

# How to Get Probate Listings

# What you signed up for:

- **2 live webinar sessions**
- **4 of my best letters**
- **Private Facebook Group**
- **A list of all of my resources**

# The Schedule

- Week 1 – Understanding Probate & How to get probate leads and sort them
- Week 2 – How to market to probate leads. Four direct mail templates
- You only need to register with gotowebinar once and will receive email reminders before each session. Same link for both sessions.

# Please take notes

- This webinar is live.
- You can type your question to me at any time.
- I will stay online until I answer them all.
- You will need to do some research on your own after today's webinar.
- Each state is slightly different.
- I am not an attorney and the information given is not intended as legal advice. It is to guide you in your marketing.

# How to get help

- Post in the private Facebook Group I set up for you
- Probate Student Mastermind Community
- I sent you the link via email
- I sent you an invitation through FB

# Probate Student Mastermind Community

The image shows a screenshot of a Facebook group page for the "Probate Student Mastermind Community". The page is set to a "Closed Group". The top navigation bar includes the Facebook logo, the group name, a search bar, and user profile information for "Frank". The main content area features a large photo of five young adults in a meeting. Below the photo are controls for "Joined", "Notifications", and "Share". The left sidebar contains navigation options: "Discussion", "Members", "Photos", "Files", and "Manage Group", along with a search bar for the group. The main post area has a "Write Post" section with options for "Add Photo/Video" and "Add File". Below the post area are two notification boxes: "1 post needs approval" and "2 people want to join this group". The right sidebar includes an "ADD MEMBERS" section with a search input, a "MEMBERS" section showing "58 Members (10 new)", and a "SUGGESTED MEMBERS" section with three members listed: Dianna Patrick, Ryan Foxx, and Kim Bargman Gutzwiller, each with an "Add Member" button.

# The Basics Of Probate

# The Basics Of Probate

- What is probate?
- Probate files are public information
- Who are the key players?
- How does probate start?
- Probate flow of events
- Timeline of the probate process
- Special types of probate

# What Is Probate?

# What Is Probate?

- Probate is the legal process for the transfer of assets, houses, cars, stocks, bonds, boats etc. from the deceased person's name to his/her estate so that it can be sold and distributed to heirs.
- Probate is a way to settle any tax liabilities that the estate has to pay.
- Probate is a process.
- The average probate process can last between 9 to 18 months.

# Probate

## **Days 1-90**

No legal paperwork  
done yet

3 months from filing

## **Days 90-180**

All legal paperwork  
done

6 months from filing

# What Is Probate?

- Probate takes place in the county of the decedent's residence.
- Probate oversees the settlement of an estate.
- Probate validates terms of a will if there is one.
- People cannot avoid probate even if they have a legal will.
- The only way to avoid probate is having a living trust that is fully funded.
- Probate distributes remaining assets.

# **Probate Files Are Public Information**

# Probate Files Are Public Information

- This information can be accessed anywhere in this in the USA. Most counties allow online access. Some require you to visit the courthouse.
- Some counties limit the number of files can be accessed in one visit.
- Contact the local superior court in the county and they will tell you where the probate files are and they will give you the information.

# Who Are The Key Parties?

# Who Are The Key Parties?

- Personal representative, administrator or Executor
  - Person who oversees the liquidation of estate (seller)
  - Some states have replaced the term “**executor**” with “**personal representative**” so the terms are often used interchangeably. An administrator or administratrix is the person appointed by the probate court to administer the estate of a person who has died without a will (intestate).
- Probate clerk
  - Person who handles the filing of the probate documents at the courthouse
- Probate attorney
  - Person who files the legal paperwork at the courthouse on behalf of the estate
  - He/she may be appoint a reference to refer a real estate agent to their personal representative for the liquidation of the estate
- Heirs
  - Potential buyers and potential investors

# Who Are The Key Parties?

- Heirs (continued)
  - Listed in the will if it exists.
  - May meet them to list property. Get their email addresses from the executor or personal representative and introduce yourself. Copy them on marketing updates.
  - Heirs are important in the probate process.
  - Heirs are potential buyers/sellers.

