. 28A-4-2 to administer the estate and have not renounced my right to do so.						
5.	Following the execution of the will there were no children born to or adopted by the decedent, and the decedent did not thereafter marry or obtain a divorce. (If the facts are otherwise, state them on an attachment.)						
6.	After diligent inquiry, I have determined that the persons listed below are all the persons entitled to share in the decedent's estate. (If there is a court-appointed guardian for any such person(s), list the guardian's name and address on an attachment.)						
	NAME	AGE	ı	RELATIONSHIP	MAILING ADDR	ESS	
			-				

PRELIMINARY INVENTORY (Give values as of date of decedent's death. Continue on separate attachment if necessary.) PART I. PROPERTY OF THE ESTATE 1. Accounts in sole name of decedent (List bank, etc., each account no., and balance.) Est. Market Value \$ 2. Joint accounts without right of survivorship (List bank, etc., each account no., balance, and joint owners.) % Owned By Decedent % Owned By Decedent % Owned By Decedent % Owned By Decedent 3. Stocks/bonds/securities in sole name of decedent or jointly owned without % Owned By Decedent right of survivorship 4. Cash and undeposited checks on hand 5. Household furnishings 6. Farm products, livestock, equipment, and tools 7. Vehicles 8. Interests in partnership or sole proprietor businesses 9. Insurance, Retirement Plans, IRAs, annuities, etc., payable to Estate 10. Notes, judgments, and other debts due decedent 11. Miscellaneous personal property 12. Real estate willed to the Estate 13. Estimated annual income of Estate 14. Is there a pending lawsuit that involves the decedent? Yes TOTAL PART I. \$ (Base bond on this amount, if applicable.) PART II. PROPERTY WHICH CAN BE ADDED TO ESTATE IF NEEDED TO PAY CLAIMS 1. Joint accounts with right of survivorship (List bank, etc., each account no., balance, and joint owners.) \$ 2. Stocks/bonds/securities registered in beneficiary form and immediately transferred on death or jointly owned with right of survivorship 3. Other personal property recoverable (G.S. 28A-15-10) 4. Real estate owned by decedent and not listed elsewhere TOTAL PART II. \$ PART III. OTHER PROPERTY is 1. There is not entireties real estate owned by decedent and spouse. 2. There are Insurance, Retirement Plans, IRAs, annuities, etc., payable to named are not beneficiaries.

Signature Of Applicant Signature Of Co-Applicant SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME Date Signature Of Person Authorized To Administer Oaths Date Signature Of Person Authorized To Administer Oaths Deputy CSC Assistant CSC Clerk Of Superior Court Deputy CSC Assistant CSC Clerk Of Superior Court Date Commission Expires Date Commission Expires Notary Notary County Where Notarized County Where Notarized **SEAL SEAL**

a potential claim for wrongful death arising under G.S. 28A-18-2.

is not

3. There

INSTRUCTIONS FOR PRELIMINARY INVENTORY ON SIDE TWO OF APPLICATION FOR PROBATE AND LETTERS,

FORM AOC-E-201, REV. 4/11

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, Rev. 4/08

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.

- 1 "Account" includes accounts in banks, savings and loans and other financial institutions, including money market accounts with brokerage houses or similar institutions.
- l "<u>Joint Account With Right Of Survivorship</u>" 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.
- I "<u>Stocks Or Bonds With Right Of Survivorship</u>" 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.
- I "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. Deposits In Sole Name Of Decedent For each account, list the name of the institution, the account number and the balance on the date of death.
- 2. <u>Joint Accounts Without Right Of Survivorship</u> For each account, list the name of the institution, the account number, and the name(s) of the other joint owner(s). 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 And Bonds In Sole 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. <u>Interest in Partnership Or Sole Proprietor Businesses</u> 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 The 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.

