

Probate and Estates

When someone dies, the legal process established by law in each state to “wind up” the financial and legal affairs of the deceased is called *probate*. It involves collecting assets of the deceased, paying debts and taxes, and distributing the remaining property to those who are legally entitled to receive it. Depending on how assets were titled and how much was owned at death, the process may require filings with the Probate Court or it may be less formal.

When an estate is small, the formal probate process can be avoided, but there are still steps and procedures that should be followed. (Read more in our [Small Estate Affidavit](#) article.)

The manager or administrator of an estate handled in Maine is called the “Personal Representative.” Other states may use other terms like “Executor.” This person either named in a will or appointed according to state law in cases where there is no will.

Our office is sometimes in a position to serve as Personal Representative, or we can provide legal counsel (advice) to the Personal Representative, at the expense of the estate, to help him or her properly carry out the many responsibilities. A lawyer can help protect from liability and legal entanglements while organizing a process to carry out fiduciary duties. Some duties of the Personal Representative include:

- Adhering to dates and deadlines that must be met (e.g. filing of inventory, tax returns, valuation dates)
- Gathering and protecting the decedent’s assets
- Paying claims against the estate
- Managing and protecting the remaining assets until distribution
- Fulfilling tax obligations
- Closing the estate and distributing the assets

It is our duty to the Personal Representative to fulfill the responsibilities and exercise the powers provided by law in a way that complies with legal requirements, satisfies beneficiaries, and protects the client from liability. Having us help with the

details removes one more layer of stress during a time of difficult transition for many families.

Please continue on to our [Articles](#) page for in-depth information on specific concepts.