



LEGAL BRIEF

PRACTICAL TIPS CONCERNING PROBATE

March 2026

PREPARED BY:
CREECH LEGAL OFFICE
Bldg 271, Perimeter Rd, Creech AFB, Nevada
Phone: 702-404-0881

The following information provides a general overview of the probate process in the state of Nevada. It is important to understand that probate laws are state-specific and can vary significantly from one jurisdiction to another. Therefore, the procedures, timelines, and requirements discussed here may not apply in other states. For matters outside of Nevada, you should consult the laws of the relevant state or seek advice from a legal professional licensed in that jurisdiction.

I. What is Probate?

When a person dies, their estate may enter probate. Probate is a court-supervised process for validating a will (if one exists), paying the decedent's debts, and transferring their property to the designated beneficiaries.

If there is no will, a similar court process called "administration" is initiated. In this case, the court appoints an administrator, and the property is distributed according to Nevada's intestacy (heirship) laws.

II. What Are the Stages In Probate?

The following stages are common in most formal probate administrations. The complexity and duration of these steps can vary based on the size and nature of the estate.

Stage	Description
Lodge the Will	Within 30 days of the person's death, their will must be filed (lodged) with the Clerk of the Court in the county where the decedent resided. If more than 30 days have passed, the will can still be lodged.
File a Petition	A petition is filed in District Court to open the estate and have the court issue "Letters Testamentary" (with a will) or "Letters of Administration" (without a will). These "Letters" grant the executor or administrator the legal authority to manage the estate.
Notify Heirs & Creditors	All heirs, beneficiaries, and known creditors must be formally notified of the probate proceedings. A "Notice to Creditors" is also published in a local newspaper to alert any unknown creditors.

THE INFORMATION CONTAINED IN THIS PAMPHLET IS OF A GENERAL NATURE AND IS PROVIDED FOR YOUR ASSISTANCE AND CONVENIENCE. IT IS NOT INTENDED AS LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR LEGAL COUNSEL. IF YOU HAVE ANY QUESTIONS AS TO HOW THE LAW IN THIS AREA AFFECTS YOU OR YOUR LEGAL RIGHTS, CONTACT A CIVILIAN ATTORNEY OR THE CREECH AIR FORCE BASE LEGAL OFFICE FOR AN APPOINTMENT WITH A LICENSED ATTORNEY.



This notice starts a 60 or 90-day period during which creditors must file their claims against the estate.

Obtain a Tax ID	A Federal Tax Identification Number (EIN) for the estate must be obtained from the IRS. This allows the executor to open a bank account in the estate's name.
File an Inventory	Within 120 days of being appointed, the executor must file a detailed inventory with the court. This inventory lists all estate assets and their fair market value as of the date of death.
File an Accounting	An initial accounting is typically due within six months of the executor's appointment. This report details all money received and spent, claims filed against the estate, and the overall condition of the estate.
Pay Debts & Taxes	The executor must settle all valid creditor claims and file final income tax returns for both the decedent and the estate, paying any taxes due.
Distribute Assets	After all debts and taxes are paid, the executor distributes the remaining assets to the beneficiaries as outlined in the will or by state law.
Close the Estate	The executor files a final account and report with the court to formally close the estate.
Get a Discharge Order	The court issues a Final Discharge Order, which officially ends the executor's duties and liabilities.

III. Types of Probate Proceedings

Nevada law provides for different types of probate proceedings based on the net value of the estate. For these purposes, the value is calculated using only the assets that are subject to probate.

Estate Value	Probate Type	Description
Up to \$25,000	Affidavit of Entitlement	For estates without real property, heirs can use a simple affidavit to claim property without court involvement. The value threshold increases to \$100,000 if the claimant is the surviving spouse. All of the decedent's debts must have been paid or provided for.
Up to \$100,000	Set Aside Without Administration	A petition can be filed with the court to "set aside" the estate for distribution to the rightful inheritors without further administration. This is especially beneficial for a surviving spouse or minor children, as the court can order the entire estate to them, even if there are creditors.
Up to \$300,000	Summary Administration	This is a streamlined version of formal probate. A key advantage is that the creditor claim period is shortened to 60 days.