# How Does a Probate Case Begin?

# How Does a Probate Case Begin?

- Decedant.
- If a will is found:
  - Person dies testate
  - Person in charge is known as an executor or personal representative.
- If there is no will:
  - Person dies intestate
  - Person in charge is known as an administrator

# How Does a Probate Begin?

- If there is a will:
  - It directs the position of state and settlement of legal affairs.
  - It designates the executor and so the person going to be in charge is written in the will.
  - It will specify the executor and gives him/her the power and full authority.
  - It also designates all the heirs.
  - The executor most likely initiates the probate process.

# How Does a Probate Case Begin?

- If there is no will:
  - Someone will have to step forward as the potential administrator and initiate a probate. Usually a family member.
  - The court appoints the administrator.
  - The administrator continues the probate process and the court oversees the liquidation of the estate.

# How Does a Probate Case Begin?

- Executor/Personal Representative have two choices:
  - They can have an attorney to file the petition for probate or
  - They can do the probate process themselves that is known as improper file

## **With attorney**

Attorney  
XYZ LLC

Petitioner  
(Executor)

## **Inproper file**

Attorney  
Mr. ABC

Petitioner  
(Executor)

# How Does a Probate Case Begin?

- How does attorney get paid?
  - It varies from state to state.
  - Example (4-3-2-1 system)
    - Attorney will get 4% of first \$100,000
    - Attorney will get 3% of next \$100,000
    - Attorney will get 2% of next \$800,000
    - Attorney will get 1% of next \$8 million
  - If house is priced at \$500,000
    - 4% of \$100,000 = \$4,000
    - 3% of next \$100,000 = \$3000
    - 2% of next \$300,000 = \$6000
    - Attorney makes \$13,000 just on value of the house

# How Does Probate Begin?

- In most cases the administrator or executor makes the same amount as the attorney because they get paid for their service.
- Is probate an expensive process?
  - Probate is very expensive.
  - Using the \$500,000 house as an example, \$26,000 total is paid to the attorney and administrator. In comparison, the average cost of a living trust is \$2,500.
  - Having a living trust can save the estate a lot of money, time and headache.
  - “Pay me now or pay me a lot more later.”

# How Does Probate Begin?

- Attornies do want to work with real estate professionals.
- The attorney will get paid at the end of the settlement of the estate.
- The only money that the attorney can ask for is money that is for court fees associated with the case.
  - For example, if it cost \$250 to file for the petition for probate, then the attorney can ask for those fees because that is the cost of the probate process.
- The attorney's personal fees will come in at the end of the process and those fees will actually be included in the final accounting.

# How Does Probate Begin?

- The final accounting paperwork gives an itemized list of all fees.
- The court must approve the fees before they can be paid.
- If all the money is tied up in the house and it can be seen that it is going for sale, the attorney is motivated to work with real estate professionals and so they can contact the PR, build that relationship and close the deal. Thus there is an incentive to work with attorneys.

