



Preparing to Open an Estate Part 1: Before You Open the Estate

The video series, “Preparing to Open an Estate,” and the accompanying tip sheets cover important things to keep in mind before you open an estate and the steps to take to open an estate with the Register of Wills.



Key Words You Will Hear When Opening an Estate

- **Assets:** Assets refers to someone’s property, including personal property, such as a car or furniture; real estate, such as a home; bank accounts; and investments.
- **Estate:** When someone passes away, their assets are referred to as their estate.
- **Personal Representative:** A personal representative is appointed to handle the legal affairs of an estate. They manage and distribute someone’s assets after they die.
- **Estate Administration:** Estate administration is the process of managing and distributing someone’s assets after they die.
- **Decedent:** The person who died.
- **Register of Wills:** The Register of Wills appoints the personal representative in administrative probate. You will file documents with the Register of Wills to open an estate and while you manage the estate. The Register also assists with forms, keeps the record of proceedings, tracks estates, and collects inheritance taxes and probate fees, among other tasks.
- **Orphans’ Court:** The Orphans’ Court, and sometimes a circuit court when it sits as the Orphans’ Court, appoints the personal representative in judicial probate. The Orphans’ Court can decide on legal issues related to managing and distributing an estate’s assets.
- **Letters of Administration:** The Register of Wills issues Letters of Administration to the personal representative. These documents give the personal representative authority to handle the estate.
- **Heirs:** Heirs are the people who are entitled to inherit the decedent’s property when there is no Will.
- **Legatees:** Legatees are people who are entitled to inherit the decedent’s property as written in the Will.



Maryland Court Help

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Find the Original Will

- Locate the *original* Will of the person who died. Look for the original even if you have a copy of it. You will need the original when you open the estate with the Register of Wills.
- If you are unsure where to find the original Will, consider looking:
 - In a safe deposit box at a bank, if the decedent had one.
 - A safe place within the decedent's home.
 - With the decedent's lawyer.
 - On file with the Register of Wills.
- If the original is lost, the Orphans' Court may allow you to use a copy when opening the estate.
 - All of the heirs and legatees must agree to the use of the copy. If they do not all consent, you may need to file a petition with the court to ask to use the copy. If this is your situation, you may want to talk to a lawyer.
- For more information about Wills, visit the Register of Wills [Facts About Wills](#) webpage.

Decedent's Bank Accounts

- If the decedent had bank accounts in their name only, those accounts are not available until a personal representative is appointed.
 - Remember, you are not the personal representative until you open an estate and the Register gives you Letters of Administration.
 - For more information on what to do with the decedent's bank accounts after you are appointed the Personal Representative, watch the video series *Estate Administration for Personal Representatives*.
 - If you had a Power of Attorney before the decedent died, you can no longer use the Power of Attorney once they die. You cannot access the decedent's bank account using the Power of Attorney.
- If you have a joint bank account with the decedent, you may be able to continue to access the account, depending on the type of account. Talk to a lawyer to find out more.
- If the decedent had a payable-on-death account, they named beneficiaries of the account. The bank account goes directly to the beneficiary and does not become part of the estate.

Payments for the Decedent

- The decedent may have been regularly receiving certain payments, such as social security or rental income. You cannot continue to receive these payments in the decedent's name.
- Stop social security payments immediately.
- Don't cash any payments received after the decedent's death.
- Certain payments will need to be made to the estate. This can only happen after the estate is opened. These payments may include rent, or dividends or interest from investment accounts.

Funeral or Memorial Arrangements

- If you paid for the funeral or memorial arrangements, you may be able to receive reimbursement for the cost from the estate's funds.
- The estate's funds are not available until after the estate is opened and the personal representative is appointed.
- Check with the funeral home director for how they handle payments. They may agree to wait for payment until after the estate is opened.
- For more information, watch the video series *Estate Administration for Personal Representatives*, and visit the [Register of Wills](#) website.

Get Copies of the Death Certificate

- The funeral director will prepare paperwork for the death certificate. Let them know how many copies you want.
- You will need a copy of the death certificate to open the estate.
- You will also need a copy of the death certificate for every bank account, investment account, or any other account of the decedent.
- The death certificate is filed with the [Maryland Department of Health's Division of Vital Records](#). If you need additional copies later, you can get them from Vital Records.

Remember to Communicate with Heirs and Legatees

- If you plan on filing to open the estate and to request to be appointed personal representative, it may be helpful to let the heirs and legatees know.
- Consider staying in touch to explain the process and timeline as you move forward with opening the estate.