THE INFORMATION CONTAINED IN THIS PAMPHLET IS OF A GENERAL NATURE AND IS PROVIDED FOR YOUR ASSISTANCE AND CONVENIENCE. IT IS NOT INTENDED AS LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR LEGAL COUNSEL. IF YOU HAVE ANY QUESTIONS AS TO HOW THE LAW IN THIS AREA AFFECTS YOU OR YOUR LEGAL RIGHTS, CONTACT A CIVILIAN ATTORNEY OR THE CREECH AIR FORCE BASE LEGAL OFFICE FOR AN APPOINTMENT WITH A LICENSED ATTORNEY.



Over \$300,000 General Administration This is the most formal and comprehensive probate process, following all the stages outlined above. The creditor claim period is 90 days.

IV. How Long Does Probate Take?

The duration of probate in Nevada varies significantly. An Affidavit of Entitlement can be completed in a matter of weeks, while a Set Aside may take a couple of months.

Summary and General Administrations typically take from six months to a year, but complex estates with disputes or significant assets can take longer

V. Do I Need To Hire An Attorney?

While you are not legally required to hire an attorney to act as an executor, it is highly recommended. The probate process involves many legal requirements and deadlines, and an experienced attorney can help you navigate the complexities and avoid potential pitfalls.

If you decide to hire an attorney you should interview several attorneys before settling on one. Make sure to ask what their standard fees and if an initial consultation is free are before scheduling an appointment.

VI. How To Avoid Probate?

Proper estate planning can allow many assets to bypass the probate process. The goal is to structure ownership so that assets transfer automatically upon death.

- Living Trusts: Assets held in a revocable living trust are not subject to probate.

The successor trustee manages and distributes the assets according to the trust's terms.

- Joint Tenancy with Right of Survivorship: When property is co-owned in this way, the deceased owner's share automatically passes to the surviving co-owner(s) without probate.
- Community Property with Right of Survivorship: This form of ownership, available to married couples in Nevada, also allows for the automatic transfer of the property to the surviving spouse. It also provides a significant capital gains tax advantage.
- Deed Upon Death (TOD Deed): Nevada law allows homeowners to record a Deed Upon Death, which transfers their real estate directly to a named beneficiary upon their death, avoiding probate.
- Payable on Death (POD) & Transfer on Death (TOD) Designations: You can designate beneficiaries for bank accounts (POD) and investment accounts (TOD). Upon your death, these assets transfer directly to the named beneficiaries.

VII. What Else Should I Know?

- **Who Can Withdraw Funds from a Deceased's Bank Account?** Normally, if the account is held jointly with rights of survivorship, the surviving owner is entitled to withdraw the money or delete the deceased's name from the account. The financial institution will likely require a certified copy of the death certificate and proof that the deceased is the same person who owned

THE INFORMATION CONTAINED IN THIS PAMPHLET IS OF A GENERAL NATURE AND IS PROVIDED FOR YOUR ASSISTANCE AND CONVENIENCE. IT IS NOT INTENDED AS LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR LEGAL COUNSEL. IF YOU HAVE ANY QUESTIONS AS TO HOW THE LAW IN THIS AREA AFFECTS YOU OR YOUR LEGAL RIGHTS, CONTACT A CIVILIAN ATTORNEY OR THE CREECH AIR FORCE BASE LEGAL OFFICE FOR AN APPOINTMENT WITH A LICENSED ATTORNEY.



the account. If the bank account was owned individually by the deceased, normally only the person appointed as Executor or Administrator of the estate may withdraw funds.

- **Executor's Personal Liability:** An executor is generally not personally liable for the deceased's debts. However, they have a fiduciary duty to act in the best interests of the estate and its beneficiaries. Breaching this duty can lead to personal liability.
- **Non-Resident Executors:** Nevada law permits a non-resident to serve as an executor if they are nominated in the will. However, if there is no will, a non-resident administrator must have a Nevada resident serve as a co-administrator.

THE INFORMATION CONTAINED IN THIS PAMPHLET IS OF A GENERAL NATURE AND IS PROVIDED FOR YOUR ASSISTANCE AND CONVENIENCE. IT IS NOT INTENDED AS LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR LEGAL COUNSEL. IF YOU HAVE ANY QUESTIONS AS TO HOW THE LAW IN THIS AREA AFFECTS YOU OR YOUR LEGAL RIGHTS, CONTACT A CIVILIAN ATTORNEY OR THE CREECH AIR FORCE BASE LEGAL OFFICE FOR AN APPOINTMENT WITH A LICENSED ATTORNEY.