

# Nevada Legal Services

## Senior Law Project Digest

Volume 1, Issue 7

July 2017

### Will Probate Be Required?

#### Probate Avoidance Ideas:

Not necessarily. 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 (if you die without a will).

Probate is not always required to clear title to your assets after you die. For instance, if you hold a titled asset in joint tenancy with another person, then upon your death the other person will take title to the asset. However, a probate may be required on the second death unless a Deed Upon Death is in place or title is transferred to a revocable living trust, or another joint tenancy for the asset is created.

Accounts which have "pay on death" beneficiaries will also avoid probate. For instance, if you have a savings account with a bank, and the account names someone else as the pay on death beneficiary, when you die no probate will be required.

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

#### 1. 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.

#### 2. 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."

#### 3. Bank Accounts

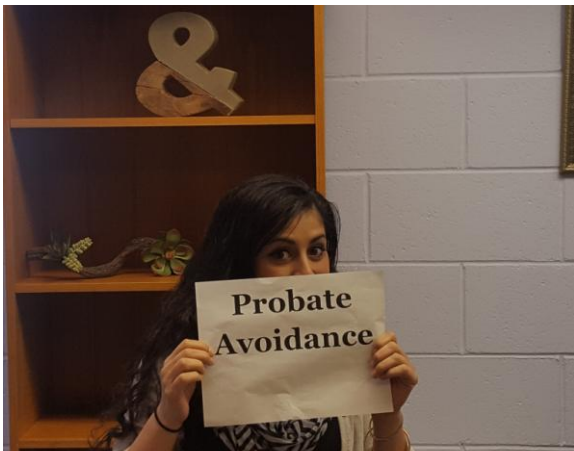
Nevada does allow Transfer on Death (TOD) or Pay on Death (POD) beneficiary designations to be added to bank accounts. Contact the appropriate institution holding your account to arrange for a Payable on Death designation.

#### 4. Beneficiaries

Designating 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.

#### 5. Create a List of Personal Items and Designate Who They Should Go To

\*\*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.



#### July Senior Center Calendar

July 10 - Churchill	July 11 - Pershing
July 12 - Elko	July 13 - White Pine
July 14 - Eureka	July 17 - Douglas
July 18 - Dayton	July 19 - Silver Springs
July 21 - Fernley	

**Senior Legal Helpline**  
**Toll Free:**  
**(877) 693-2163**  
**Monday – Friday**  
**8 a.m. to 4 p.m.**

Nevada Legal Services, Inc., is a non-profit organization providing free legal assistance to low-income Nevadans. Nevada Legal Services is dedicated to strengthening the community by ensuring fairness and providing equal access to justice for low-income Nevadans. We are a statewide organization serving all seventeen Nevada counties.

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