# How Does Probate Begin?

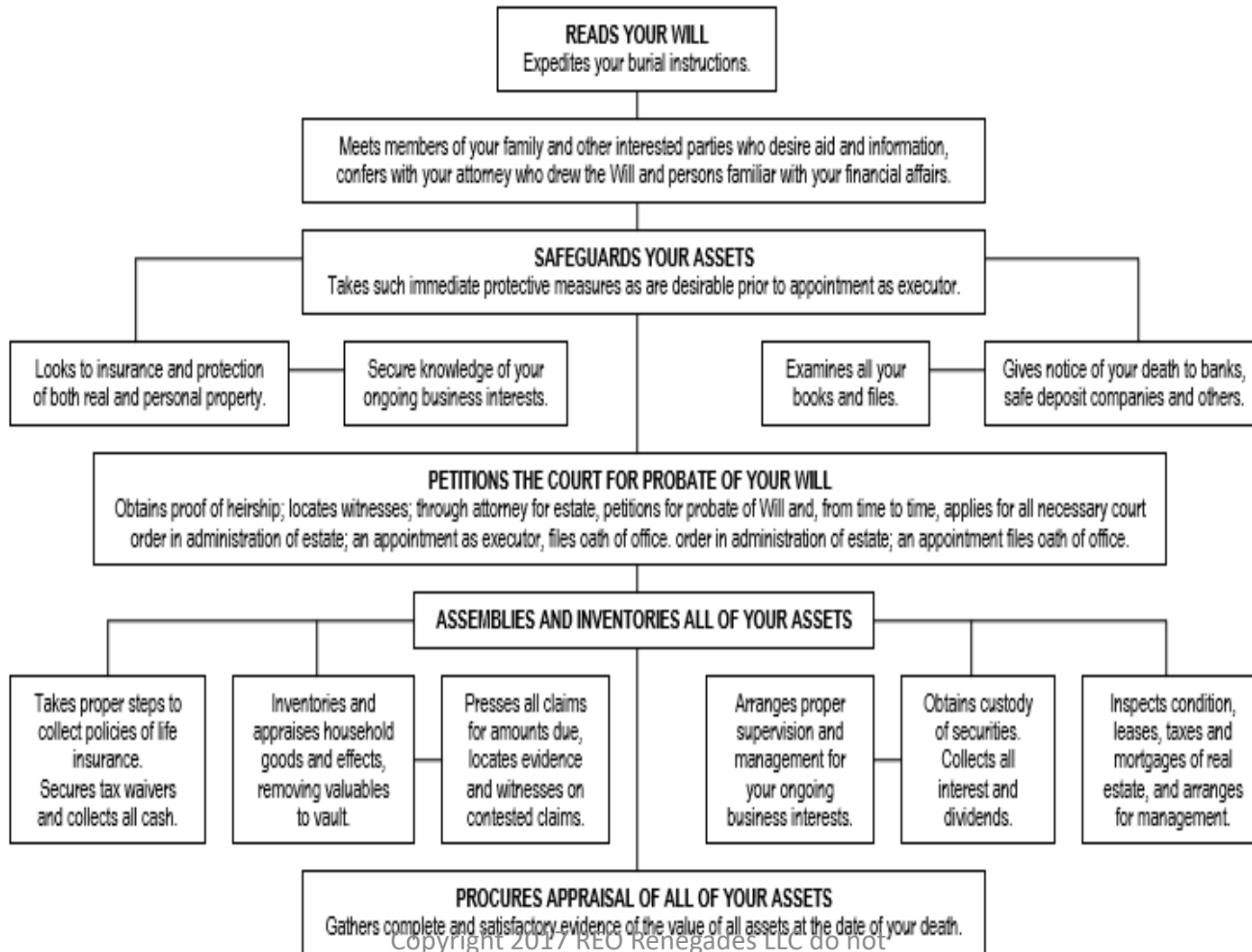
- The attorney cannot be paid until the house is sold and the estate is settled.
- The probate attorney is motivated to work with you.
- Your commission comes from the sale of the property, just like any transaction.

# What we look for

- Petition for Probate of Will and for Letters Testamentary (with a will)
- Petition for Probate of Will and for Letters of Administration with Will Annexed (with will no executor or executor has passed)
- Petition for Letters of Administration (WO will)
- Petition for Letters of Special Administration (WO will grants some interim authority)

