



Nevada Legal Services

Nevada Legal Services, Inc. (NLS) is a non-profit organization providing free legal services to low income Nevadans. NLS is a state wide organization assisting every county in Nevada. We are funded through various sources but are primarily funded through a grant from the federal government by way of the Legal Services Corporation.

Since 1981, the staff of NLS has represented clients in federal courts, state courts, and in administrative hearings. The staff negotiates on behalf of our clients where possible to try to resolve matters without the need for litigation.

THIS INFORMATION IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY. CONTACT AN ATTORNEY FOR SPECIFIC QUESTIONS.

PLEASE NOTE: Laws are subject to change. Information contained in this pamphlet is based on laws in effect at date of publication.
12/16

NEVADA LEGAL SERVICES

LAS VEGAS OFFICE

Serving Clark, Lincoln, Nye and Esmeralda Counties

530 S. 6th St.

Las Vegas, Nevada 89101

702-386-0404 / 866-432-0404

FAX: 702-388-1641/TDD: 702-386-1059

ADMINISTRATION OFFICE

701 E Bridger Ave., Suite 700

Las Vegas, NV 89101

RENO OFFICE

Serving all other counties and Native Americans Statewide

204 Marsh Ave., Ste. 101

Reno, Nevada 89509

775-284-3491 / FAX: 775-284-3497

SENIOR LAW PROJECT OF NEVADA LEGAL SERVICES

Serving seniors in Washoe County

1155 E. 9th St., Ste. 25

Reno, Nevada 89512

775-334-3050 / FAX: 775-334-3056

CARSON CITY OFFICE

209 No. Pratt Ave.

Carson City, Nevada 89701

775-883-0404

ELKO OFFICE

285 10th St.

Elko, Nevada 89801

775-753-5880 / FAX: 775-753-5890

YERINGTON OFFICE

720 So. Main St., Unit A

Yerington, NV 89447

775-463-1222 / FAX 775-463-1212

SENIOR HELP LINE

Serving all counties and assisting seniors in Nevada through the Senior Help Line
877-693-2163 / FAX: 702-314-3520



PROBATE AVOIDANCE

Nevada Legal Services



The mission of Nevada Legal Services is to strengthen the community by ensuring fairness and providing equal access to justice for low-income Nevadans.

www.nevadalahelp.org
www.nslaw.net

What is Probate?

“Probate” means a formal court proceeding to decide if a will is valid and the process of administering an estate.

Probate is the legal process of administering the estate of a deceased person by resolving all claims and distributing the deceased person’s property under the Will or intestate laws.

Court supervision of the probate process helps ensure that the directions left in your Will are carried out properly. The probate process can take as little as four months or as long as several years. Things that can significantly delay the process include if your Will is contested or if you own real property in other states. The costs of probate are usually made up of attorney’s fees, executor fees, and court costs.

Many people can use simple and effective ways to ensure that all, or some, of their property passes directly to the people they want, without going through probate court.

Probate Avoidance

1. Execute a Deed Upon Death (house)
2. Name Beneficiaries for Your Car
3. Designate Beneficiaries for Your Bank Accounts
4. Name Beneficiaries for your Retirement Accounts
5. Designate Beneficiaries for Life Insurance
6. Designate Beneficiaries for Stock
7. Designate Beneficiaries for Bonds
8. Create a List of Personal Items and Designate Who They Should Go To

AVOIDING PROBATE

Homes and other real property

A Transfer on Death Deed or a “Deed Upon Death” is a way to transfer your home to a designated beneficiary without going through probate. A Deed on Death is an alternative to a traditional will or revocable living trust to pass your home and other real property after you pass away.

A Deed Upon Death is signed by the property owner, and designates a beneficiary or who the property will go to upon the owner’s death. The Deed Upon Death Deed must be recorded in the County Recorder’s Office by the home owner to be effective. *See Transfer on Death .brochure for more information.*

Automobiles

Transfer on Death allows vehicle owners to add or remove a beneficiary to their title. A title fee, the title, and the application must be submitted to the Department Motor Vehicles to make this change. A new Nevada title will be issued with the beneficiary’s name and the “Transfer on Death” designation.

A beneficiary cannot be added to the title when there is a lienholder or ownership is designated as “Tenants in Common.” The beneficiary does not have interest or control of the vehicle. If a lienholder is added to the title later, the beneficiary will be removed from the title.

Joint Tenancy

Adding another person to your assets as a joint owner or "joint tenant with rights of survivorship" will allow your property to pass to them upon your death without going through probate. There are pitfalls to this strategy, however, including the fact that the other owner is considered a 100% owner of the asset, just as you are. This means they will have access to the asset (such as a checking account) while you are alive. Also, the asset could be subject to any claims (such as lawsuits) against the co-owner and available to the co-owner's creditors -- all while you are still alive and planning on using the asset yourself.

Bank Accounts

Nevada does allow Transfer on Death (TOD) or Pay on Death (POD) beneficiary designations to be added to bank accounts. Contact the appropriate institution holding your account to arrange for a Payable on Death designation.

Beneficiaries

You should also designate a beneficiary for the proceeds for all life insurance policies, annuities, and retirement accounts. Upon your passing all benefits will be paid to the named beneficiary, avoiding probate.

****Understand that if you have beneficiaries listed on any of your assets, those assets will be distributed upon your death to the listed beneficiaries, even if your last will and testament states otherwise. Also, if you are married, you need to take into account your spouse's community property interests before changing the title or beneficiary designation of assets.**