



The Wide World of Estate Administration

Catherine Wilson, Assistant Professor, UNCSOG



1

Working in Decedents' Estates...



Is like moving to a new country.

You've got:

- New language
- New customs
- New ideas
- New forms



2

Spoiler Alert!

- We can't cover everything in two days.
- It's going to feel like a lot.
- Do NOT panic.



3

My goals for you:



Explore the full (formal) estate admin (EA) process from start to finish.



Get comfortable with EA concepts.



Develop your EA issue-spotting skills.



Know where to find EA answers.



4

Your Role: *Ex Officio Judge of Probate*

"Exclusive original jurisdiction for the probate of wills and the administration of decedents' estates is vested in the superior court division, and is exercised by the superior courts and by the clerks of superior court as **ex officio** judges of probate according to the practice and procedure provided by law."

G.S. 7A-241.

***ex officio** – *By virtue or because of an office.*

BLACKS LAW DICTIONARY [7th Ed.]



5

Exercise of Judicial Authority

- In decedents' estates you are acting in the role of the judge of probate.
- Not an administrative role.
- You will be asked to exercise discretion.
- You may need to hold hearings on various questions.

(Don't be scared!)



6

What is full Estate Administration?

The legal process of collecting, settling, and distributing the property of a decedent's estate.

- Includes:
 - Appointment and qualification of a fiduciary to manage the estate,
 - Fiduciary is given required tasks to perform,
 - File inventory and accounts with the clerk, notify creditors and pay valid claims, etc.
 - Clerk of court oversees the work of the fiduciary,
 - Ends with the distribution of estate assets to designated persons (heirs, devisee, beneficiaries).



7

What are the Alternatives to Full Administration?

- Year's Allowance of a Surviving Spouse and Children
- Collection of Property by Affidavit
- Payment to the Clerk of Money Owed to a Decedent
- Assignment of Motor Vehicle Title
- Summary Administration
- Appointment of a Limited Personal Representative to Give Notice to Creditors without Administration
- Removal of Tangible Personal Property by Landlord after Death of Residential Tenant



8

Alternatives to Estate Full Administration

- **Year's Allowance of a Surviving Spouse and Children**
 - ✓ Entitlement of family members to an allowance of personal property.
 - ✓ Spouse (\$60,000) and children under 21 (\$10,000 each).
 - ✓ G.S. Chapter 30, Article 4.
- Collection of Property by Affidavit
- Payment to the Clerk of Money Owed to a Decedent
- Assignment of Motor Vehicle Title
- Summary Administration
- Appointment of a Limited Personal Representative to Give Notice to Creditors without Administration
- Removal of Tangible Personal Property by Landlord after Death of Residential Tenant



School of
Government

9

Alternatives to Estate Full Administration

- Year's Allowance of a Surviving Spouse and Children
- **Collection of Property by Affidavit**
 - ✓ Commonly referred to as "Small Estate Affidavit."
 - ✓ Allows person to collect and distribute decedent's personal property without appointment as PR.
 - ✓ Asset limits (DOD after 1/1/2012):
 - ✓ Surviving spouse - \$30,000 limit
 - ✓ Others - \$20,000 limit
 - ✓ G.S. Chapter 28A, Article 25
- Payment to the Clerk of Money Owed to a Decedent
- Assignment of Motor Vehicle Title
- Summary Administration
- Appointment of a Limited Personal Representative to Give Notice to Creditors without Administration
- Removal of Tangible Personal Property by Landlord after Death of Residential Tenant



School of
Government

10

Alternatives to Estate Full Administration

- Year's Allowance of a Surviving Spouse and Children
- Collection of Property by Affidavit
- **Payment to the Clerk of Money Owed to a Decedent**
 - ✓ Funds owed to decedent may be paid to clerk.
 - ✓ Cannot exceed \$5,000 (more for funeral homes).
 - ✓ G.S. 28A-25-6.
 - ✓ Commonly referred to as "Administration by the Clerk."
- Assignment of Motor Vehicle Title
- Summary Administration
- Appointment of a Limited Personal Representative to Give Notice to Creditors without Administration
- Removal of Tangible Personal Property by Landlord after Death of Residential Tenant



