

# Pitfalls of Probating an Estate

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For the average non-lawyer, probating a loved one's estate on your own is like piloting a ship through a sea of icebergs - you usually can't see the danger that lies ahead until you've hit it. That's because there are a multitude of statutes, regulations and requirements involved with the administration of a decedent's estate. These standards govern what actions must be taken, when they must be taken and in what order they must be taken and if you violate these rules as the estate executor or administrator, you may create unnecessary and costly delay, incur interest and penalties and even become subject to personal liability.

To make matters worse, it generally doesn't matter whether your failure to follow the rules is intentional or unintentional, as you are appointed a fiduciary of the estate when you take an oath to administer it, and you therefore have a duty to do things correctly. The problem is, those with no experience probating an estate will most likely be unfamiliar with the applicable statutes, regulations and requirements until it's too late. For example, were you aware that if an estate is insolvent, meaning there are more debts to be paid than there are assets, there is a statutorily-mandated order in which you must pay those debts? Likewise, did you know that you must advertise the opening of an estate and give notice of probate to various individuals considered to have a legal interest in it, including named beneficiaries if there is a will and the Commonwealth of Pennsylvania if the deceased received medical assistance or other benefits during his or her lifetime? Finally, do you know what to do and who is entitled to inherit an estate's assets if the deceased died without a will?

Obtaining the services of a knowledgeable and experienced attorney to assist you in the estate administration process is your safeguard against an understandable lack of knowledge in these areas and many others. In addition, an attorney and his or her assistants can perform many of the numerous administrative tasks for you, allowing you to simply review and sign off on required actions as and when they are completed. This can be a great source of relief and comfort following the loss of a loved one.

If you are the named executor of someone's estate, he or she obviously trusted you to administer the estate properly following his or her death and to make sure his or her beneficiaries receive the assets to which they are entitled. Instead of sailing the ship into the unknown with no crew members to assist you, consult with a legal professional to keep you on the right course and help you avoid disaster.

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