

# What Happens After Death: Finding and Using Probate Records

David Singleton, JD

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## Key Terms:

- Probate: When an heir or some other interested party petitions the court for the right to settle an estate.
- Testate: If the deceased had a will, that means they died “testate.” In this instance, the probate process is intended to verify/authenticate the will and ensure that the named executor carries out the will’s directives.
- Intestate: If the deceased *did not* have a will, that means they died “intestate.” In this instance, probate appoints an administrator to act as the executor and distribute the deceased assets according to state law.

## Facts to Keep In Mind:

- Probate records are an important aspect of genealogy research because they can prove familial relationships between spouses, children, siblings, nieces and nephews, etc.
- Probate was administered at the county level, so most of the original probate books and probate packets are kept at the county courthouse where the estate was settled unless the records were transferred to the state archives.
- Remember, not everyone had a will, so not everyone will appear in probate records:
  - If you can’t find a probate record for your immediate ancestor, look for probate records for their relatives such as parents, siblings, spouses, children, and any unmarried and/or childless aunts or uncles.

## Where to find digitized probate records and indexes:

- *Ancestry.com*
  - “U.S. Wills and Probate” (don’t forget to also check to see if there is a collection for the state your ancestor lived in):  
[https://www.ancestry.com/search/categories/us\\_willsprobate/](https://www.ancestry.com/search/categories/us_willsprobate/)
- *FamilySearch*
  - See the Research Wiki for links to probate records by state:  
[https://www.familysearch.org/en/wiki/United\\_States\\_Probate\\_Records](https://www.familysearch.org/en/wiki/United_States_Probate_Records)

### **Things You *Might* Find in a Probate Packet:**

- Will
- Appointment of executors or administrators
- Estate inventories/lists of assets
- Documentation of asset distribution,
  - i.e. receipts for money or property
- List of who bought items at an estate sale
- Petitions for guardianship of children
- List of heirs and their relationships to the deceased
- Lists of creditors or accounts of debts

### **Probate Terms:**

- FamilySearch:  
[https://www.familysearch.org/en/wiki/Glossary\\_of\\_United\\_States\\_Probate\\_Terms](https://www.familysearch.org/en/wiki/Glossary_of_United_States_Probate_Terms)
- Black's Law Dictionary: <https://thelawdictionary.org/>