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 life time, 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. <u>Joint Accounts With Right Of Survivorship Under G.S. 41-2.1</u> List all joint accounts with right of survivorship. For each account, list the name of the financial institution, the account number, the names of the other joint owners, and the total balance on the date of death. Attach a copy of the signature card or depository contract for each such account to this form or to your Inventory (AOC-E-505.)
- Stocks/ Bonds/Securities Registered In Beneficiary Form 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 Under G.S. 28A-15-10 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 The 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. <u>Insurance, Retirement Plan, IRA, Annuities, Etc., Payable To Persons Other Than the Estate</u> 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 totalling 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 comingle 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.

STATE (OF NORTH CAROLINA	File No.			
OIAIL	SI NORTH CARCLINA	In The General Cou	rt Of Justice		
	County	Superior Court Before The (Division		
IN	THE MATTER OF THE ESTATE OF:				
Name Of Deceden	t/Minor/Incompetent/Trust	OATH/AFFIRMATION			
		N.C. Constitution, Art. VI., Sec. 7; G.S.11-7,	11-11; 28A-7-1		
of the Unite and bear tr may be est Constitution ability; and	ed States, and the Constitution and laws of Nortl ue allegiance to the State of North Carolina, and ablished for the government thereof; and that I w		e faithful ch are or e		
(check office b	,				
□ OATH OF ADMINISTRATOR I □ swear □ affirm that I believe that the above named decedent died without leaving any Last Will and Testament; that I will well and truly administer all and singular the goods and chattels, rights and credits of the deceased and a true and perfect inventory thereof return according to law; and that all other duties appertaining to the charge reposed in me, I will well and truly perform, according to law and with my best skill and ability; □ so help me, God. □ and this is my solemn affirmation.					
□ OATH (OF EXECUTOR				
I swear firm that I believe this paper writing to be and contain the Last Will and Testament of the above named decedent; and that I will well and truly execute the same by first paying the decedent's debts and then the decedent's legacies; as far as the said estate shall extend or the law shall charge me; and that I will well and faithfully execute the office of an executor, agreeably to the trust and confidence reposed in me, and according to law; so help me, God. and this is my solemn affirmation.					
☐ OATH C	OF ADMINISTRATOR CTA				
named deceder	decedent; and that I will well and truly execute that's legacies, as far as the said estate shall exte	to be and contain the Last Will and Testament ne same by first paying the decedent's debts and or the law shall charge me; and that I will well be best of my skill and ability and according to the nation.	then the l and		
OATH C	OF FIDUCIARY				
		y discharge the duties reposed in me according ρ me, God. $\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \$			
Name Of Fiduciary	1	Name Of Fiduciary 2			
Signature Of Fiduc	iary	Signature Of Fiduciary			
	AFFIRMED AND SUBSCRIBED TO BEFORE ME	☐ SWORN ☐ AFFIRMED AND SUBSCRIBED TO BEFORE ME			
Date		Date			
Signature Of Person Authorized To Administer Oaths		Signature Of Person Authorized To Administer Oaths			
Deputy CSC	Assistant CSC Clerk Of Superior Court	Deputy CSC Assistant CSC Clerk Of Superior	Court		
Notary	Date My Commission Expires	Date My Commission Expires	Notary		
SEAL	County Where Notarized	County Where Notarized	SEAL		

STATE OF NORTH CAROLINA

File	No.

Mecklenburg County

In The General Court Of Justice Superior Court Division Refore The Clerk

	before the cierk		
IN THE MATTER OF THE ESTATE OF:			
me Of Decedent			
ame, Street Address, PO Box, City, State and Zip Code of Affiant	FAMILY HISTORY AFFIDAVIT		
	INTERROGATORIES ABOUT DECEDENT AND FAMILY		
elephone No.			
egal Residence (County, State)	Relationship		
1. Marital Status: Married Widowed	Divorced Never Married		
a. If Married/Widowed/Divorced:			
Name of Spouse:			
Date of Diverse (or death):			
Date of Divorce (or death):			
b. Names and Addresses of children born into this r			
Name Addres	§\$		
			