School of
Government

11

Alternatives to Estate Full Administration

- Year's Allowance of a Surviving Spouse and Children
- Collection of Property by Affidavit
- Payment to the Clerk of Money Owed to a Decedent
- **Assignment of Motor Vehicle Title**
 - ✓ Affidavit used to transfer title of vehicle to new owner.
 - ✓ Requires signature of the clerk.
 - ✓ G.S. 20-77(b).
- Summary Administration
- Appointment of a Limited Personal Representative to Give Notice to Creditors without Administration
- Removal of Tangible Personal Property by Landlord after Death of Residential Tenant



School of
Government

12

Alternatives to Estate Full Administration

- Year's Allowance of a Surviving Spouse and Children
- Collection of Property by Affidavit
- Payment to the Clerk of Money Owed to a Decedent
- Assignment of Motor Vehicle Title
- **Summary Administration**
 - ✓ Spouse is devisee or heir.
 - ✓ Spouse assumes liability for all debts, taxes, and valid claims.
 - ✓ G.S. Chapter 28A, Article 28.
- Appointment of a Limited Personal Representative to Give Notice to Creditors without Administration
- Removal of Tangible Personal Property by Landlord after Death of Residential Tenant



13

Alternatives to Estate Full Administration

- Year's Allowance of a Surviving Spouse and Children
- Collection of Property by Affidavit
- Payment to the Clerk of Money Owed to a Decedent
- Assignment of Motor Vehicle Title
- Summary Administration
- **Appointment of a Limited Personal Representative to Give Notice to Creditors without Administration**
 - ✓ Appoints Limited PR to notify creditors and administer claims.
 - ✓ G.S. Chapter 28A, Article 29.
- Removal of Tangible Personal Property by Landlord after Death of Residential Tenant



14

Alternatives to Estate Full Administration

- Year's Allowance of a Surviving Spouse and Children
- Collection of Property by Affidavit
- Payment to the Clerk of Money Owed to a Decedent
- Assignment of Motor Vehicle Title
- Summary Administration
- Appointment of a Limited Personal Representative to Give Notice to Creditors without Administration
- **Removal of Tangible Personal Property by Landlord after Death of Residential Tenant**
 - ✓ Procedure for landlord to remove decedent's personal property from rental unit.
 - ✓ G.S. 28A-25-7.



15

Alternatives to Full Estate Administration

- Can use more than one alternative together.
 - Example:
 - Spousal allowance + Collection by affidavit + Assignment of motor vehicle title
- Generally designed for small amounts of personal property and/or specific situations.
 - **Contrast alert(!):** *A full estate administration covers everything and can handle any situation that comes up.*



16

Alternatives to Full Estate Administration – CM Resources

- ["Year's Allowance of a Surviving Spouse and Children," Decedents' Estates, Trusts, and Powers of Attorney, Chapter 14.](#)
- ["Alternatives to Formal Administration," Decedents' Estates, Trusts, and Powers of Attorney, Chapter 20.](#)
 - Collection of Property by Affidavit
 - Payment to the Clerk of Money Owed to a Decedent
 - Assignment of Motor Vehicle Title
 - Summary Administration
 - Appointment of a Limited Personal Representative to Give Notice to Creditors without Administration
 - Removal of Tangible Personal Property by Landlord after Death of Residential Tenant



17

Alternatives to Full Estate Administration – Training Website Resources

- [Clerk of Superior Court Online Training](#)
 - Decedents' Estates TRAINING MODULES

Clerk of Superior Court Online Training

The training modules on this site were developed by faculty and staff at the UNC School of Government for North Carolina clerks of superior court. Select a training series below to access online modules relevant to that topic.

Newly Elected Clerks	Guardianship	Decedents' Estates
The modules in this series are recommended for newly elected clerks of superior court and pertain to matters related to the administration and government of their office, providing an introduction to different types of proceedings that fall under the clerk's judicial authority.	The modules in this series are recommended for any clerk who handles proceedings involving adult incompetency or adult or minor guardianship, with modules covering the legislative changes, basic legal concepts, and best practices.	The modules in this series cover a variety of topics related to decedent estate administration. There are videos for new estate clerks who need basic introduction to training and videos for experienced estate clerks who seek more advanced training.



