

# The Butler Bulletin

Butler Wills and Estates

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## What Documents Do I Need for Probate?

Some wills have to be sent to the court for probate. Formally, this process is known as applying for a Grant of Probate. The application itself is made up of several documents, which can be prepared by either the executor or the executor's lawyer. These documents include:

A petition or application. This sets out the facts of who is applying to the court and what they are asking for.

An affidavit. This is a statement sworn under oath from the executor that the facts given to the court are true to the best of his or her knowledge.

The original will or codicil. For probate the court must have the original. A photocopy won't do.

An affidavit from one of the witnesses to the will. In this document the witness says that that the will was properly signed and witnessed, and that the deceased was of sound mind when he or she signed the will.

A complete inventory of the estate. This shows the values of all assets and debts on the day the deceased died.

An oath sworn by the executor. The oath says that he or she will faithfully administer the estate.

Although these documents can be prepared by the executor, sometimes executors feel overwhelmed by the all the things that need to be done. To make it easier, he or she can hire a lawyer to help with some or all of the documents.

If an executor chooses to hire a lawyer to assist them with the documents, the executor does not pay the fee out of his or her own money. Instead, it is paid for by the estate.

## New on the website:

We've added a **NEWS** page to our website, where you can read some of the articles written about the firm and Lynne. Keep an eye on it for new links!

### FUNNY LEGAL TERMS

The law and humor generally aren't two things that people think of as going together. As it turns out, there are some legal words and phrases that are more humorous than they are serious. Some are terms that have a completely different meaning in the law than they do in everyday speech, and some are just funny-sounding.

*Ignoramus* – This Latin word directly translates to mean "we ignore it". In the USA it was used by grand juries when they decided not to prosecute someone. The official finding was that they were ignoring the charges.

*Pickle* – For real estate law, this was a parcel of land with a hedge around it.

*Outsucken multure* – In old Scotland this was a fee paid by a farmer who used a mill that was not the mill he was bound to by tenure.

*Jactitation* – This was the crime of false boasting or bragging to the detriment of someone else.

*Chafewax* – This refers to the person whose job it was to prepare and apply the wax to seal the documents that signed by the judge.

## Calculating Executor's Compensation

Most people know that as an executor they can be paid for the work they do on an estate. The part that gets confusing is how much does the executor get paid, and when do they receive that payment?

Generally executors are paid between 1% and 5% of the gross value of the estate. Since estates can vary greatly in terms of dollar value, the amount executors are paid also varies. The amount of compensation an executor is entitled to receive is based on many other factors as well.

Our guide *Calculating Executor's Compensation* discusses how much an executor can charge, what the fee is based on, what happens if there is more than one executor, what out-of-pocket expenses can be included, how and when the executor is paid, and more.

This guide is ten pages, and includes links to other resources and governing statutes. It is available in our office, or can be ordered by phone or email.

(\$10.00 plus taxes)

## February Seminar Schedule

The February seminar schedule has been posted. Returning this year is *Top 10 Things Not to do in Estate Planning*. There is also a new 60 minute seminar, *Most Common Questions about Probate*. This seminar answers the most frequently asked questions about probate, including what probate is, what it costs, and more. Each of these seminars are available twice in February, once in the afternoon and once in the evening. Visit the website for the dates and times.

[www.butlerwillsandestates.com](http://www.butlerwillsandestates.com)



Our first Annual Wills Week was a success!

Getting a will done isn't the first thing people think about in December, but during Wills Week we had the chance to meet a ton of new people, and help them with their estate planning.

We look forward to having another Wills Week next year!

### *Did you know...?*

You can make arrangements in your will to look after your pets once you have passed away.

For many people the pets are part of the family. Usually the first concern is making sure they will have a loving home, and then that there will be enough money to look after them.

These are both topics you can address in your will to ensure your pet will continue to be taken care of once you are gone.

*These are the fairy tales we all know from childhood, retold by an estate planner. From "Humpty Dumpty Had a Great Will" to "Beauty and the Bequest", these tales discuss serious estate planning topics in a lighthearted but thorough manner.*

*Ten chapters cover topics such as declining mental capacity, tax considerations, trusts, probate, and much more, using familiar stories as the jumping-off point for discussion.*

*Paperback, 115 pp*

*Available in our office or online here:*

<http://www.lulu.com/shop/lynne-butler-ba-llb-tep/cinderellas-trust-fund/paperback/product-22459023.html>

## *Cinderella's Trust Fund*

Lynne Butler, BA LLB TEP



# EXECUTOR BOOT CAMP

Are you named as someone's executor?

This two-hour seminar will provide you with the information you need to act as an efficient, accountable, and effective executor. The topics covered include whether or not you need to get probate, tips and traps, how to stay out of trouble (including personal liability), where to start, and common errors executors make.

This seminar is presented with an interactive workshop component, so space is limited to six people per session.

The charge for this seminar is \$50.00 (tax in) and includes:

- ✓ A copy of the materials presented in the session
- ✓ A list of the executor's responsibilities and duties
- ✓ A sample ledger for setting up and maintaining your records
  - ✓ Instructions on preparing and using the ledger
- ✓ Instructions on how to minimize complaints and enquiries from beneficiaries

Sessions are held on the following days at our office at 14 Forbes Street at **6:00 PM**:

January 7

January 14

January 21

January 28

Call or email to book your seat!

Please feel free to share this newsletter with others.

If you have any questions, comments, would like to suggest a topic,  
or would like to unsubscribe,  
please email us at **[chelsea@butlerwillsandestates.com](mailto:chelsea@butlerwillsandestates.com)**