

WHAT HAPPENS IF I DIE WITHOUT A WILL?

If you die without a will, or intestate as the law calls it, your probate property will be distributed to your nearest family members according to a formula fixed by law. You also cannot choose who the court will appoint to administer your estate.





WHO WILL MANAGE MY ESTATE?

If you make a will, you may name the person you want to manage the administration of your estate (the executor). If you do not make a will, the probate court will appoint someone (the administrator), to manage the administration of your estate. You may or may not know the person the court appoints.

IS LIFE INSURANCE DISTRIBUTED THROUGH A WILL?

Generally, no. If a life insurance policy is payable to any named beneficiaries, the will of the insured has no effect on the distribution of the insurance proceeds. If the policy is payable to the estate of the insured or if the policy does not list a surviving named beneficiary, the disposition of the proceeds may be directed by a will. You should consult an attorney and a qualified life insurance counselor to ensure the proceeds of your life insurance policy will be handled according to your wishes.

CONTACT US:

-  41 N. Perry Street, Room 104, Dayton, OH 45422
-  937-496-7623
-  Clerkhelpcenter@mcoho.org
-  Monday-Friday 8:30AM to 4:30PM

To view our outreach schedule or find out more information, please visit our website at WWW.COURTHOUSETOYOU.COM.



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- DOMESTIC RELATIONS: 937-225-4562
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WILLS

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WHAT HAPPENS TO PROPERTY HELD IN THE NAMES OF MORE THAN ONE PERSON?

It depends. Property held in the names of more than one person may or may not automatically pass to the survivor upon the death of one of them. Typically, property held jointly without rights of survivorship will require the decedents' portion of the property to go through probate for distribution. However, some forms of ownership allow property to pass automatically to the survivor or to a designated beneficiary upon the owners' death. An estate planning attorney can help you plan the best way or combination of ways to own property. For more information on ways to avoid probate and to learn more about non-probate property, see the following Ohio State Bar Association publications: "What you should know about . . . Revocable ('Living') Trusts" and "What you should know about . . . Probate."

DOES A WILL LET ME AVOID ESTATE TAXES AND OTHER "DEATH" TAXES?

The value of your estate will determine whether an estate tax return will need to be filed. However, through the use of tax-planning techniques, a properly drafted will may help reduce the amount of taxes that have to be paid after your death. An estate-planning attorney is skilled not only in the laws of wills and property, but also must be familiar with estate tax laws.

HOW LONG DOES MY WILL LAST?

A properly executed will is valid as long as it is not revoked. A will is generally revoked when a new will is executed.



MAY I CHANGE MY WILL AFTER I HAVE SIGNED IT?

Yes; you may change your will as often as you wish. You may change your entire will or you may change only part of it by using a document called a codicil. You should have your will reviewed if you have a change in circumstances, such as a marriage, the birth of children, a divorce, changes in the nature or value of your estate, or if there are changes in the law. Changes in circumstances require careful analysis and reconsideration of all your will's provisions to determine if it needs to be revised. To avoid potential unintended consequences, you should not make changes without the assistance and advice of an attorney.

FOR FURTHER INFORMATION CONTACT:

MONTGOMERY COUNTY PROBATE COURT

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