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Let us help you navigate the probate process during your grieving process to focus on what is truly important - family and friends.

-Morgan R. Glines, associate attorney

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## THE PROBATE PROCESS

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## What is Probate exactly?

Simply put, probate is the legal process necessary to ensure your loved one's assets are distributed legally or in the way they desired, after they pass away. If your loved one passed away with a will, they passed away **testate**. If they passed away without a will, they passed away **intestate**. This information helps the court determine how their assets should be handled. If an individual passes away intestate, North Dakota law has guidelines for how that estate should be administered and to whom.

## Who's in charge of all this?

It is necessary to designate an individual known as a **Personal Representative**. If your family member had a will, they probably picked someone to fill this important role. If they did not, North Dakota specifies who has the highest priority to be appointed, based on the type of relationship they had with the decedent. It is the Personal Representative's job to make sure that everything is handled in a timely, legal manner. This is where we come in. Boppre Law Firm has helped many Personal Representatives, from across the country, successfully administer their loved one's estates in North Dakota.

## What are the basic steps of the probate process?

First we determine whether this will be a **formal** or **informal** probate process. This is usually determined based on how long ago the decedent passed away or whether there is some doubt concerning who their heirs are. Then we file an application with the court and get the Personal Representative appointed.

Once the Personal Representative has been appointed we give notice to creditors, give notice to heirs and devisees, draft an inventory and appraisal of the estate, distribute real property, and complete various other tasks required by North Dakota law.

## But what if my loved one passed away many years ago and probate was never done? Is it too late?

Although North Dakota law does have some restrictions on timelines, generally probate can be opened at any time to help your family deed land, minerals, or other assets—even many years after the individual has passed away.

## What if I'm not the Personal Representative?

If you're an heir who doesn't agree with how the estate is being handled or if you're a business to whom the decedent owed money, the probate process can meet your needs as well. We can guide you in ensuring your interests are protected.

## How can I even think about all of these details during the grieving process?

Boppre Law Firm recognizes that probate can be one of the most stressful times for a family. After a loved one passes away, it can be overwhelming to begin the process to distribute their estate. Sometimes, probate can be an expensive and lengthy process, especially when family members disagree about what should be done with assets. By ensuring that you have knowledgeable, experienced counsel, you can rest easy knowing that you will have guidance every step of the way.

Have more questions or need to open probate? Let us know!

Boppre Law Firm, PLLC  
or schedule a consultation online at  
[bopprelawfirm.com](http://bopprelawfirm.com)

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