

WHAT IS ESTATE ADMINISTRATION?



When someone dies, some or all of the deceased person's property may transfer directly to others because of legal arrangements made by the deceased person before death. However, in many situations a representative for the deceased person must be appointed by the court to collect the deceased person's assets, pay the deceased person's valid debts, and distribute the deceased person's property to the proper persons.

Estate administration is the process for handling a person's assets and debts after that person's death. Some estates are administered through what is often described as "full estate" administration. Other estates may be administered through simpler processes often described as "small estate" administration. No matter the process or type of administration needed, estate administration is handled primarily in office of the clerk of superior court.

FOR MORE INFORMATION



When you are ready to administer a decedent's estate, contact the clerk of court in the appropriate North Carolina county.

For additional ways to begin the estate administration process or determine where the estate should be administered, visit [NCCourts.gov/help-topics/wills-and-estates](https://nccourts.gov/help-topics/wills-and-estates).

THE OFFICE OF THE CLERKS OF THE SUPERIOR COURT EX OFFICIO JUDGE OF PROBATE



The clerk of superior court in North Carolina is unique in that the clerk performs numerous judicial functions. As the judge of probate, the clerk handles the probate of wills and the administration of estates of the deceased, minors, and people who are incompetent.

As the custodian of court records, the clerk is responsible for all clerical and record-keeping functions. Each clerk has a number of assistants and deputies, which varies by county depending on the volume of business.

eCourts Guide & File

eCourts Guide & File is available to help users prepare court documents to file for estate matters, including Year's Allowance, Summary Administration, and Small Estate Administration.

Visit [NCCourts.gov/Services](https://nccourts.gov/Services) to start filing.



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HOW TO ADMINISTER THE ESTATE OF A LOVED ONE



What to do after the loss of a friend or family member, claiming inheritance, and process for probating a will



Contact your local
Clerk of Superior Court
Ex Officio Judge of Probate
Estates Division
for more information



[NCCOURTS.GOV/LOCATIONS](https://nccourts.gov/locations)

TYPES OF ESTATE ADMINISTRATION

Each estate is different due to any number of complex circumstances. Depending on the circumstances of the decedent there may be a number of estate administration options available under North Carolina law to complete the administration of the decedent's affairs. Some of these estate administration options include:

- Full estate administration with the appointment of an administrator or executor
- Collection of property by affidavit pursuant to Article 25 of G.S. Chapter 28A
- Year's allowance for either a widow(er) or eligible children pursuant to Article 4 of G.S. Chapter 30
- Summary administration pursuant to Article 28 of G.S. Chapter 28A
- Clerk administration pursuant to G.S. 28A-25-6
- Appointment of a Collector pursuant to Article 11 of G.S. Chapter 28A

WHERE DO I START?

The estate of a North Carolina resident may be administered in the county where he or she was domiciled at the time of death. If a decedent was not domiciled in North Carolina at the time of death, the estate may be administered in any North Carolina county in which the decedent left any property or assets or into which any property or assets belonging to the estate may have come. If the decedent was a nonresident motorist who died in North Carolina, the administration may be in any county.

BEGINNING THE ESTATE ADMINISTRATION

If you are unsure of whether an estate needs to be opened, or what type of estate administration is appropriate, you may need to consult with a licensed North Carolina attorney.

If you have determined that you will need to open some type of estate administration, before contacting the clerk of court it may be helpful to collect information and documents to make this process as smooth as possible for you. Some examples of the type of information or documents that may be helpful include:

- The decedent's last original will, if any
- The decedent's death certificate or their obituary
- All available details of the decedent's personal property (bank accounts, titles, loans, household furnishings, and / or vehicles)
- All details of the decedent's real property (its value, and the names of record owners, including names listed on any deeds)
- Names, ages, and addresses of beneficiaries named in a will
- Names, ages, and address of the decedent's heirs if there is no will
- All investment information, including value and shares

ABOUT ESTATES

What is a "decedent"?

A "decedent" is a person who has died.

What is an "heir(s)"?

"Heirs" are people who receive property when there is no will.

What is a "devisee"?

"Devisees" are people who receive property through the probate of a will.

What is a "personal representative"?

"Personal Representative" is a term used to refer to both executors and administrators. This person has a fiduciary duty to act in best interests of the estate. A fiduciary is someone in a position of trust and authority to manage property for the benefit of another. "Executors" are the fiduciaries appointed under a will and given authority by the court. "Administrators" are the fiduciaries appointed by the court when a person dies without a will.

For more information about estates, please visit nccourts.gov/help-topics/wills-and-estates.

APPOINTMENT WITH THE CLERK'S ESTATES DIVISION

Appointments with the estates division of the county clerk's office are available on weekdays. Appointments may be scheduled by contacting the clerk's estates division for your specific county.

Please note: The option or ability to set appointments may vary per county clerk. For specific county clerk of court contact information, visit nccourts.gov/locations.