			
c. Is there an unborn child?	No No		
2. Did any of the children listed above die prior to the date	the decedent died?		
a. If yes:			
Name of pre-deceased child:			
Did the pre-deceased child have children?	Yes No		
If yes, names of children:			
3. Has the decedent been married more than once?	Yes No		
a. If yes, name of prior spouse:			
(Ov	ver)		

b.	Names and Addresses of Children Born	into this marria	ige:			
	Name	Address				
a.	decedent have any children that were If yes, list names and addresses: Name	born <u>outside</u> of Address	marriage?		Yes	☐ No
a.	decedent leave: An adopted child? Yes A child that has been adjudged menta	No No Illy incompetent	?		Yes	☐ No
6. Are the	parents of the decedent living?		Yes	No	If yes,	list names below.
a. b.						
U.	Father:					
	any brother and sisters did the deceder					
	Name	Address (if k	nown)			
	of the siblings listed above die prior to If yes:	the date the de	cedent died?		Yes	No
	Name of pre-deceased sibling(s):					<u> </u>
	Did the are deceased sibling(s) have s		Yes	☐ No		_
	Did the pre-deceased sibling(s) have o	illiuren:	res			
	If yes, names of children:					_
Signature of Affiant	Ε	Date				
SWORN/AF	FIRMED AND SUBSCRIBED TO BE	FORE ME				
Date	Signature					
Deputy CSC	Assistant CSC Clerk of Super	rior Court				
Notary	Date Commission Expires					
SEAL	County Where Notarized					

STATE OF NO	RTH CAROLINA	File No.
	County	In The General Court Of Justice Superior Court Division Before The Clerk
IN THE MA	TTER OF THE ESTATE OF:	
Name Of Decedent/Incompeter		APPOINTMENT OF RESIDENT PROCESS AGENT
		G.S. 28A-4-2(4); 35A-1213(b)
Carolina Courts in t		bove named estate, submit to the jurisdiction of the North the resident process agent named below on whom may be beedings with respect to this estate.
Name, Street Address, PO Box	r, City, State And Zip Code Of Resident Process Agent	Date
		Name Of Personal Representative Or Guardian (Type Or Print)
Telephone	County Of Residence	Signature Of Personal Representative Or Guardian
	ACCEPTANCE O	F APPOINTMENT
	personal representative or guardian of a	above named personal representative or guardian, and Il citations, notices and processes served on me as his
SWORN/AFFIRMED	AND SUBSCRIBED TO BEFORE ME	Date
Date		Name Of Resident Process Agent (Type Or Print)
Signature Of Person Authorized	d To Administer Oaths	Signature Of Resident Process Agent
Deputy CSC A	ssistant CSC Clerk Of Superior Court	
Notary	Date My Commission Expires	
SEAL	County Where Notarized	

STATE OF NORTH CAROLINA	File No.
County	In The General Court Of Justice Superior Court Division Before the Clerk
IN THE MATTER OF THE ESTATE OF:	
Name Of Decedent	RENUNCIATION OF RIGHT TO QUALIFY
	FOR LETTERS TESTAMENTARY
	OR LETTERS OF ADMINISTRATION
	G.S. 28A-5-1, -2
To The Clerk Of Superior Court:	
 1. The undersigned hereby renounces the right to qualify 2. The undersigned hereby renounces the right to admir respectfully asks that the following nominee be appoin Name Of Nominee	
Date	Date
Name Of Person Renouncing (Type Or Print)	Name Of Witness (Type Or Print)
Signature Of Person Renouncing	Signature Of Witness
Date	Date
Name Of Person Renouncing (Type Or Print)	Name Of Witness (Type Or Print)
Signature Of Person Renouncing	Signature Of Witness
Date	Date
Name Of Person Renouncing (Type Or Print)	Name Of Witness (Type Or Print)
Signature Of Person Renouncing	Signature Of Witness
Date	Date
Name Of Person Renouncing (Type Or Print)	Name Of Witness (Type Or Print)
Signature Of Person Renouncing	Signature Of Witness