# Probate Flow Of Events

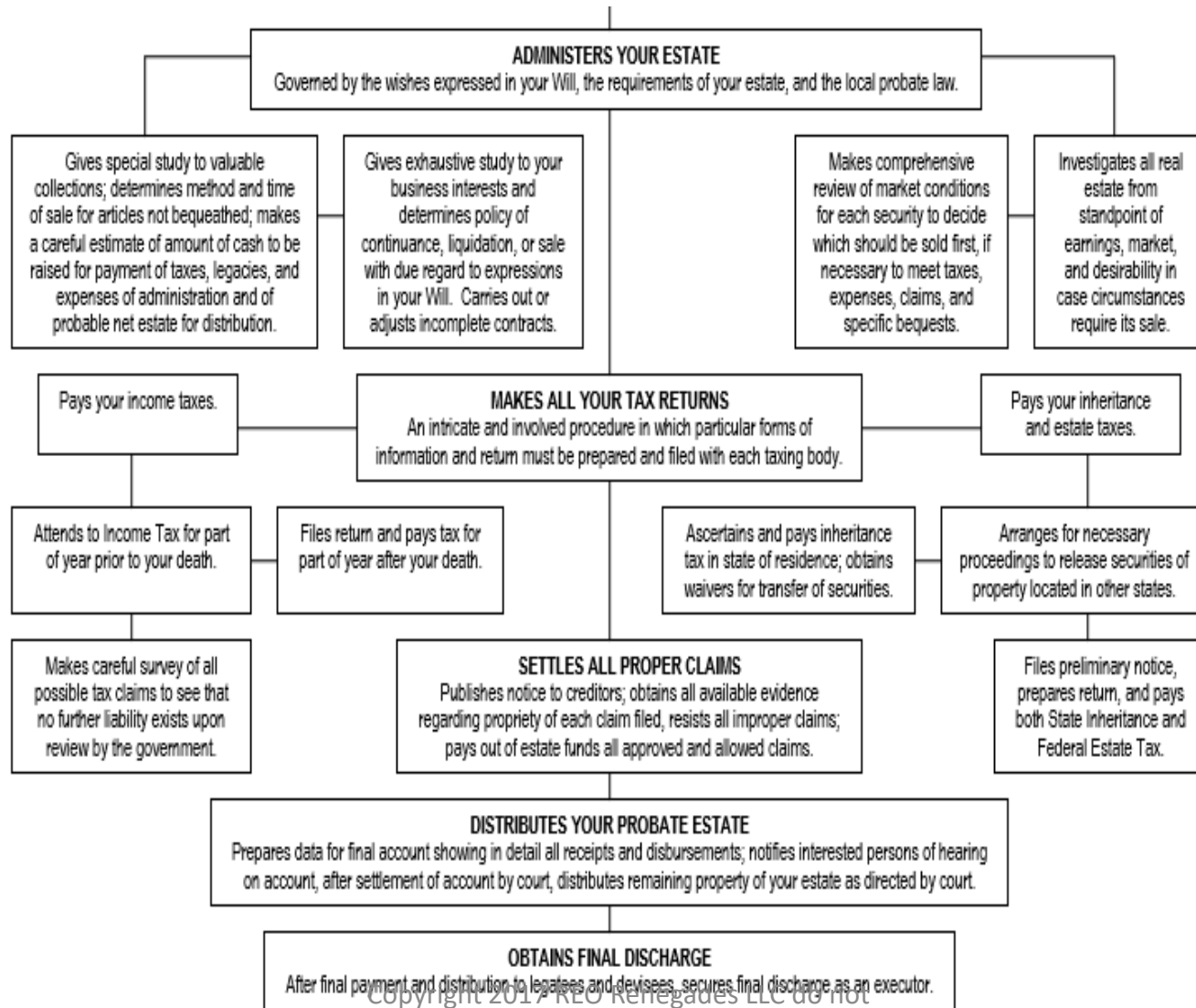
# Probate Flow Of Events



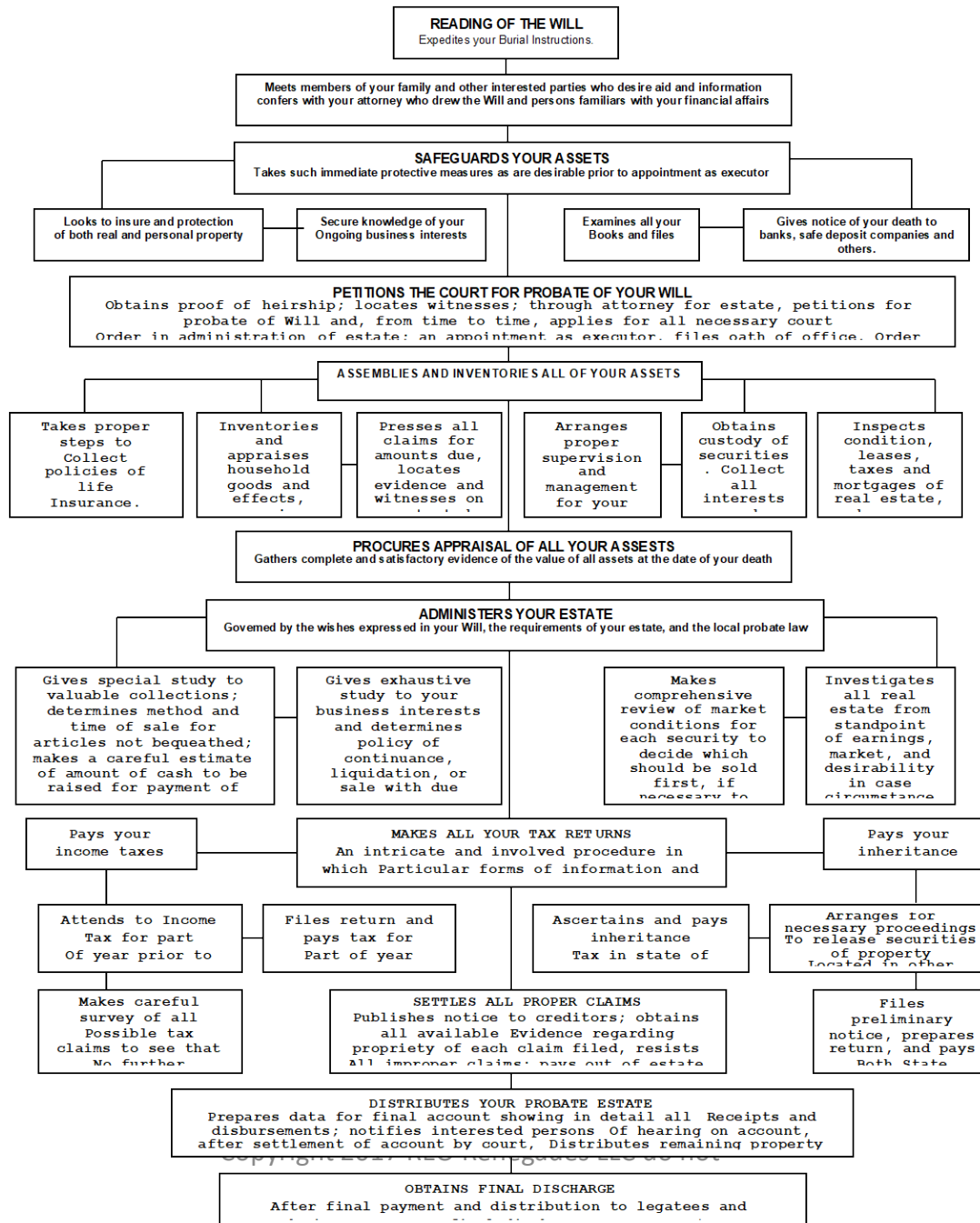
Copyright 2017 REO Renegades LLC do not

distribute or copy

# Probate Flow Of Events



# Executor's Duties During the Probate Process



# Probate Flow Of Events

- I will send you a document that shows the flow of events.
- 10 most important steps in the eyes of the executor.
  1. Reading of the will
  2. Safeguard assets
  3. Petition the court for probate of the will
  4. Assemblies and inventories all assets
  5. Procures appraisal of all assets
  6. Administion of estate
  7. Filing of tax returns
  8. Settlement of claims
  9. Distribution of estate
  10. Final discharge

# Timeline Of The Probate Process

# Timeline Of The Probate Process

Step	Duration
Prepare and File Petition for Probate	1-2 months
Court hearing on the Petition for Probate	2-3 months
The following are issued: Letters of Administration, Orders for Probate, Duties and Liabilities, Issue Bond (if ordered), & **Letters of Testamentary **	2-4 months (if not contested)
Notice to Creditors	2-4 months
Notice to Department of Health Services Inventory & Appraisement	4-8 months
Pay State and Federal Taxes (if necessary)	6-12 months
Allow or Reject Creditor Claims	
Possible Preliminary Distributions	
Notice to Department of Health Services (if deceased received medical)	
Notice to Franchise Tax Board (if heir is out of state)	
Claim of Exemption (if assets transfer to a minor)	6-15 months
