

Avoid Consequences Involved in Probate Process

For so many people, the word probate carries with it heavy associations, stress, paperwork, lengthy court proceedings, things people would rather avoid, especially if they are also dealing with the loss of a loved one. However, dealing with probate in a timely way can save you hassles, headaches, and money, down the road. Indiana probate lawyer Barbara J. Baird helps clients move through the probate process in a seamless way, making sure that everything is taken care of so that you can get through it as quickly as possible. She assists her clients in making sure that everything is done correctly, avoiding any consequences that may cost you money and more heartache.

What Is Probate?

Probate is the court-supervised process of gathering a deceased person's assets and distributing them to creditors and inheritors. Executors and administrators in probate estates are fully responsible for the identification and notification of known creditors so that these creditors have an opportunity to file a claim. Upon notification of the estate proceeding, a creditor has about three months to file a claim. But if the executor does not take care to identify all of the creditors and give them the required written notice of their right to file a claim, they may not be barred by the 3-month time limit. This is why it is so important for creditors to be identified and notified within the time parameters set by the probate court, and why it is crucial to work with an attorney who can help you avoid such consequences.

All claims against a probate estate, except for government claims, are ended if not filed within nine months from date of death. Once the creditor claims period has passed, the law protects the estate from future liability for those past claims.

It is also important for an executor/personal representative to wait until the creditor claims period has expired to pay the pre-death debts of the decedent. A personal representative can be held personally liable for claims that are improperly or prematurely paid, and a beneficiary or heir later objects. Working closely with a knowledgeable probate attorney like Barbara Baird is necessary to avoid these pitfalls.

Probate can be a complicated process, but it doesn't have to be. Contact us at 317-426-9334.