



PILLAR BEACON PARTNERS

Clarity and continuity beyond the point of care

FAQ: Understanding the Probate Process

Section 1 — Before Probate Begins

These address decisions made before authority is granted.

What is probate and why does it happen?

Probate is the legal process used to settle a person's estate after death. It confirms authority, addresses debts and taxes, and allows assets to be transferred according to a will or state law.

What happens immediately after a death, before probate starts?

Certain responsibilities arise before probate is formally opened, including securing documents, identifying assets, and understanding who may be appointed to act on behalf of the estate.

What should not be done before probate begins?

Do not distribute assets, sell property, or act on behalf of the estate before legal authority is granted.

Do I need to do anything right away?

Some steps should not be rushed. Acting too early or without authority can create delays or legal issues later. Understanding timing matters.

Section 2 — Roles and Authority

These clarify **who does what**.

Who can be appointed as a personal representative or executor?

A personal representative (sometimes called an executor) is responsible for managing the estate. This person is usually named in the will. If there is no will, the probate court appoints someone, often a spouse or adult child.

What are the responsibilities of a personal representative?

Responsibilities include identifying assets, notifying creditors, paying valid debts and taxes, and distributing remaining assets according to the law.

Can more than one person serve as personal representative?

Some wills name co-representatives. When this happens, coordination and clear division of responsibility are important.

Section 3 — Timeline and Process

These explain **how long and in what order**.

How long does probate usually take?

Probate timelines vary by state and estate complexity. Many estates take several months to over a year to complete.

What documents are needed to begin probate?

Common documents include the death certificate, the will (if one exists), and preliminary information about assets and liabilities.

What causes probate delays?

Incomplete documents, disputes among heirs, unresolved debts or taxes, missing assets, court backlogs, and actions taken out of sequence before authority is granted.

Section 4 — Financial and Legal Considerations

These address obligations, not advice.

What costs are associated with probate?

Costs may include court fees, attorney fees, and administrative expenses. These vary by state and estate size.

What happens if there are debts or unpaid taxes?

Debts and taxes must be addressed before assets are distributed. The personal representative follows state rules for notice, review, and payment of valid claims.

How long do creditors have to file claims?

Timeframes are set by state law and often range from a few months after notice is given.

Can estate funds be accessed before probate is complete?

In most cases, access is limited until obligations are resolved, though some assets may pass outside probate.

Who pays probate costs and when?

Probate costs are paid from the estate, not personally by heirs, and are addressed before assets are distributed.

Section 5 — Disputes and Complications

These explain **what can go wrong**.

What happens if someone challenges the will?

A will contest is handled by the probate court and may involve questions about capacity, influence, or execution.

What if there is a dispute over how the estate is being managed?

The court may review actions taken by the personal representative and require corrections if needed.

Section 6 — Support and Boundaries

These define **your role clearly**.

Can probate proceed without an attorney?

Some estates proceed without an attorney, but complexity, disputes, or real estate often make legal guidance necessary.

How does Pillar Beacon Partners assist during probate?

Pillar Beacon Partners provides probate education, context, and coordination. We help people understand responsibilities, timing, and sequence, and connect them with qualified professionals when appropriate.

Does Pillar Beacon Partners provide legal or financial advice?

No. We do not provide legal or financial advice. Professionals set their own fees and provide services in accordance with state law.

What kind of emotional support is available?

Support is offered through referrals to qualified providers when individuals seek that type of assistance.

Understand Probate Terms Before You Begin

Looking for a complete list of definitions? Visit our Probate Glossary for more terms and simple explanations.