

Glossary of Probate Terms

Administrator- person (sometimes a family member) appointed by the court to administer the estate of a person who died without a will (i.e., Personal Representative).

Administrator with will annexed- A person appointed by the court to administer the estate of a person who died with a will, but this person was not named in the will to act as a personal representative. Also known as Administrator C.T.A.(Cum Testamento Annexo).

Beneficiary- An individual or organization to whom a gift of property is made.

Codicil- An amendment or supplement to an existing will.

Conservatee- A person determined by the court to be unable to protect and manage their own personal care and/or financial affairs, and where the court has appointed a conservator.

Conservator- A person or organization appointed by the court to protect and manage the personal and/or financial affairs of a conservatee.

Decedent- A person who has died.

Estate- A person's total possessions(assets), including money, jewelry, securities, land, etc. These assets are managed by a fiduciary subject to a court order. E.g., decedent's estate.

Executor- The person named in a will to carry out the directions as set forth in the will. This person is the personal representative of the decedent's estate.

Fiduciary- A person or organization that manages property for a person, with a legal responsibility involving a high standard of care. E.g., conservators, personal representatives, or trustees.

Guardian- A person appointed by the court to protect and manage the personal care and/or financial affairs, of a minor (ward).

Heir- A person who would naturally inherit property through a will, or from another who died without leaving a will.

Holographic Will- Generally, a will that is completed handwritten, dated and signed by the person making the will.

Intervivos Trust- A trust set up during the lifetime of a person to distribute money or property to another person or organization (as distinguished from a person who transfers money or property after death).

Intestate- Without a will. Opposite of Testate.

Irrevocable Trust- Trust wherein the grantor has expressly released the power of revocation.

Letters- The court document that establishes the authority to act as a conservator or personal representative (executor or administrator). In a decedent's estate, an executor's letters are designated "letters testamentary," and an administrator's letters are "letters of administration."

Personal Property- Anything owned by a person that can be moved such as money, securities, jewelry, antiques, cars, etc. (See Property)

Personal Representative- An administrator or executor appointed by the court to administer a decedent's estate.

Petition- A written, formal request, properly filed with the Court, for a specific action or order. The petition is a pre-printed Court form in some cases, or written in proper format on pleading paper in others. E.g., petition for Probate, etc.

Probate- The legal process of administering a will. Also, the judicially supervised process for marshaling a decedent's assets, paying proper debts, and distributing the remaining assets to the persons or entities entitled to them.

Probate Court- The court that handles matters concerning wills and estates, such as the distribution of property or money to those named in a will. In

California, the Probate Court also handles guardianships and conservatorships.

Property- Anything that can be owned such as money, securities, land, buildings, jewelry, cars, antiques, etc. (See Personal Property and Real Property).

Real Property- Land and immovable objects on the land such as buildings. Also known as real estate(See Property).

Revocable Trust- A trust in which the person making the trust retains the power to revoke the trust.

Small Estates- A decedent's estate may avoid probate and have personal property transferred directly to an heir if the decedent's estate meets the requirements of the Probate Court.

Successor Fiduciary- The next person or organization appointed if a vacancy arises in a conservatorship, or decedent's estate because of the fiduciary's death, removal, or resignation.

Testate- Having made a valid will. Opposite of intestate.

Testator- A person who makes a will.

Testamentary Will- A trust created by a will.

Trust- The handing over of property to a person to be held for the benefit of another (i.e., held in trust).

Trustee- A person or organization who has been authorized by a trust to hold and manage property for the benefit of a beneficiary. (see Fiduciary).

Will- A document that directs the disposition of a person's property after death. Such a document should be made according to law and is filed in a probate court after the person has died.