

OUTLINE
OF
DOCUMENTS FOR WEST VIRGINIA ANCILLARY ADMINISTRATION
Under House Bill 2759 (Effective May 30, 2019)

- I. Affidavit to be signed by applicant (interested party).
 - A. Testacy.
 - 1. ***Affidavit for Ancillary Administration of West Virginia Real Estate without Appointment (Testate with authenticated copy);***
or
 - 2. ***Affidavit for Ancillary Administration of West Virginia Real Estate without Appointment (Testate with original will).***
 - B. Intestacy: ***Affidavit for Ancillary Administration of West Virginia Real Estate without Appointment (Intestate).***
- II. Notice.
 - A. Testacy: ***Notice of Ancillary Administration of West Virginia Real Estate without Appointment (Testate).***
 - B. Intestacy: ***Notice of Ancillary Administration of West Virginia Real Estate without Appointment (Intestate).***
 - C. All Notices are:
 - 1. Entered by County Clerk.
 - 2. Published by County Clerk in local newspaper.
 - 3. Mailed by applicant to all interested parties with a Certificate of Service.
- III. ***Certificate of Service*** (applies to both Testate and Intestate).
 - A. Prepared by applicant.
 - B. Mailed by applicant to all interested parties.
 - C. Notice prepared by the County Clerk is attached and mailed by applicant with the Certificate of Service.
 - D. Certificate of Service is filed by applicant with County Clerk.
- IV. Completion of the Ancillary Administration (applies to both Testate and Intestate).
 - A. No objection is received and deadline passes.
 - 1. ***Certification of Completion of Ancillary Administration of West Virginia Real Estate without Appointment*** (applies to Testate and Intestate).
 - 2. Entered by County Clerk.
 - B. Objection is filed.
 - 1. ***Order and Notice of Hearing on Objection to Ancillary Administration.***
 - a. Entered by County Commission.
 - b. Mailed by County Clerk to all interested parties.
 - c. Hearing is scheduled before the County Commission.
 - d. Copy of the objection is attached to the Order and Notice.
 - 2. Adjudication of the objection by County Commission at the hearing.

- a. ***Order Overruling Objection and Permitting Ancillary Administration without Appointment.***
 - (1) Entered by County Commission.
 - (2) Mailed by County Clerk to all interested parties.
 - (3) May be appealed to Circuit Court in accordance with appellate procedure.
- b. ***Order Sustaining Objection and Directing Full Ancillary Administration.***
 - (1) Entered by County Commission.
 - (2) Mailed by County Clerk to all interested parties.
 - (3) Applicant or other interested party files and applies for regular ancillary administration.
 - (4) May be appealed to Circuit Court in accordance with appellate procedure.

Prepared: May 17, 2019

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IN THE COUNTY COMMISSION OF _____ COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____
DOD: _____

**AFFIDAVIT FOR ANCILLARY ADMINISTRATION
OF WEST VIRGINIA REAL ESTATE
WITHOUT APPOINTMENT
(TESTATE WITH AUTHENTICATED COPY)**

STATE OF _____,

COUNTY OF _____, to-wit:

I, _____, whose address is _____

_____ ,
being first duly sworn, upon oath and under penalty of perjury, do depose and say as follows:

1. The decedent, _____, died testate (with a will) on _____ (date of death), a resident of _____ County, State of _____, and a certified death certificate has been furnished herewith for filing in this County.

2. On _____ (date), the following person(s) was/were appointed as the personal representative(s) of the Estate of _____ by the _____ (name of foreign court), of _____ (county), _____ (state), being case number _____, if applicable:

a. Name: _____
Address: _____

b. Name: _____
Address: _____

Check () if Continuation sheet is attached

3. An authenticated copy of the Last Will and Testament of the decedent dated _____, without any codicil thereto () or with codicil(s) thereto dated _____ () [Check if applies] and the certificate of probate of such other state or jurisdiction is being furnished herewith for recording in this County.

4. The Decedent died owning and possessing the following real estate situate in West Virginia:

	Description	County	Assessed Value	Fair Market value
a.				
b.				
c.				
d.				
	From Continuation Sheets Check () if attached			
	Total			

5. Pursuant to the provisions of the Last Will and Testament of _____, the decedent devised the aforesaid real estate to the following beneficiaries of the estate:

a. Name: _____
 Address: _____

 Relationship to Decedent: _____
 Share or percentage or particular parcel: _____

b. Name: _____
 Address: _____

 Relationship to Decedent: _____
 Share or percentage or particular parcel: _____

c. Name: _____
 Address: _____

 Relationship to Decedent: _____
 Share or percentage or particular parcel: _____

d. Name: _____
Address: _____
Relationship to Decedent: _____
Share or percentage or particular parcel: _____

Check () if Continuation sheet is attached

6. The Estate of _____, the decedent, will be/has been fully administered by the domiciliary personal representative under the domiciliary proceedings in the other state or jurisdiction. No appointment of an ancillary personal representative to administer the decedent's real estate within the State of West Virginia is necessary for any proper purpose.

