

SIMPLIFIED PROBATE OPTIONS IN ILLINOIS

As I pointed out in the last post, *What the Heck is Probate?*, typical probate procedures can often times be burdensome to the personal representative, costly to the estate, and time consuming for beneficiaries that may need funds distributed. Luckily, many states do have some simplified procedures that can be followed in certain situations.

Simplified Probate in Illinois

Illinois has some procedures that make it easier for survivors to transfer property left by a person who has died which can save time, money and hassle.

Illinois has a procedure that allows beneficiaries to skip probate altogether when the value of all the assets left behind is less than a certain amount (*The out-of-court affidavit procedure is available in Illinois if the gross value of all of the deceased person's property that passes under a will or by state law, excluding real estate, is \$100,000 or less. 755 Ill. Comp. Stat. § 5/25-1*). All a beneficiary has to do is prepare and appropriately execute an affidavit stating that he or she is entitled to a certain asset given the language in the will or his or her relationship to the decedent. The affidavit is then presented, along with a death certificate to the person or financial institution holding the asset and the asset is then transferred to the entitled individual.

If Transfer by Affidavit is not available for a particular estate, it may be possible for an executor to use a simplified probate procedure. To do so, an executor must file a request with the probate court requesting the procedure, but if approved, the executor will be permitted to proceed without continuous court involvement. This simplified procedure may be available if the gross value of property subject to probate in Illinois does not exceed \$100,000 and all heirs and beneficiaries consent in writing. For additional detail, see 755 Ill. Comp. Stat. § 5/9-8.

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