

## Estate Administration

Estate administration is the process that occurs after an individual dies (the “decedent”) that involves the transfer and taxation of property from the decedent to the beneficiaries of the decedent’s estate. Please use this page as a resource to you as you strive to assist in the administration of clients’ estates. Estate administration in North Carolina is governed under [Chapter 28A of the statutes](#).

### Qualification of Personal Representative

To begin the estate administration process, review the following steps:

#### 1. WHERE TO FILE

[Article 3 of Chapter 28A](#) determines the proper venue for the administration.

Generally, the administration occurs in the county in which the decedent was domiciled at date of death.

#### 2. WHO CAN QUALIFY

If there is a Will that names an Executor, that person may apply to be Executor. If there is no Will, no Executor is listed in the Will, or the listed Executor does not wish to serve [Article 4 of Chapter 28A](#) provides the order of persons qualified to serve.

#### 3. HOW TO QUALIFY

The Clerk will require the following paperwork in order to qualify a Personal Representative to serve:

- a. Estates Action Cover Sheet
  - b. Application for Letters Testamentary (if a Will) or Letters of Administration (if intestate)
  - c. Oath
  - d. Appointment of Resident Process Agent (if the Personal Representative lives out of state)
  - e. Bond (check Will to see if Bond is waived, if not see [Article 8 of Chapter 28A](#) to see if Bond is necessary)
  - f. Original Will (other paperwork may be necessary if the Will is not self-proving)
- All forms needed to qualify the personal representative may be found by [form number](#) or by [title](#). Most of these forms are fillable on the computer.

### After Qualification

After qualification the personal representative should take the following steps:

#### 1. NOTICE TO CREDITORS

To find a local newspaper in the county of administration, search for newspapers in the appropriate city online.

#### 2. COLLECTION OF ASSETS

Consult [Article 15 of Chapter 28A](#) to follow the necessary steps in collecting assets. For publicly held stock valuation search online by [symbol and date](#).

#### 3. PAYMENT OF CLAIMS

Consult [Article 19 of Chapter 28A](#) for the proper order of payment of claims and to determine which claims are valid.

#### 4. SHARE FOR SURVIVING SPOUSE

[Consult Chapter 30](#) for the claims to which a surviving spouse may be entitled.

#### 5. SALE OF PERSONAL OR REAL PROPERTY

Consult [Article 16 of Chapter 28A](#) for information regarding the sale or lease of personal property and [Article 17](#) for real property.

#### 6. INVENTORY

[Article 20 of Chapter 28A](#) provides the information necessary for the personal

representative to complete the 90 Day Inventory (forms available from same references above). At the time of filing the 90 Day Inventory, be sure to include the Affidavit of Notice to Creditors and the Affidavit of Publication (provided by the newspaper).

#### 7. ASSET DISTRIBUTION

[Article 22 of Chapter 28A](#) deals with the distribution of assets to beneficiaries. In the case of an intestate estate, consult [Chapter 29](#) to determine who will take the decedent's property. Be sure that the personal representative receives Receipts or Receipts and Refunding Agreements from the beneficiaries upon distribution of assets.

#### 8. ACCOUNTINGS

[Article 21 of Chapter 28A](#) provides the information necessary for the personal representative to complete the Annual or Final Account (forms available from same references above).

#### 9. FEDERAL AND STATE TAXES

Fillable forms for federal taxes are available online at the [IRS website](#). State tax forms and instructions can be found online as well at the [NC Department of Revenue](#). If you will need an extension for the federal estate tax return, Form 706, file Form 4768 with the IRS prior to the deadline. The personal representative may receive an automatic 6 month extension on filing the Form 706 (this is not an extension to pay the tax). To extend the North Carolina Estate Tax Return, Form A-101, simply write a letter to the Department of Revenue making such request and attaching a copy of your federal Form 4768.

#### 10. OTHER HELPFUL LINKS IN ESTATE ADMINISTRATION

[EINs – Online Application](#)

[Social Security Administration](#)

[State Statutes](#) (useful in Ancillary Administration)

[Federal States](#)

[IRS](#)

[North Carolina General Assembly](#)

