

INTERNET RESOURCES FOR PROBATE

- Forms: www.wicourts.gov
Forms→Circuit Court→Probate Forms
- Wisconsin Register in Probate Association: wripa.org/probate
Types of probate “click here” →Guide to Informal Estate (other types listed as well)

FREQUENTLY ASKED QUESTIONS ABOUT PROBATE

- **What is probate?**

Probate is the court-supervised process for the orderly transfer of a decedent's assets to those who are entitled to them. The process ensures that notice is properly given, that all debts, taxes and expenses are paid, that the assets are distributed in accordance with the last Will or to the heirs as determined by statute.

- **What do I have to do when someone dies?**

If the decedent left a Will, it must be filed with the probate office within 30 days of death, even if no probate proceedings are required. Complete and file with the Register in Probate office an Affidavit of No Probate form. The form can be obtained in person or by mail through the Register in Probate office.

- **Do I need a lawyer?**

A lawyer is not required for Informal Probate and certain other proceedings. You may seek advice or the services of an attorney at any point in the process. A lawyer is required, however, for Formal Probate proceedings. Probate office staff cannot give legal advice.

- **What does the personal representative do?**

The personal representative (formerly the executor) is the person nominated to administer the decedent's assets in a probate proceeding. The personal representative cannot assume the duties until the court appoints the personal representative and issues Domiciliary Letters. Duties and responsibilities include making an inventory of and managing the decedent's property, paying debts, expenses and taxes, and distributing the property to the heirs or beneficiaries. The personal representative has the duty to protect the estate assets, administer and distribute estate assets in a diligent and timely manner according to statutory deadlines, and file any required tax returns for the decedent.

- **Where can I find the law on probate?**

The Wisconsin Statutes have several chapters regarding probate court actions. Look especially in chapters 851-882.

- **Where can I find standard forms?**

Standard, statewide forms are required by all Wisconsin circuit courts. In addition, there may be other forms that are needed in a specific county. Forms may be obtained in

person from the Register in Probate office. There is a charge for some form packets, or forms can be obtained online at www.wicourts.gov.

- **What are some types of probate procedures?**

Formal Administration

Informal Administration is the most commonly used procedure. In most cases, you do not need an attorney to proceed informally.

Summary Settlement proceedings can be used whenever there is a surviving spouse or minor children and the estate assets, less the amount of the debts for which any property is security, does not exceed \$50,000. It may also be used whenever the value of the estate does not exceed the priority debts (e.g. taxes, administrative, funeral and burial, last illness, spousal and family allowances).

Summary Assignment can be used whenever the value of the estate, less the amount of the debts for which any property is security, does not exceed \$50,000 and summary settlement does not apply.

- **What if the decedent owned less than \$50,000 in assets?**

Form PR-1831, Transfer by Affidavit \$50,000 and under, can be found on the court website

- **Are any probate records on the internet?**

Yes! A scaled-down version of the information on the court computer docket is available on the internet at Wisconsin Circuit Court Access. www.wicourts.gov Here you can find case numbers, the name of the personal representative, the final date to file claims, and whether any claims have been filed.

- **Where can I find information about probate court deadlines?**

The Wisconsin Statutes have several chapters that outline deadlines for probate court related actions. Look especially in chapters 851-882.

- **Where can I find out more general information about probate?**

Check the Wisconsin Register in Probate Association website or the links on the Wisconsin State law Library's legal topics for more resources and information.

INFORMAL PROBATE

SAWYER COUNTY
REGISTER IN PROBATE OFFICE
10610 MAIN STREET, SUITE 244
HAYWARD, WI 54843

HOURS:
MONDAY – FRIDAY
8:00 AM – 4:00 PM

PHONE: 715-634-7519

NOTE: This guideline is provided only as a public service and is not meant to be legal advice. The Register in Probate office cannot give legal advice; please contact an attorney if you have legal questions.

