

Common Probate Terms



Probate cases use a lot of technical terms. You will often see these on forms or sometimes in instructions. This page has some of the ones you may come across.

Term	Definition
Administrator	The person (usually the spouse, domestic partner, or a close relative) that the court appoints to manage the estate of a person who dies without a will. The administrator is also called the personal representative of the estate.
Asset	Property in the estate that has value and is available to pay debts and obligations
Beneficiary	A person who inherits when there is a will.
Decedent	The person who died.
Decedent's estate	All real and personal property that a person owned at the time of death.
Executor	A person named in a will and appointed by the court to carry out the dead person's wishes. The executor is also called the personal representative of the estate.
Heir	A family member who inherits from a decedent.
Holographic will	A will that is handwritten, dated, and signed by the person writing the will.
Intestate	When someone dies without leaving a will.
Intestate succession	The order of who inherits property when someone dies without a will.
Liability	Debt or another obligation that must be paid from the estate
Living trust	A trust created during the life of a person to distribute money or property to another person or organization.
Personal property	Things like cash, stocks, jewelry, clothing, furniture, or cars.
Personal representative	The administrator or executor that the court appoints to manage the estate.
Probate	The court process for distributing a dead person's assets, paying debts owed by the dead person, and settling the financial affairs of people when they die.
Real property	Buildings and land.
Successor	Anyone who has the legal right to receive the property of a person who dies, either under the will or the Probate Code.
Testate	When someone dies leaving a will.
Trust	An arrangement where property is given to someone to be held for the benefit of another person.
Will	A legal paper that lists a person's wishes about what will happen to their property after death.

