

Meanings for 40 Common Terms Found in Probate Records

Just the word “Probate” causes people to freak out, primarily because it is a legal process, different in every state; it is combined with the loss of a loved one, and requires cooperation between family members, many who do not wish to cooperate. But for genealogy purposes, they are incredibly valuable sources of terrific information about the deceased. They are often well documented and provide a ton of details about the deceased's life activities, relationships, relatives, friends and acquaintances. They do have a language all their own. Here are some of the most common terms and their meanings:

Administrator	A person who is authorized by the court to manage and settle the estate of a deceased person. In some states, this role is called a personal representative.
Beneficiary	A person or entity who is named in a will or trust to receive assets. In some situations, a beneficiary may be termed a legatee or devisee.
Bond	A form of insurance that protects the assets of the estate.
Claims	Claims are the petitions, registers, accounts, or appeals filed with the court.
Codicil	A document that amends, rather than replaces, a previously executed will.
Conservatorship	A legal proceeding in which a court places the interests of an incapacitated adult in the care and protection of another. In some states, this is called a guardianship.
Creditor claim	A request filed with the court by a person or entity who believes they are owed money by the decedent.
Custodian of the Will	The person who has the Will when the person who wrote the Will dies.
Decedent	The deceased person whose estate is being settled.
Decedent's estate	All the property (real or personal) that a person owned at the time of death.
Distribution	The division of estate funds among those who are entitled to inherit.
Encumbrance	Any claim or restriction on a property's title.
Escheat	The process by which assets revert to the government. This occurs when legal heirs have not been located or have not come forward.
Estate	All the money and property owned by a person at the time of death.
Executor	A person or entity designated in a will and appointed by the court to manage and settle the estate of a deceased person. In some states, this role is called a personal representative.
Fiduciary	A person or entity who holds assets for another.
Final account	A final report to the court that details the finances of an estate or trust.
Guardian Ad Litem	A person the court appoints to protect the interests of another person in a specific court case. Latin for guardian at law.
Heir	A relative determined by the court to be entitled to a share of an estate.
Heirship Hearing	A legal proceeding in which evidence is presented to determine the entitlement of heirs.
Heirship Order	A court decision that declares the entitled heirs and their respective shares in the estate. In some states, this is called a kinship order.

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Intestate	When a person dies without a valid will.
Intestate succession	The order of who inherits the property when someone dies without a Will.
Inventory	An itemized list of assets including cash and appraised property.
Issue	A person's legal descendants (i.e. children, grandchildren, great-grandchildren, etc.).
Kinship Hearing	The process by which a person establishes that they are related to the decedent.
Legatee	A person or entity who is named in a will or trust to receive assets. In some situations, a legatee may be termed a devisee or beneficiary.
Letters of administration	A document issued by the court granting authority to handle the affairs of an intestate estate.
Letters testamentary	A document issued by the court granting authority to handle the affairs of a testate estate.
Next-of-kin	A person's closest living relative or relatives.
Personal Effects	The decedent's personal belongings that are not considered financial assets (i.e. clothing, photos, mementos, etc.).
Personal property	Things like cash, stocks, jewelry, clothing, furniture, or cars.
Personal Representative	The person responsible for overseeing the distribution of the estate.
Petition	A formal application made to a court in writing that requests action on a certain matter. To begin the probate process, a petition must be filed with the court.
Probate	The legal process in which a deceased person's estate is settled and distributed.
Probate Researcher	A specialized area of genealogy that deals with identifying and locating the heirs to an estate and proving their right to an inheritance. Probate researchers are sometimes referred to as forensic genealogists.
Public Administrator	A county official who is appointed to administer an estate.
Real property	Buildings and land.
Share	The portion of an estate that an heir will receive as determined by state succession law or a decedent's will.
Testate	When a person dies with a valid will.
Trust	When one person (trustee) holds property at another person's (settlor's) request for the benefit of someone else (the beneficiary).
Will	A legal document in which a person gives instructions for the distribution of his or her assets upon death.