***Decedent = Person who has died and for whom an estate may be opened***

***Do I need to file Probate documents with the Court?:***

Has there been an estate opened in another state?

No

Yes

Did the Decedent own real estate?

You may want to consider filing an ancillary estate if a Personal Representative (or equivalent) has been appointed by another state. You may be able to file **JDF 929 & 930** (complete caption only on 930), which, if granted, would allow the out-of-state personal representative to act as personal representative in Colorado (e.g. in order to transfer real property). You will also have to file: Certified copies of the Order and Letters appointing you as Personal Representative (or equivalent) in the other state; a certified copy of the will (if any); and the filing fee. ⬣⬣

No

Yes

Did the Decedent have non-real estate assets with a total value of more than $63,000, excluding assets that were Payable on Death or Transferrable on Death or held in joint tenancy with a surviving joint tenant?

Was the real estate held in joint tenancy and at least one joint tenant is still alive?

OR

Was the real estate titled with a beneficiary deed?

Yes

No

You may need to file probate documents with the Court. For more information on what to file, see next page.

Yes

No

You **may not** need to file probate documents with the Court. See instructions for completing the Affidavit for Collection of Personal Property. **JDF 998.** ⬣⬣

***I know I need to open an estate/file Probate documents with the Court, which documents to I file?***

See the instructions for Probate with a Will at **JDF 906.**

Yes

Did the Decedent leave a will?

No

See the instructions for Probate without a Will at **JDF 907.**

You will need to decide whether to file Informally or Formally. For legal advice on which way to proceed, speak with an attorney.

* Informal Probate: A person with priority for appointment as Personal Representative applies to the Registrar for appointment.
  + *Typically used when: There is an uncontested will or no will, all of the potential heirs of the estate agree on who should be the personal representative and who the beneficiaries of the estate are.*
  + *Less court involvement, no advance notice to parties and no binding orders from the court.*
  + *If a problem arises, court can move from informal to formal.*
* Formal Probate: The Judge appoints the Personal Representative and determines Heirs after a notice to all Interested Persons and after a hearing on any objections.
  + *Typically used when: Heirs and/or beneficiaries cannot agree on issues such as who should serve as personal representative; the original will cannot be found; the decedent passed away more than 3 years ago; and/or a will contest is anticipated.*
  + *More court involvement, binding court orders, and requires notice sent to interested persons (e.g. beneficiaries, creditors, etc.)*

For a list of documents/forms you will need to begin a probate action, formally or informally, with or without a will, see the Checklist for Probate with a Will or Checklist for Probate without a Will.

**If you need help locating or completing any of the forms listed on the checklists, you can contact the 12th Judicial District Self-Help Coordinator, Lisa Mizell, by phone at (719) 589-7652, or by e-mail at** [**12SelfHelp@judicial.state.co.us**](mailto:12SelfHelp@judicial.state.co.us)

**If you need legal advice regarding any of the above, you should talk to an attorney.**