Receive Final Tax Letter from State and Federal (if appropriate)	6-18 months
File Petition for Final Distribution and Accounting	8-16 months
Hearing on Petition for final Distribution and Accounting	
Order Approving Final Distribution and Accounting	
Distribution of Assets to Heirs	9-17 months
Final Discharge Order (indicates close of probate case)	9-18 months
Final Distribution of Funds	9-18 months

# The Probate Timeline

Step	Duration
Prepare and File Petition Probate	1-2 months
Court hearing on the petition for probate	2-3 months
The following are issued. letter of administration ,order for probate, duties and liabilities, issue bond (if ordered)&** letters testamentary **	2-4 months (if not contested)
Notice to Creditors	2-4 months
Notice to Department of Health Services Inventory & Appraisement	4-8 months
Pay state and Federal Taxes ( if necessary)	6-12 months
Allow or Reject Creditor Claims	
Possible Preliminary Distributions	
Notice to Department of Health Services (if deceased received medical)	
Notice to Franchise Tax Board (if heir is out of state)	
Claim of Exemption (if assets transfer to a minor)	6-15 months
Receive Final Tax Letter from state and Federal (if appropriate)	6-18 months
File Petition for Final Distribution and Accounting	8-16 months
Hearing on Petition for Final Distribution and Accounting	
Order Approving Final Distribution and Accounting	
Distribution of Assets to Heirs	9-17 months
Final Discharge Order (indicates close of probate case)	9-18 months
Final Distribution of Funds	9-18 months