18

Training Topic
▶ Public Records and the Clerk
▶ What is in an Estate Case (E file)?
▶ Decedents' Estates Terminology
▶ The Clerk's Depository for Wills for Safekeeping
▶ The Clerk's Initial Estate Intake
▶ Overview of Decedents' Estates Administration
▶ Alternatives to Full Estate Administration
▶ Changes to Year's Allowance (S.L. 2023-120; Effective 3/1/2024)
▶ Full Administration of a Decedent's Estate
▶ Bond Basics for Decedents' Estates
▶ Opening the Estate, Qualification of the Personal Representative, and Bond
▶ Probate of a Will
▶ A Brief Primer on the Intestate Succession Act
▶ Estate, Trust, and Power of Attorney Proceedings

We are focusing on Full Estate Administration

- Why?
 - Most complex estate process.
 - Comprehensive
 - In-depth
 - Understanding full EA will inform your understanding of alternatives.
 - Alternatives give you a piece of the puzzle.
 - Full EA gives you the whole picture.
 - Full EA's: The largest group of estate filings by volume.



19

How many filings are we talking about?



20

Estates by the Numbers (fiscal year: July 1 –June 30)

- 2020-2021
 - Filings 89,297
 - Disposed 84,482
- 2021-2022
 - Filings 90,461
 - Disposed 88,355
- 2022-2023
 - Filings 86,805
 - Disposed 87,776
- 2023-2024
 - Filings 86,390
 - Disposed 81,956

● 2024-2025

- Filings 86,876
- Disposed 73,537
- *Pending 115,899*

***Estate filings include Decedents' Estates, Guardianships of Minors and Incompetent Persons, Power of Attorney Proceedings, and Trust Proceedings**



21

Estates by the Numbers

Estate filings* – (nccourts.gov 7/1/2024- 6/30/2025)

• Full Qualifications

- PROBATE 20,087
- ADMINISTRATION 15,792
- GUARDIANSHIPS 5,751

(All types other than standby)

***Estate filings include Decedents' Estates, Guardianships of Minors and Incompetent Persons, Power of Attorney Proceedings, and Trust Proceedings**



22

• Alternatives to Full Estate Administrations

- Spouse/Child Allowance 18,486
- Affidavit for Collection 11,811
- Payments to Clerk 9,147
- Assignment of Title 4,523
- Summary Administration 431
- Limited Personal Representative 225
- Landlord Affidavit for Removal 95

The Next Two Days - Focus on Full Estate Administration



23

Things we ARE going to talk about:

Full (Formal) Estate Administration Process

- ✓ Intestate Succession (dying without a will)
- ✓ How to read a will
- ✓ Probating a Will
- ✓ Appointing the Personal Representative (PR)
- ✓ Creditor claims
- ✓ PR's reporting to the court
- ✓ Compelling inventories and accounts
- ✓ Attorneys' fees & PR's commissions
- ✓ Final distribution & settlement



24

Think about the Journey.

Clerk's Journey

- Probating the will
- Appointing the PR
- Accepting filings and fees
- Auditing and approving/denying accounts
- Adjudicating when asked
 - Examples:
 - Petition for Probate
 - Petition for Commissions
 - Petition for Attorney's fees
- Compelling

PR's Journey

- Applying/Qualifying
- Notifying Creditors
- Discovering assets
- Paying bills
- Paying creditors (or not)
- Filing inventory and accounts
- Making distributions



25

DAY ONE – Get that train moving...

- Who gets what?
 - Intestate
 - Will
- Admitting will to probate
- Who's in charge?
 - Appointing the PR
 - Priority
 - Bond
- PR's duty: Creditor claims



26

DAY TWO – Get that train back to the station.



- Reporting to the clerk
 - Inventories
 - Accounts
- Compelling inventories and accounts
- Awarding attorneys' fees & PR's commissions
- Overseeing final distribution & settlement



27

Full Admin Resources

- Statutes
- Clerks' Manual
- Clerks of Superior Court Online Training



28

Primary Statutes – Estate Administration

- [G.S. Chapter 28A - Administration of Decedents' Estates](#)
- [G.S. Chapter 29 - Intestate Succession](#)
- [G.S. Chapter 31 – Wills](#)



29

https://www.ncleg.gov/Laws/GeneralStatutesTOC

NORTH CAROLINA GENERAL ASSEMBLY

HOUSE SENATE STREAMING CALENDARS COMMITTEES GOV OPS BILLS & LAWS DIVISIONS REDISTRICTING ABOUT

Bill # (Ex: H1 or S1)

Home / Bills & Laws / General Statutes / Table of Contents

NC GENERAL STATUTES TABLE OF CONTENTS

The General Statutes include changes through SL 2025-97.

