

HON. REBECCA P. HOGAN
Clerk



F R E D E R I C K C O U N T Y C I R C U I T C O U R T
FREDERICK-WINCHESTER JUDICIAL CENTER
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PROBATE INFORMATION

To probate an estate, you must go to the Circuit Court of the county in which the decedent resided at the time of death. Those who had resided within the County of Frederick, must report to the Frederick County Circuit, and those residing within the City of Winchester must report to the Circuit Court of City of Winchester.

The Frederick County Probate Office is located at the Winchester-Frederick County Judicial Center at 5 N. Kent Street, Winchester, Va. The office is located on the first floor. Name of court is above the door. To ensure quality assistance, appointments are to be made with a Probate Clerk . Our hours are Monday thru Friday from 9:00 A.M. to 5:00 P.M. Please call (540) 667-5770, Exit 420 to make an appointment. (City residents would ask for Ext. 320).

It is necessary to probate an estate when the decedent has solely held assets; that is, assets which do not have a joint or co-owner with rights of survivorship, a beneficiary (on the security or account, not in the Will) or a pay-on-death designee. Assets include real estate and personal property. Personal property includes bank accounts, stocks and bonds, retirement accounts, life insurance policies and other types of securities as well as personal belongings and vehicles.

If the decedent died with a Will, bring the following with you to your appointment with the Probate Office:

1. The original Will.
2. A certified copy of the death certificate
3. Witnesses to the Will or depositions of witnesses, unless the Will is Self-proving.
4. If the Will is self-proving, you do not need to bring the witnesses to the Will or depositions of the witnesses.
5. A named executor residing outside of Virginia who wishes to be appointed as executor must bring a Virginia Resident to the appointment to either co-qualify or be designated as a registered agent; Virginia Code Section 26-59 governs which procedure to follow.

6. The approximate dollar value of the solely owned assets for both personal property (stocks, bonds, bank accounts, automobiles etc.) and the fair market value of real estate located in Virginia which must pass through probate.
7. The names, ages and addresses of the heirs at law. The heirs at law are not necessarily the beneficiaries of the Will. Heirs at law are determined by kinship to the deceased and are set by Virginia law. Va. Code Section 64.1-1.
8. If the executor named in the Will does not wish to serve, they must submit a notarized renunciation letter. If the named executor is deceased, a death certificate is required.
9. Cash or check to pay fees. Qualification costs must be paid the day you qualify.

If you are not sure if a Will is self-proving a Probate Clerk will examine the Will during your appointment and will issue deposition forms to be completed by the witnesses, if necessary. We are unable to determine if the Will is self-proving over the telephone; an appointment must be made.

If the decedent left no Will, (an intestate estate) bring the following with you to your appointment with the Probate Office:

1. A certificate copy of the death certificate.
2. Names, ages, and addresses of heirs at law. The heirs at law are determined by kinship to the deceased and are set forth in the Code of Virginia. Va. Code Section 64.1-1
3. An administrator residing outside of Virginia who wishes to be appointed as Administrator must bring a Virginia resident to the appointment to either co-qualify or be designated as a registered agent; Virginia Code Section 26-59 governs which procedure to follow.
4. The person(s) having preference of appointment as Administrator for an Intestate Estate can be found in Virginia Code Section 64.1-118. or you may call the Probate Office.
5. The approximate dollar value of the solely owned assets for both personal property (stocks, bonds, bank accounts, automobiles etc.) and the fair market value of real estate located in Virginia which must pass through probate.
6. Cash or check to pay fees. Must be paid day of qualification.

Fiduciary/Probate Fees are based on the amount of the estate to be probated.

Federal estate tax questions must be answered by the IRS.

(SURETY ON BOND REQUIRED ON SOME ESTATES)