

Questions Continued

How do I get a copy of my real estate tax bill?

A copy of your real estate tax bill can be obtained at the County Treasurer's Office at 1010-56th St. The cost will generally be \$.25.

How do I start an informal probate?

The following startup forms are always required: **Will, Application for Informal Administration, Proof of Heirship, Notice to Creditors or Notice to Interested Persons, Acceptance of duties, Statement of Informal Administration, Domiciliary Letters.** You may purchase a blank set of forms from the Kenosha County Probate Registrar, Marilyn Lemke. Her office is located in Room 304 of the Kenosha County Court House (912—56th St. Kenosha, WI). You may also access the most up to date forms on the internet at the State of Wisconsin Supreme Court website: <http://wicourts.gov/circuit/search forms.html>. There are other forms that will be required and you should speak to the Probate Registrar about your case. There is a Guide to Informal Probate on the Clerk of Court website at www.co.kenosha.wi.us/clerkcourt.

Can the Probate Registrar fill out my forms for me?

The Probate Registrar cannot fill out the forms for you. She is required by statute to check the data you provide and, if necessary, request further information from you. When the forms are completed satisfactorily, the Probate Registrar will accept the forms for filing.



Contacts

Marilyn Lemke, Registrar of Probate
912-56th St., Room 304
Kenosha, WI 53140
www.co.kenosha.wi.us/clerkcourt

Louise Principe, Register of Deeds
1010-56th St
Kenosha, WI 53140
www.co.kenosha.wi.us/rod

Teri Jacobson, County Treasurer
1010-56th St.
Kenosha, WI 53140
TJacobso@co.kenosha.wi.us
www.co.kenosha.wi.us/treasurer

To search court records: <http://wicourts.gov>

State of Wisconsin Supreme Court website: <http://wicourts.gov/circuit/search forms.html>

Wisconsin State Bar: www.wisbar.org

Wisconsin Title Association: www.wlta.org

Disclaimer of Liability: Kenosha County presents the information in this brochure as a public service. While the information in this brochure concerns legal issues, it is not legal advice. Moreover, due to the rapidly changing nature of the law, we make no warranty or guarantee concerning the accuracy or reliability of the content of this brochure.

Kenosha County Probate Guide



Many people assume probate is a time-consuming, expensive process. While it does entail costs and take time, probate may be less cumbersome than you fear. This brochure presents basic information about what probate does and how it works.

Compiled by:
Rebecca Matoska-Mentink, Clerk of Circuit Court
Teri Jacobson, County Treasurer
Louise Principe, Register of Deeds

Probate Frequently Asked Questions

What is probate?

Probate is a court-supervised procedure for transferring ownership of someone's solely owned assets after he or she dies. This process validates the person's will and distributes property as the will directs. If the decedent left no will or other legal arrangement for transferring assets upon death, the estate still goes through probate unless assets are under \$50,000.

The goal of probate is to protect the rights of heirs or other beneficiaries and others who have an interest in an estate. Probate determines what the estate owes to creditors. Fiduciary taxes must be filed. Once probate officially distributes assets to the beneficiaries, those assets are free from any additional tax liabilities or creditors claims.

Who oversees probate?

The will names a personal representative who is responsible for overseeing the probate of an estate. A personal representative is called an executor in many states. If the will designates no personal representative, the court appoints one. The main duties of a personal representative are: Identify & collect decedent's assets, manage those assets during probate, determine surviving spouse's rights, pay debts, claims, taxes and probate expenses, and distribute the remaining assets to those named in the will.



What's the difference between formal & informal administration?

A probate judge presides in formal administration, while the county's probate registrar aids and assists with the administration of informal probate. Generally, you must use formal administration, if the will has contested issues. If contested issues arise during informal proceedings, the matter would have to be switched to formal administration. Informal administration costs less than formal, and, in many cases, you can handle some of the process through the mail.

Which assets bypass probate?

Also exempt from probate is property titled in joint ownership, which automatically passes to the surviving owner. Other assets may be exempt from probate, if the decedent has done the necessary estate planning before death.

How much does probate cost?

The major expenses include court costs and fees paid to the personal representative and the attorney. The funds to pay for these expenses come out of the estate. The value of the estate's assets will determine the court filing fees. Attorney fees vary depending on the complexity of the case. Once an attorney has basic information about the estate, they should be able to give a rough estimate of total fees. Be sure you understand the fee arrangement before retaining an attorney.

Disclaimer of Liability: Kenosha County presents the information in this brochure as a public service. While the information in this brochure concerns legal issues, it is not legal advice. Moreover, due to the rapidly changing nature of the law, we make no warranty or guarantee concerning the accuracy or reliability of the content of this brochure.



How long does probate take?

The time needed for probate depends on factors such as estate size, type of assets owned, form of ownership, tax issues, complexity of creditors claims, marital property issues and whether a business is involved. Probate cases should be completed in eighteen months.

Can I avoid probate?

Some estates and types of assets are not subject to probate. Certain types of estate planning also can make probate unnecessary. Even with this kind of advance planning, probate may be necessary for some assets.

How do I transfer property under \$50,000?

If the total value of solely owned property is under \$50,000 it can be transferred by Affidavit (Form PR-1831). For assistance with this form call: 608-264-6756 (recording) or 608-264-6755 (Main Phone)

How do I remove my deceased spouse's name from property we owned jointly?

To remove the name of the deceased spouse, you will need to complete a document called a Termination of Decedents Property Interest. This document can be obtained from the Register of Deeds Office or online at www.co.kenosha.wi.us/rod. You will need a copy of the document that shows joint tenancy, life estate, survivorship marital property, vendor's interest, or mortgagee's interest. A certified copy of the death certificate and a copy of the real estate tax bill for each parcel for the year immediately preceding the decedent's death are also needed. The recording fee is \$25.