Search >

Citation Lookup >

Table of Contents ✓

		Chapter 1	Civil Procedure
		Chapter 1A	Rules of Civil Procedure
		Chapter 1B	Contribution
		Chapter 1C	Enforcement of Judgments
		Chapter 1D	Punitive Damages

30

NORTH CAROLINA GENERAL ASSEMBLY

HOUSE SENATE STREAMING CALENDARS COMMITTEES GOV OPS BILLS & LAWS DIVISIONS REDISTRICTING ABOUT

Home / Bills & Laws / General Statutes / Table of Contents / Chapter 28A

CHAPTER 28A - ADMINISTRATION OF DECEDENTS' ESTATES.

The General Statutes include changes through SL 2025-97.

General Statutes published on this website are not official. Please read the [caveats](#) for more information.

Search >

Citation Lookup >

Chapter 28A ✓

		Chapter HTML	Chapter PDF
		Article 1 - Definitions and Other General Provisions.	
		G.S. 28A-1-1	§ 28A-1-1. Definitions.
		G.S. 28A-1-2	§ 28A-1-2. Repealed by Session Laws 1979, c. 88, s. 2.
		Article 2 - Jurisdiction for Probate of Wills and Administration of Estates of Decedents.	

31

Clerk of Superior Court Manual Series

Manuals

Civil	Special Proceedings: Real Property and Motor Vehicle	Criminal
The Office of the Clerk	Courtroom Procedures	Special Proceedings: Family
Incompetency and Guardianship	Decedents' Estates, Trusts, and Powers of Attorney	

32

Manual: Decedents' Estates, Trusts, and Powers of Attorney

[Chapter 1: Overview of Decedents' Estate Administration](#) (January 1, 2022)

[Chapter 2: The Clerk's Initial Estate Intake](#) (January 1, 2022)

[Chapter 3: Subject Matter Jurisdiction of the Clerk in Decedents' Estates](#) (January 1, 2022)

[Chapter 4: Estate Proceedings](#) (January 1, 2022)

[Chapter 5: Probate of a Will](#) (January 1, 2022)

[Chapter 6: Living Probate](#) (January 1, 2022)

[Chapter 7: Appointment of the Personal Representative](#) (January 1, 2022)

[Chapter 8: Role, Resignation, and Revocation of Letters of the Personal Representative](#) (January 1, 2022)

[Chapter 9: Inventories and Accounts](#) (July 31, 2012)

[Chapter 10: Commissions and Attorney Fees of the Personal Representative](#) (June 30, 2011)

[Chapter 11: Proceedings to Discover Assets of an Estate](#) (January 1, 2022)

[Chapter 12: Personal Property of Estates](#) (July 31, 2012)

[Chapter 13: Sale and Management of Real Property](#) (July 31, 2012)

[Chapter 14: Year's Allowance of a Surviving Spouse and Children](#) (July 1, 2024)

[Chapter 15: Spousal Election of a Life Estate](#) (January 1, 2022)

33

Clerks of Superior Court Online Training

UNC SCHOOL OF GOVERNMENT

CLERKS' MANUAL

Clerk of Superior Court Online Training

The training modules on this site were developed by faculty and staff at the UNC School of Government for North Carolina clerks of superior court. Select a training series below to access online modules relevant to that topic.

Newly Elected Clerks	Guardianship	Decedents' Estates
The modules in this series are recommended for newly elected clerks of superior court and pertain to matters related to the administration.	The modules in this series are recommended for any clerk who handles proceedings involving adult incompetence or adult or minor.	The modules in this series cover a variety of topics related to decedent estate administration. There are videos for non-estate.

34

Online Training





Decedents' Estates
TRAINING MODULES

The modules in this series cover a variety of topics related to decedent estate administration. There series and includes a recording and links to related resources.

The modules are listed below in their recommended order. However, they may be accessed in any order.

Training Topic
▶ Public Records and the Clerk
▶ What is in an Estate Case (E file)?
▶ Decedents' Estates Terminology
▶ The Clerk's Depository for Wills for Safekeeping
▶ The Clerk's Initial Estate Intake
▶ Overview of Decedents' Estates Administration
▶ Alternatives to Full Estate Administration
▶ Changes to Year's Allowance (S.L. 2023-120; Effective 3/1/2024)
▶ Full Administration of a Decedent's Estate
▶ Bond Basics for Decedents' Estates
▶ Opening the Estate, Qualification of the Personal Representative, and Bond
▶ Probate of a Will
▶ A Brief Primer on the Intestate Succession Act
▶ Estate, Trust, and Power of Attorney Proceedings



**School of
Government**