# Special Types Of Probate

# Special Types Of Probate

- Within the probate department, there are four niches:
- Probate files
  - Real estate
- Conservatorship files
  - Person is alive but cannot take care of themselves e.g. people with dementia, Parkinson's disease etc.
  - Usually a family member will step in and apply to court to become the conservator of the estate. He/she will take over the person's life, financial life etc.
  - Some states require court confirmation
  - Courts look very carefully at conservatorship

# Special Types Of Probate

- Guardianship files
  - Involves kids under the age of 18
  - Normally the real estate is not sold because they are kept for the kids to stay in
  - Not worth pursuing

# Special Types Of Probate

- Living trust files
  - Living trust is created and fully funded.
  - Forget to put deed to house in trust.
  - Remove house from trust to sell/buy or refi and forget to put back into trust name.
  - If the real estate or any other significant asset is outside of the trust when the person passes away.
  - The trust has to go to the probate court and petition to the court to put the house back into the trust.
  - This is how an estate with a living trust ends up in probate court.

# How to get probate leads in your area.

- 100% of you can get probate leads from the Court that handles probate in your County.

# How to get probate leads in your area.

- 100% of you can get probate leads from the Court that handles probate in your County.
- It will be one of the following:
  - Probate Court
  - Superior Court
  - Circuit Court

# How to get probate leads in your area.

- 100% of you can get probate leads from the Court that handles probate in your County.

# How to get probate leads

- Superior Court for your County (VA=Circuit Court)
- Probate Court
- If you live in a large county there may be more than 1 location
- Contact your local superior court in your county to locate the appropriate courthouse for probate
- Google Search “your county probate court”

# How to get probate leads in your area.

- As soon as you are certain what court handles probate cases in your county you will need to visit the courthouse.

# How to get probate leads in your area.

Take a pad of paper and a pen.

Most likely you will have to go through security and may be asked to leave all electronic devices outside.

Dress professionally

Find the Clerk of the Court for probate cases

Be courteous.

Don't introduce yourself as a real estate agent.

Tell them you are doing research and this is your first trip to the courthouse.

# How to get probate leads in your area.

Take a list of questions to ask:

1. “I am doing research on probate cases. How can I find all of the “Petitions to Probate” filings for the last week?”
2. “How can I see the file after I locate it?”
3. “Can I access the files online through the Counties website?”
4. “Where are legal notices published here in our county?”

# How to get probate leads in your area

- 2<sup>nd</sup> Source for Probate Leads
- Web based publisher of legal notices for your area
- Website = [www.publicnoticeads.com](http://www.publicnoticeads.com)

# How to get probate leads in your area

- Google “legal publication “Your County””.
- Every county we have researched thus far has an online legal publication where court actions are published.
- Far easier than going to the court house
- Includes probate, divorce, conservatorship

# How to get probate leads in your area

## [Arizona Public Notice - PublicNoticeAds.com](#)

[www.publicnoticeads.com/az/](http://www.publicnoticeads.com/az/) ▼

This site is a **public** service of **Arizona** newspapers. It is designed to assist those who want to stay informed about the actions of local, county, and state ...

### [Advanced search](#)

Search Public Notices in Arizona  
Newspapers Association ...

### [Public notice help](#)

Public notice help. Where do these  
notices come from? Member ...

[More results from publicnoticeads.com »](#)

## [Public Notices - AZCentral.com](#)

[archive.azcentral.com/class/azbjnotices.html](http://archive.azcentral.com/class/azbjnotices.html) ▼

Includes complete Phoenix **Arizona** MLS listings and **Arizona** Republic real ... If you do not see the **Public Notices** below and/or received an error message, it is ...

## [Public Notices | Arizona Newspapers Association](#)


[ananews.com/public-notices/](http://ananews.com/public-notices/) ▼

Your hometown newspaper in smaller **Arizona** towns may publish two or three **Public Notices** a week while newspapers in larger areas may publish a hundred ...