TO OPEN AN INFORMAL PROBATE

FIRST STEP: complete and file the originals of the following:

PR – 1801	Application for Informal Administration
PR – 1806	Proof of Heirship
PR – 1803	Waiver and Consent
PR – 1804	Notice to Creditors (OR, if waivers are not filed, complete PR-1805)
PR – 1805	Notice Setting Time to Hear Application and Deadline for Filing Claims *
PR – 1807	Consent to Serve
PR – 1808	Statement of Informal Administration
PR – 1810	Domiciliary Letters
Original	Will and any Codicils (copy to be provided to all interested persons)
Original	Probate Claims Notice; copy to WI Dept of Family Services and County Clerk
Other	Trusts – see page 2.

*Personal Representative (PR) will be appointed after the hearing date listed on the Notice to Interested Persons once the following documents are filed: Affidavit of Publication from the newspaper and form PR – 1817 Affidavit of Service showing proof that the Notice was mailed to the interested persons.

AFTER PR APPOINTMENT: complete and file the originals of the following:

SECOND STEP: INVENTORY

PR – 1811	Inventory DUE no later than 4 months after Domiciliary Letters are issued
Filing Fee	Statutory inventory filing fee of 0.2% of the assets is due with the inventory
PR – 1817	Affidavit of Service – inventory to interested persons

THIRD STEP: FINAL ACCOUNT

PR – 1814	Estate Account w/ attached schedules
PR – 1817	Affidavit of Service– estate account to interested persons
Note	additional property listed is subject to the 0.2% filing fee

FOURTH STEP: CLOSING DOCUMENTS

PR – 1815	Estate Receipt from heirs/beneficiaries for partial and/or full distributions
PR – 1815	Estate Receipt from claimants, if claims were filed
PR – 1816	Personal Representative's Statement to Close Estate

OTHER DOCUMENTS:

Original Affidavit or Proof of Publication from newspaper
Copy ~~Funeral Receipt marked paid in full~~
Original Closing Certificate for Fiduciary from WI Dept of Revenue (see below)

BOND: May be required prior to appointment of the PR; determination will be made whether bond will be a signature bond (form PR – 1809) or a corporate bond.

TRUSTS: If the decedent's Will establishes a trust, please complete the following forms: PR-1930 Consent to Serve as Trustee and PR-1829 Letters of Trust and file the originals with the Register in Probate office when the estate is opened.

CLAIMS: It is the Personal Representative's responsibility to check the court record for any claims filed. The website is: <http://wcca.wicourts.gov/index.xsl>. Copies can be obtained from the Register in Probate office for a fee of \$1.00 per page.

CLOSE ESTATE: Estate shall be closed 12 months after the Application is filed pursuant to 10th Judicial District benchmarks.

CERTIFIED COPIES: If requested, are \$3.00 for the certification and \$1.00 for each page copied and compared. If requested through the mail, please enclose a self-addressed, stamped envelope together with the correct fee.

ADDITIONAL RESOURCES: A booklet called "A Personal Representative's Guide to Informal Probate in Wisconsin" is online at www.wripa.org. New probate forms were released in December, 2010; the booklet is not updated to reflect these changes.

FORMS: additional/duplicate forms can be found at: www.wicourts.gov

WISCONSIN TAX FORMS: <http://www.dor.state.wi.us/html/formpub.html>

A Closing Certificate for Fiduciaries is required before closing the estate. Request the Closing Certificate by completing Schedule CC and any other necessary fiduciary tax returns. Submit Schedule CC and any fiduciary returns together with all requested documents to: Wisconsin Department of Revenue, PO Box 8918, Madison, WI 53708-8918. Filing of the fiduciary, estate tax, and income tax returns is the personal representative's responsibility.

IRS NOTICE: The Internal Revenue Service may be a creditor of the decedent and should be promptly notified of the death and any probate proceeding. Form 56 – Notice Concerning Fiduciary Responsibility is included with this guideline or can be found at www.irs.gov