
INFORMAL PROBATE GUIDELINE

WASHBURN COUNTY
PROBATE OFFICE
10 West 4th Avenue
PO Box 339
Shell Lake WI 54871
PHONE: 715-468-4677
FAX: 715-468-4678

HOURS:
Monday – Friday
8:00 a.m. – 4:30 p.m.

Email:
Shannon.anderson@wicourts.gov

NOTE: This guideline is provided only as a public service and is not meant to be legal advice. The Register in Probate office cannot give legal advice; please contact an attorney if you have legal questions.

If you are commencing an informal probate without an attorney, you must:

- Review the following information carefully.
- Complete all forms required to start the informal probate listed below.

All forms are available on-line and can be found at: www.wicourts.gov. You can purchase a packet of forms from the Probate Office if you do not have the ability to get the forms on-line.

- Fill the forms in on-line as a Word document and then print; or
- Print the forms and complete by hand, using black ink.

An appointment is recommended when you are ready to file your papers. Please call the Register in Probate Office at 715.468.4677 to set up an appointment.

You may seek the advice of an attorney at any time during the probate process.

TO START AN INFORMAL PROBATE: complete and file the originals of the following:

- PR-1801 Application for Informal Administration
 - PR-1806 Proof of Heirship
 - PR-1803 Waiver and Consent (from all interested persons)
 - PR-1804 Notice to Creditors (when waiver and consents are filed;
OR,
if waivers are not filed, complete PR-1805)*
 - PR-1805 Notice Setting Time to Hear Application and Deadline for Filing Claims
(used only if you do not obtain waiver and consents from all interested persons)
See * below
 - PR-1807 Consent to Serve
 - PR-1808 Proposed Statement of Informal Administration
 - PR-1810 Proposed Domiciliary Letters
- Original Will and any Codicils (copy to be provided to all interested persons)
Other Trusts – see page 3.

**If a hearing on notice is required, the Personal Representative will be appointed after the hearing once the following documents are filed:*

- Affidavit of Publication from the newspaper, and

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- Form PR-1817 Affidavit of Service showing proof that the Notice was mailed to all interested persons.
- Bond, if required. A personal representative who lives out-of-state will require a bond. Other circumstances may exist that a bond will be required. Determination will be made by the Probate Court whether bond will be a signature bond (Form PR-1809) or a surety or corporate bond.

**IMPORTANT: If there is no Will, and you do not obtain Waiver and Consents from all interested persons before filing your application, you CANNOT go forward with informal administration. See Sec. 865.02(1)(b)1, Wis. Stats. You must proceed with an attorney and a formal administration.*

AFTER THE PERSONAL REPRESENTATIVE IS APPOINTED:

complete the following steps:

SECOND STEP: INVENTORY

- PR-1811 Inventory **DUE** no later than 4 months after Domiciliary Letters are issued
Filing Fee Statutory inventory filing fee of **0.2%** of the inventoried assets is due when the inventory is filed
- PR-1817 Affidavit of Service – to show Inventory has been provided to interested persons
Original Affidavit or Proof of Publication from the newspaper (if not already filed)
Original Probate Claims Notice and proof of mailing showing copy was mailed to WI Dept. of Family Services and the County Clerk (if decedent did or may have received services through the State and/or County)

THIRD STEP: FINAL ACCOUNT

- PR-1814 Estate Account w/ attached schedules
- PR-1817 Affidavit of Service to show Estate Account has been provided to interested persons
- Note Any additional property listed in Schedule A of the Estate Account is subject to an additional **0.2%** filing fee

FINAL STEP: CLOSING DOCUMENTS

The estate shall be closed within 12 months of filing the Application pursuant to 10th Judicial District benchmarks.

- Original Closing Certificate for Fiduciaries *see “Wisconsin Tax Section” below
- PR-1815 Estate Receipt from heirs/beneficiaries for partial and/or full distributions
- PR-1815 Estate Receipt from claimants, if claims were filed

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PR-1816 Statement of Personal Representative to Close Estate

ADDITIONAL INFORMATION FOR INFORMAL PROBATES

TRUSTS: If the decedent's Will establishes a testamentary trust, please complete the following forms: PR-1930 Consent to Serve as Trustee and PR-1931 Letters of Trust and file the originals with the Register in Probate office when the estate is opened.

CLAIMS: It is the Personal Representative's responsibility to check the court record for any claims filed. The website is: <http://wcca.wicourts.gov/index.xsl>. Copies can be obtained from the Register in Probate office for a fee of \$1.00 per page. The personal representative must resolve all claims filed against the estate before the estate can be closed.

CERTIFIED COPIES: You may need certified copies of the Domiciliary Letters or other documents during the course of administration. The fee is \$4.00 for the certification and one page. Additional pages will add \$1.00 per page. If requested through the mail, please enclose a self-addressed, stamped envelope together with the correct fee. The appropriate fee for all certified copies must be paid before they will be provided.

ADDITIONAL RESOURCES: A booklet called "A Personal Representative's Guide to Informal Probate in Wisconsin" is available on-line at www.wripa.org. This is an excellent guide and it is recommended the personal representative use this resource. Print or save it to your desktop for easy access.

TAX MATTERS: Filing of fiduciary, estate tax, and income tax returns is the personal representative's responsibility. The personal representative may seek the assistance of a tax preparer or accountant if necessary.

A Closing Certificate for Fiduciaries is required before closing the estate. Request the Closing Certificate by completing Schedule CC and any other necessary fiduciary tax returns (Wisconsin Form 2). Submit Schedule CC along with Form 2 together with all requested documents to: Wisconsin Department of Revenue, PO Box 8918, Madison WI 53708-8918. **WISCONSIN TAX FORMS ARE FOUND AT:**
<http://www.dor.state.wi.us/html/formpub.html>

IRS NOTICE: The Internal Revenue Service may be a creditor of the decedent and should be promptly notified of the death and any probate proceeding. Form 56 - Notice Concerning Fiduciary Responsibility is included with this guideline or can be found at www.irs.gov.

You can also eFile your probate file! Check it out at: www.wicourts.gov/ecourts/efilecircuit