# How to get probate leads in your area

ARIZONA  
NEWSPAPERS  
ASSOCIATION

Home SmartSearch Login Help Arizona newspapers Public Notice Law



### Search Public Notices in Arizona Newspapers Association

#### County/Publication

County/Parish:   
(Hold Ctl Key to select multiple.)

Publication:

#### Search Notices

Search Notices: [View Search Tutorial](#)

With **all** these words:

With this **exact** phrase:

With **at least one** of these words:

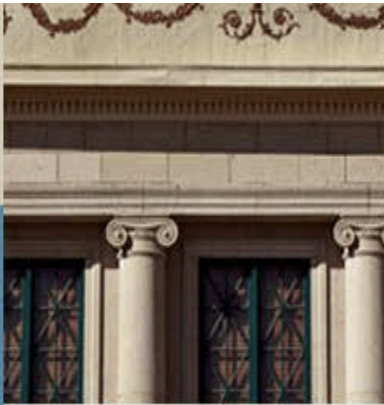
Exclude notices with these **words**:

Number of Notices to Return:

Date Range: From  to  (mm/dd/yy)

If you have questions or problems with this site, please send email to the [site administrator](#)

# Results for search term “Probate”



## WILLCase

Maricopa	2017/03/01	<a href="#">NOTICE OF HEARINGNO. PB2017-071010IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY</a>	Record Reporter (Phoenix)
Maricopa	2017/03/01	<a href="#">Notice Of Informal Probate Of Will And Appointment Of Personal Representative/Jo Ann Rose, a/k/a Jo</a>	Record Reporter (Phoenix)
Maricopa	2017/03/01	<a href="#">Notice Of Informal Probate Of Will And Appointment Of Personal Representative/Irving W. ZirbelKile &amp;</a>	Record Reporter (Phoenix)
Maricopa	2017/03/01	<a href="#">NOTICE OF HEARINGNO. PB2017-000479(Assigned to Commissioner Lisa Ann Vandenberg)IN THE SUPERIOR COUR</a>	Record Reporter (Phoenix)
Maricopa	2017/03/01	<a href="#">NOTICE OF HEARING ONPETITION FOR ADJUDICAITON OF INTESTACY, DETERMINATIONOF HEIRS AND APPOINTMENT OF</a>	Record Reporter (Phoenix)
Maricopa	2017/03/01	<a href="#">PROBATENOTICE TO CREDITORS PB 2017-090146Superior Court of the State of Arizona in and for the County</a>	Record Reporter (Phoenix)
Maricopa	2017/03/01	<a href="#">NOTICE TO CREDITORS(A.R.S. 14-6103)In the Matter of theLaMARR D. PETERSON AND ELINORE PETERSON FAM</a>	Record Reporter (Phoenix)
Maricopa	2017/03/01	<a href="#">INDEXBusiness-Civil-Government-Legal Notices-Maricopa County-Phoenix-Probate-Public Auctions/Sales-T</a>	Record Reporter (Phoenix)
Maricopa	2017/02/27	<a href="#">NOTICE OF INFORMAL PROBATE OF WILL AND APPOINTMENT OF PERSONAL REPRESENTATIVENO. PB2017-002286ARIZON</a>	Record Reporter (Phoenix)

# Decedents name



## Public Notice:

---

Notice Of Informal Probate Of Will And Appointment Of Personal Representative/Jo Ann Rose, a/k/a Jo A. Rose

Kile & Kupiszewski Law Firm, LLC, P.O. Box 6617, Scottsdale, AZ 85261, (480) 348-1590, Info@kilekuplaw.com, Emily B. Kile, Esq. #018819, Jennifer L. Kupiszewski, Esq. #019916, Christina M. Stoneking, Esq. #031666, Stephen J.P. Kupiszewski, Esq., Of Counsel #013290, Attorneys for Personal Representative, Sharon Sue Schmits In The Superior Court Of The State Of Arizona In And For The County Of Maricopa In the Matter of the Estate of Jo Ann Rose, a/k/a Jo A. Rose, Deceased. No. PB2017-051716 Notice Of Informal Probate Of Will And Appointment Of Personal Representative You are notified that: 1. Notice is being sent to those persons who have, or may have, some interest in the estate of **Jo Ann Rose** (1/2 Decedent 1/2). 2. Decedent died on December 19, 2016. 3. Sharon Sue Schmits filed an Application for Informal Probate of Will and Appointment of Personal Representative in the above-named court, requesting that the Will of decedent dated on August 7, 2012, be admitted to informal probate and that Sharon Sue Schmits be appointed Personal Representative of the estate. 4. On February 2, 2017, the registrar admitted the Will to informal probate and appointed Sharon Sue Schmits as Personal

