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IMPORTANT TERMS IN PROBATE

What are some important terms that are used in the probate process?

Administrator/rix- A person appointed by the Surrogate to take charge of the estate of a decedent who dies without a will. Also called a personal representative

Beneficiary- A person designated to receive money, property or benefits in a Will

Bequest- A gift of personal property by a Will

Bequeath- To dispose of personal property through a Will

Caveat- A formal notice given by someone to prevent the proving of a will or the grant of administration of an estate

Codicil- An addition or supplement to an original will that adds to or deletes only part of a will

Decedent- A deceased person

Devise- A gift of real estate through a will

Estate- Real and personal property and possessions; everything a person owns

Executor/rix- A person named in a Will to carry out the wishes and intentions of the Will, also known as a personal representative

Guardian- A person who has been qualified and/or been appointed as a guardian of the person and/or property of a minor or adult mental incompetent

Heir- A person who inherits property from a deceased person

Intestate- When a person dies without a will

Joint tenants with rights of survivorship- Two or more persons owning real estate where the survivor will inherit the property

Legatee- A person who receives a gift under a will

Personal property- Intangible property, such as stocks, bonds, or bank accounts and tangible property such as jewelry, furniture or an automobile

Probate- The official proof of authenticity or validity of a will

Real property- Land and/or buildings

Surrogate- The elected county official who oversees probate in the State of New Jersey

Tenants in Common- Two or more persons owning undivided individual interests in a single piece of property

Tenants by the Entirety- Real property owned as husband and wife with rights of survivorship

Testator/rix- The person who makes a will.

Trust- Any property owned or managed by a person for another.

Trustee- A person holding property in trust for another.

Will- A legal declaration of the manner in which a person wishes estate to be divided after death.

Witness- A person who observes the signing of a will and/or codicil and attests to the signature of the testator/rix