

United States Probate Records

Probate Records - They are the very best records for proving ancestry. They are open to challenge. These generally are not closed records. They are exhibited in open court. The clerk makes a record of them. If there is something inaccurate a party can challenge it and the record can be corrected. Because they are tied to land and money and property the people involved were very careful to ensure they were accurate. These are original records containing primary information, meaning that most of the information they contain was provided by eye witnesses or people who otherwise were in a position to know the facts, to be certain of the facts that those records contain. In genealogy it doesn't get any better than this. Thomas W. Jones, "Problem Solving With Probate"

Probate

- Records created after someone dies—pay debts—distribute assets to heirs
- Falls under state law
- Names of court & practices determined by state law
- Proceedings likely to begin 30-90 days following death
- Usually start your search at the county level
- Some New England states keep probate at the town level

Search for Probate Records Using

- Family Search Historical Records
- Family Search Catalog
- Ancestry.com
- County Websites
- County Court Houses
- Always check the top three (perhaps more)

Many Probate Records Have Been Digitized by FamilySearch—Find Them at:

- FamilySearch.org Historical Records
 - Search Records
 - Browse All Published Collections
 - Choose United States on the Left
 - Select a State on the Left
 - Click a Collection of Probate Records
 - Many times these collections will indicate Browse Images
 - Choose The County
 - Scroll to find and open an Index
 - These are Images of Microfilmed Records
 - Scroll to find the Surname You Are Searching
 - Read Column Headings to Find Volume and Page Number Where the Record is Recorded
 - Return to the Probate Records & Choose the Volume You Need
 - Scroll to the Pages Where the Record is Located

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Probate Records

- Transcribe—type complete record—every word
- Use the information in probate to lead you to friends, family, associates, neighbors, and their records

Finding Probates at Ancestry.com

- Hover on Search and click "All Collections"
 - Scroll on the right to "Tax, Criminal, Land & Wills"
 - Click on "U.S. Wills & Probates"
 - These records are searchable
 - Include name, place, and perhaps a date
 - If you do not find the result you are looking for browse the collections to determine if the collection is included
 - See the film strip at the bottom of the page to scroll through all pages of the document for your ancestor

Abstract

- A Summary of Important Details from the Whole Document
- Always Look for the Original (Don't just rely on the abstract)
- The Abstractor may omit details important to your research

If Your County is Not Digitized Search the Family Search Catalog

- Hover on Search and Click Catalog
- Type the name of the state and the name of county
- Click the search button
- Select Probate Records
- Choose an Appropriate Time Period
- The Author Should Be a Government Office
- Click on the camera on the right
- Select the Index first
- Scroll through the digitized image of the microfilm to find the name(s)
- Record the book and page number
- After you Search the Index Use the Information to Select appropriate book
- Scroll through the digitized images of the book to find the pages for the probate

Not all probate records have been digitized or even microfilmed

- Check the catalog periodically if probates have not yet been digitized
- Check to see if another library has the microfilm
- You may find the microfilm at the Family History Library in Salt Lake City
- It may be necessary to contact the local court (county or district)
- First look at their website (digitized images might be online)

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A Petition starts the probate process

- Filed with the Court
- By an Heir or Creditor
- May be Recorded in Probate Books or Minute Books
- Petition for **Letters of Administration** may
 - Be only place all heirs are named
 - Lead to other people and places to research
 - Refer to property that was owned by the decedent—search the deeds

Other Categories of Probate Records

- Assess and liquidate assets
- Account for receipts and expenditures
- Conclude the estate

Follow a Probate to its Conclusion

- The Distribution is Complete When all Creditors Have Been Paid and
- When all Heirs Have Signed Receipts for Their Full Share of the Estate
- At That Time the Judge Should Release the Executor or Administrator

Act Upon the Hints in the Probate File

- Consider case of John G. Ellis
 - It was necessary to contact the local district (county) court
 - Follow-up on letters from other researchers
 - Exchange information, copies, with him

Will: Document by which a person regulates the rights of others over his/her property or family after his/her death.

Testate: Die with a will

Intestate: Die without a will

Testament: A solemn, authentic instrument in writing by which a person declares his wishes as to the disposal of his estate and effects after death

The word "probate" in Latin means "to prove" the authenticity of the last will and testament.

Testator: A person who dies with a will.

Executor: The person named in the will with the responsibility to carry out the terms of the will.

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Letters Testamentary: Authorization from the Court to Act on the Will

Case of Emily Cochran's will

- Names children
- Her husband
- Observe the care a wife and mother had for her family
- Provides married names of children
- Compare to other records especially land records

James Folly's will

- Provides for the **Executor** (person the decedent prescribed should carry out the terms of the will)
- Names wife, children, slaves, and refers to children of his previously deceased wife
- Lists how assets are to be distributed

Division or Partition—divides property between heirs who received the land etc. jointly

- The James Foley Division
 - example of a land plat
 - Metes & Bounds
 - Names 12 people who should be included in the research

John Gould died **Intestate** (meaning without a will)

- Petition for **Letters of Administration** (by Jeremiah Gould)
- The person who applies to the court may be a relative or a creditor

Sureties—Pledge Their Own Assets That Administrators & Guardians Will Perform Their Duties Faithfully

- They very likely are relatives

Shortly following the opening of probate

- The court instructs the administrator and or executor to provide notice to creditors
- This may be a posting in public places or
- In a local newspaper

The administrator must account for Receipts and Expenditures

Three men are appointed to **Appraise Assets**

Example

- Jacob Hysham appointed **Guardian** of the minor heirs of H. H. Singer
- He is responsible for the financial interest of the minor heirs
- He must be bonded

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Example

- Widow's petition for living expenses
- Names minor heirs
- Shows she has remarried following the death of H. H. Singer
- Shows her name

Maximize the Value of Probate Records

- Read & Transcribe Every Document Including Accounts
- Research Sureties, they are Probably Relatives
- Compare Probate Records with Other Records, Especially Land Records
- Find the Originals (Abstracts are not Sufficient)
- Probate packets—original wills and other papers frequently are not microfilmed or digitized—obtain them at the local courthouse

Important to Consider

- Learn Where to Find Probate Records, What They Are, How to Use Them, Etc. at Family Search Wiki
- Google for Probate Records (you may find transcriptions)
- Contact the Local Courthouse if you cannot find the original probate records at Family Search or Ancestry.com
- Never Stop With Just an Abstract or a Transcript

Keep Learning

- Read the articles at Family Search Wiki
 - United States Probate Records
 - Teaches more about how to use them
 - Meaning of words
 - Finding them