

## Probate Glossary

**Administrator C.T.A.:** “Cum testamento annexo”, or, “with the will annexed.”

An administrator of the estate other than the named executor in a will. Serves when all named executors do not serve due to death, incapacity or renunciation of their right to serve.

**Appurtenances:** Rights and duties of those holding manorial land, i.e., submission to the manor court, grazing rights, payment of various fines to the lord of the manor.

**Beneficiary:** A person or organization entitled to receive a portion of the estate.

**Bequeath:** To leave personal property to someone through the will.

**Bond:** A written document in which the obligor formally recognizes an obligation to pay money in the event the obligor does not properly perform his/her duties.

**Certificate of Qualification:** Also known as “Letters Testamentary”. It is the paper that the personal representative receives from the clerk at the time of qualification which states that a person has qualified as executor or administrator and has authority to act on behalf of the estate.

**Certified Copy:** A copy of a document or record, signed and certified as a true copy by the officer to whose custody the original is entrusted.

**Codicil:** A document created to clarify information or to add or subtract information in a will.

**Commissioner of Accounts:** Person appointed by the Court to monitor the reports and activities of personal representatives.

**Creditor:** Person or organization owed money by the decedent.

**Custodian of the Will:** The person who has the will when the person who wrote the will dies.

**Decedent:** A deceased person.

**Devise:** To leave real property (land and/or buildings) to someone through the will.

**Estate:** The decedent’s property (both real estate and personal) and all other assets owned or controlled by the decedent at the time of his/her death.

**Executor (male) or Executrix (female):** The person named in decedent's will to administer the estate. To accept the appointment the executor must qualify before the court clerk.

**Fiduciary:** A person in a position of trust with respect to another's property; a general term used to refer to an executor, administrator or trustee.

**Freemen:** a) men free of trade taxes and who shared profits of the borough in which he lived and traded; b) a tenant who was free of feudal service and a man who had served his apprenticeship and could then work at being his trade in his own right; c) in the city of London nearly all freemen became so by virtue of being freemen of a City Guild. On attaining company freedom, a man would automatically apply for the freedom of the City. He was entitled to call himself "citizen". (Adapted from Dict. Gen., Fitzhugh)

**Heir:** Person who inherits when there is no will.

**Hereditable:** Property which may be inherited.

**Holographic Will:** A will written entirely by the testator with his own hand and not witnessed (attested to) by anyone.

**Husbandman:** someone who might own a small parcel of land, but who also likely had to work on the land of others to earn enough to take care of his needs.

**Intestate Estate:** An estate to be administered without a will.

**Intestate Succession:** The order of who inherits property when someone dies without a will.

**Inventory:** Detailed list of articles; a list or schedule of property, containing designation or description of such specific article.

**Journeyman:** A qualified tradesman who worked for someone else.

**Legatees, or Devisees:** People who are named in a will.

**Personal Property:** Items such as cash, stocks, jewelry, clothing, furniture, or cars.

**Personal Representative:** Person responsible for overseeing the distribution of the estate.

**Probate:** Procedure whereby a will is admitted to the record in the clerk's office. It includes the process of qualifying a person as an executor or administrator of an estate. Sometimes is referred to as the entire process of administering an estate.

**Real Property:** refers to buildings and land.

**Self Proved Will:** A will that includes a notarized affidavit of the testator and attesting witnesses.

**Testator:** Person who dies leaving a will.

**Testate Estate:** An estate to be administered pursuant to a will.

**Trust:** When one person (trustee) holds property at another person's (settlor's) request for the benefit of someone else (the beneficiary).

**Will:** Written document that gives instructions on how a person wants his or her property distributed after death.

**Note:** definitions for other terms may be found in Black's Law Dictionary located in the MRFHC reference area.