

STEPS IN THE PROBATE PROCESS

FILE THE WILL

In DuPage County, the original will must be filed with the Clerk of the Circuit Court within 30 days of the decedent's death.

APPOINTMENT OF EXECUTOR OR ADMINISTRATOR

If a will exists, the court appoints the executor named in the will. Without a will, the court appoints an administrator to oversee the estate.

INVENTORY OF ASSETS

Compile a detailed list of the decedent's assets, including real estate, bank accounts, investments, and personal property.

NOTIFICATION OF CREDITORS AND BENEFICIARIES

The executor or administrator is responsible for notifying creditors and beneficiaries of the probate proceedings.

PAY DEBTS AND TAXES

Before assets can be distributed, debts and taxes must be paid. This includes final income taxes and any estate taxes owed.

DISTRIBUTE REMAINING ASSETS

Once debts and taxes are resolved, the remaining assets are distributed to beneficiaries according to the will or, if no will exists, by Illinois intestacy laws.

COMMON PROBATE TERMS

Executor: The person named in a will to manage the estate.

Administrator: The court-appointed person to manage the estate when there is no will.

Estate: All property, debts, and financial obligations left by the deceased.

Intestacy: The state of dying without a valid will.

Probate Court: The branch of the Circuit Court that oversees probate matters.

FREQUENTLY ASKED QUESTIONS

Q: How long does the probate process take in DuPage County?

A: The timeline can vary but typically ranges from 6 months to over a year, depending on the complexity of the estate.

Q: Do all estates have to go through probate?

A: Not all estates require probate. Small estates with assets under \$100,000 and no real estate can often bypass probate through a small estate affidavit.

Q: Can I handle probate without an attorney?

A: While not required, an attorney can help navigate legal complexities and ensure the process goes smoothly.

HELPFUL RESOURCES

DuPage County Probate Court
505 N. County Farm Road, Wheaton, IL 60187

Phone: (630) 407-8800

Website: DuPage County Courthouse

A resource for understanding state probate laws.

Available at www.ilga.gov.

NEED ASSISTANCE?

Navigating probate can be overwhelming, but you don't have to do it alone. As an experienced real estate broker specializing in probate sales, I can guide you through the real estate aspects of the process and connect you with trusted legal and financial professionals.

Randy Ledbetter

Broker/Certified Residential Appraiser

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