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| This brochure is designed to inform about the process of probate law in Iowa.  If you do not have a will and/or a trust and you own property, your property and personal affairs will be handled by the State of Iowa.  This brochure will cover:  **Probate**  *Divorce in IOWA* |  |  | |  | | --- | |  | | **Buchheit Law, PLC**  633 1st Street, Suite A PO Box 533 Sergeant Bluff, IA 51054 712.823.1024 www.Buchheitlaw.net | | Lindsey Buchheit, Attorney  *Licensed in IA, NE, & SD*  The information contained herein is for informational purposes only, and is not legal advice or a substitute for legal counsel. You should not act or rely on any information herein. | |  | | --- | | **Probate** | |  | |  | |  | |  | |  | |

**What is Probate?**

Probate is the court process of distributing an estate upon a person’s death. Probate is designed to designate orderly distribution of property, proper collections, and to preserve and transfer property.

**Why is probate needed?**

Probate must be completed before a person’s property can be transferred upon his/her death.

Probate may be needed if a person did not have a will and/or a trust.

Probate may also begin if a person decides they should be entitled to a person’s estate or a portion of a person’s estate and were not named to be a beneficiary.

Probate can begin due to tax issues, or a creditors’ claims to be paid.

Probate can take up to two years or longer. The time needed for probate depends on estate size, the type of assets at issue, tax issues, debt owned and creditors’ claims, marital property, and if any businesses were owned.

What is Probate

If a person dies with a will, the named executor of that will will file with the Clerk of Court . The executer askes the Court in a petition to accept the willand appoint the executer. Probate may not need to be started at this point.

If the executor does not start the process, then any other interested person may start the process.

Interested parties include; the family members of the deceased, creditors, beneficiaries, or persons who claims to be a beneficiary

When there is no will, the surviving spouse may seek administration.

If there is no surviving spouse heirs, creditors, and others who can show good grounds to do so can begin administration.

Probate Process

WAYS TO AVOID PROBATE

Plan your estate before death by:

Creating a will

Creating a trust

Naming beneficiaries on life insurance policies & retirement accounts.

Creating a beneficiary for all bank accounts & saving accounts.