# How to get probate leads in your area

ABOUT 469,000 RESULTS (0.98 SECONDS)

## Find a Case - Superior Court - Maricopa County

<https://www.superiorcourt.maricopa.gov/lawLibrary/.../FindYourCase.asp> ▼

Superior Court: Law Library - Find a Case. ... Maricopa County Clerk of Court ECR Online · Public Case Lookup · Arizona Court of Appeals, Division One.

## Docket: Civil Court Case History - Superior Court - Maricopa County

<https://www.superiorcourt.maricopa.gov/docket/CivilCourtCases/caseSearch.asp> ▼

Superior Court Docket: Civil Court Case History. ... >Civil Court Cases. Civil Court Case History. Search by Last Name/First Name ... Search by Case Number ...

## Docket - Superior Court - Maricopa County

<https://www.superiorcourt.maricopa.gov/docket/index.asp> ▼

View Case Information -- Court Calendars, Case Histories, Minute Entries -- for the ... Availability: Due to auditing that occurs up to 24 hours after information is added ... Disclaimer: In no event shall the Superior Court or the Clerk of the Court, ...

## Public Access Case Lookup - Arizona Judicial Branch > Home

<https://apps.supremecourt.az.gov/publicaccess/> ▼

The Arizona Judicial Branch is pleased to offer Public Access to Court Case Information, a valuable online service providing a resource for information about ...

# How to get probate leads in your area

- In my County I can no longer access the case file without visiting the courthouse with the case number. To save time I do the following:
- Search [publicnoticeads.com](http://publicnoticeads.com) every two weeks for new "informal petition to probate" cases.
- Find the decedents name and copy paste into the county tax records website search to see if there is real estate in the estate.
- If there is real estate in the estate I take down the case number, decedents name, and record it on a log with the real estate info.
- Once I have a list of a ten I visit the courthouse armed with a list of case numbers to look up and a notepad.

# How to get probate leads in your area

- At the courthouse its relatively easy to look up the file with the case number.
- I am specifically looking for the contact info for the executor/personal representative so that I can market to them.

# How to get probate leads in your area

- I enter each of the leads into my CRM under the executors/PR's name as they are the real prospect. I enter their address as that is who I will be mailing to. I enter the decedent as "contact #2" and the address of the estates real property in the "2<sup>nd</sup> address field or notes.
- By setting it up this way in the CRM I can format my marketing letters to populate the executors/PR's name, decedents name etc into the letters thus saving time.

# How to get probate leads in your area

How many leads do I need?

If my goal was 30 probate listings a year

10 leads a week = 500 a year

500 leads x 6% target conversion is 30 listings

Expand or contract your service area to get 10 leads a week

You will send 10 letters week 1, 20 week 2, 30 week 3, 40 week 4 and on. That is an average of 8 mailings per working day. You can outsource this once you have perfected the process. You should be able to accomplish this in 8 to 10 hours a week.

Do you know of any other way to get 30 listings a year in 8-10 hours a week?

# How to get probate leads in your area

Determine which court in your area handles probate

Visit the court and find the clerk of the court for probate

Ask the list of questions

Research the new filings for the last week. Petition to Probate

Take notes of the leads

Enter the leads into your crm

Search the web to find where probate cases are listed online

# How to get probate leads in your area

If you have trouble getting the leads as instructed post in our Probate Mastermind FB Page and I will help you.

Make sure you have followed the instructions here before you post.

I cannot go to the courthouse for you.

# Homework

- Find your superior court for your county.
- Call the county clerk and see if there is a separate court and clerk for probate cases.
- Find a book on the probate process for your state and buy it.
- Search for probate attorneys in your area and read the Q&A on there websites.
- Modify the flow chart and timeline to fit your state. You will use these in your marketing.

# Week 2 – How to market to probate leads

This is my favorite part!

The Marketing.....

We will be going over the 4 direct mail pieces in detail.

You will receive the letter templates to customize and load into your CRM.

You will get the list of resources to prepare your mailings.