

A

Administrator - A person or institution appointed by the court to administer the estate of a person who died having no Last Will and Testament.

Affidavit - A written declaration made under oath stating certain facts.

Ancillary Administration - Probate proceedings of an individual who died owning property in a state other than the state of decedent's residence.

Appraisal - An expert opinion of value of estate assets.

B

Beneficiary - An individual designated to receive assets under the terms of a will, trust, annuity, life insurance policy or from an estate or trust.

Bequest - A gift of personal property or money made under the terms of a Will.

Bond - A binding agreement for the performance of a duty backed by money.

C

Codicil - A written modification to an existing Will.

Community Property - Property received by a husband and wife during their marriage. Inheritances and gifts may be retained as separate property. Community property states include Arizona, California, New Mexico, Idaho, Nevada, Texas, Wisconsin and Washington.

Contingent Beneficiary - The alternate beneficiary to receive assets if the primary beneficiary predeceases the asset owner.

Creditor - An individual or business which may be owed money from a deceased person's estate.

Contest of a Will - A legal proceeding challenging the validity of a will.

D

Decedent - A person who has died.

Deed - A document transferring title to real property providing a legal description of the property being transferred. There are several different types of deeds, including: Quit Claim Deed, Statutory Warranty Deed, Personal Representative's Deed, etc.

Devise - A gift of real property through a will.

Disclaimer - A written refusal to accept a gift. There are specific rules and time frames that must be met to ensure the Disclaimer is a qualified Disclaimer.

Domicile - The state of legal residence.

Donor/Donee - A person or entity making a gift and a person or entity receiving a gift.

Durable Power of Attorney - A written document wherein a person (the "Principal") designates another person(s) (the "Attorney-in-Fact") to act on his or her behalf. A Durable Power of Attorney continues to have force and effect upon the incapacity of the Principal.

E

Estate - All assets owned by a decedent at the time of their death.

Estate Tax - Tax imposed on an estate by a state (if applicable) and the federal government based on the value of the estate at the time of death.

Executor - The individual or institution named in the will who is appointed by the court to carry out the responsibilities of estate administration.

F

Fiduciary - An individual or institution who is holding assets of an estate or trust and bound by law to act responsibly for the benefit of the beneficiaries.

G

Grantor - A person who gives property outright or through a trust.

Guardian - A person or institution appointed by the court to assume responsibility for incapacitated adults or minor children.

H

Heir - A person who inherits under a will of a person who has died.

Holographic Will - A will that is entirely handwritten, signed and dated by the Testator. Holographic Wills are not recognized under the laws of the State of Washington.

I

Intestate - A person who dies without a Last Will and Testament.

Inventory - A list of an estate's assets and their values as of date-of-death.

Irrevocable Trust - A type of trust that cannot be revoked or altered in any way.

J

Joint Tenancy - A form of equal ownership by two or more people. Joint tenancy creates a right of survivorship whereupon the death of one owner, the surviving owner(s) assume ownership automatically. Such designation is usually shown as JTWROS (Joint Tenancy With Rights of Survivorship), or JT TEN.

Jurisdiction - The authority of a court to determine legal cases.

K

Form K - (Also known as Affidavit of Inheritance/Litigation) A document issued by the State of Washington Superior Court identifying the individual(s) authorized to transfer a vehicle owned by a deceased person.

L

Legacy - A gift of personal property or money made under the terms of a Will.

Letters of Administration - A court document indicating the Personal Representative's authority to act on behalf of an estate in an intestate proceeding (probate without a will).

Letters Testamentary - A court document indicating the Personal Representative's authority to act on behalf of an estate in a proceeding where there is a will.

Life Estate - An interest in real property which is held for the remainder of a certain person's life.

Living Trust - A trust that takes effect while the Settlor/Grantor is still alive. Sometimes referred to as a Revocable Living Trust.

Living Will - (Also known as Health Care Directive or Directive to Physicians) A legal document in which an individual states their wishes with respect to the application of life sustaining treatment.

P

Per capita - A division of property to each individual beneficiary that is surviving, regardless of degree of kinship.

Per stirpes - (Also known as "By Right of Representation.") Division of an estate equally among the members of the group of descendants having a particular degree of kinship (as children), with the offspring of a deceased member of that group representing the deceased member, taking the deceased member's share. For example, if a decedent had three children, one of whom had already died leaving issue, the estate would be divided into thirds, with each living child receiving a one-third share, and the issue of the deceased child dividing a one-third share equally amongst themselves.

Personal Representative - A person or institution appointed by the court to administer a decedent's estate. (See also Executor and Administrator.)

Probate - The legal process that wraps up the financial affairs of a deceased person, and determines how the assets of the deceased person will be distributed in accordance with the provisions of the Last Will and Testament of a deceased person, or according to the provisions of state law where there is no Will.

Probate Estate - Assets and liabilities of a decedent that are subject to the court-supervised probate process. Certain assets with beneficiary designations are exempt from court supervision.

Q

QTIP Election - An election made by a Personal Representative of the first spouse to die to treat certain property as "Qualified Terminable Interest Property" that provides that the surviving spouse is entitled to all the income earned from a trust, payable at least annually.

R

Residuary Bequest - A gift of the remainder estate that is not otherwise disposed of by the terms of the Will ("residue").

Revocable Trust - A trust that takes effect while the Settlor/Grantor is still alive. Sometimes referred to as a Living Trust. The terms of the trust may be changed or revoked.

SS-4 - The application form is used to apply for a federal tax identification number with the Internal Revenue Service.

Settlor - A person who establishes a trust.

Springing Durable Power of Attorney - A durable power of attorney that only has force when the Principal is incapacitated.

Successor Trustee - The alternate Trustee of a trust when either the Trustor dies or resigns.

T

Testamentary Trust - A trust that is established under the will of a deceased individual.

Testate - An estate where the decedent left a valid will.

Testator - A person who executes a valid will. (Testatrix is the feminine form of Testator.)

Trust - An agreement between the Trustor and Trustee wherein the Trustee holds legal title to property with the responsibility for the management of the assets for the benefit of the named beneficiaries.

Trustee - A person or institution designated in a trust agreement who is responsible for the management of the trust assets for the benefit of the named beneficiaries.

U

Unified Credit - A federal tax credit that offsets gift estate tax liability. (There are no federal estate taxes for decedent's dying in 2010.)

W

Will - A legal document with instructions regarding the distribution of the Testator's estate upon Testator's death. The Will also designates who shall act as Personal Representative (executor) of the estate and Trustee of any testamentary trusts included.