7. I have personal knowledge of the above facts and am interested in the Estate of _____, the decedent, as the () acting domiciliary personal representative, () surviving spouse, () beneficiary under the decedent's will, () heir at law, or () other _____ (describe relationship or interest). [Check one]

Witness my hand and seal this ____ day of _____, 20__.

Signature of Affiant

Taken, subscribed, and sworn to before me the undersigned authority by _____, this ____ day of _____, 20__.

{seal}

My Commission expires: _____

Notary Public

Number of Continuation sheets attached: _____

**CONTINUATION SHEET
For
AFFIDAVIT FOR ANCILLARY ADMINISTRATION (TESTATE)**

Name of Decedent: _____

Additional Personal Representative(s):

c. Name: _____
Address: _____

d. Name: _____
Address: _____

Additional real estate situate in West Virginia:

	Description	County	Assessed Value	Fair Market value
e.				
f.				
g.				
h.				
i.				
	Check () if another Continuation Sheet is attached			
	Total			

Signature of Affiant

Date: _____

CONTINUATION SHEET
For
AFFIDAVIT FOR ANCILLARY ADMINISTRATION (TESTATE)

Name of Decedent: _____

Additional beneficiaries of the estate or heirs at law:

e. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

f. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

g. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

h. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

i. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

Signature of Affiant

Date: _____

IN THE COUNTY COMMISSION OF _____ COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____

DOD: _____

**AFFIDAVIT FOR ANCILLARY ADMINISTRATION
OF WEST VIRGINIA REAL ESTATE
WITHOUT APPOINTMENT
(TESTATE WITH ORIGINAL WILL)**

STATE OF _____,

COUNTY OF _____, to-wit:

I, _____, whose address is _____

_____ ,
being first duly sworn, upon oath and under penalty of perjury, do depose and say as follows:

1. The decedent, _____, died testate (with a will) on _____ (date of death), a resident of _____ County, State of _____, and a certified death certificate has been furnished herewith for filing in this County.

2. The decedent died with an ORIGINAL Last Will and Testament of the decedent dated _____, without any codicil thereto () or with codicil(s) thereto dated _____ () [Check if applies]. Pursuant to the laws of the State of _____, which was the domicile or legal residence of the decedent at his/her death, probate of such original document(s) has not been made and is not required to be made in the State of _____, as set forth in

_____ (cite statute or case law or other reason). The aforesaid ORIGINAL Last Will and Testament of the decedent, together with any codicil(s), is furnished herewith for recording in this County as permitted by West Virginia Code § 41-5-13(e).

3. Under the Last Will and Testament of the decedent, the following person(s) is/are nominated to be the personal representative(s) of the Estate of _____:

a. Name: _____
Address: _____

b. Name: _____
 Address: _____

Check () if Continuation sheet is attached

4. The Decedent died owning and possessing the following real estate situate in West Virginia:

	Description	County	Assessed Value	Fair Market value
a.				
b.				
c.				
d.				
	From Continuation Sheets Check () if attached			
	Total			

5. Pursuant to the provisions of the Last Will and Testament of _____, the decedent devised the aforesaid real estate to the following beneficiaries of the estate:

a. Name: _____
 Address: _____

 Relationship to Decedent: _____
 Share or percentage or particular parcel: _____

b. Name: _____
 Address: _____

 Relationship to Decedent: _____
 Share or percentage or particular parcel: _____

c. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

d. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

Check () if Continuation sheet is attached

6. No appointment of an ancillary personal representative to administer the decedent's real estate within the State of West Virginia is necessary for any proper purpose.

7. I have personal knowledge of the above facts and am interested in the Estate of _____, the decedent, as the () nominated personal representative, () surviving spouse, () beneficiary under the decedent's will, () heir at law, or () other _____ (describe relationship or interest). [Check one]

Witness my hand and seal this ____ day of _____, 20__.

Signature of Affiant

Taken, subscribed, and sworn to before me the undersigned authority by _____, this ____ day of _____, 20__.

{seal}

My Commission expires: _____

Notary Public

Number of Continuation sheets attached: _____

CONTINUATION SHEET
For
AFFIDAVIT FOR ANCILLARY ADMINISTRATION (TESTATE)

Name of Decedent: _____

Additional Nominated Personal Representative(s):

c. Name: _____
 Address: _____

d. Name: _____
 Address: _____

Additional real estate situate in West Virginia:

	Description	County	Assessed Value	Fair Market value
e.				
f.				
g.				
h.				
i.				
	Check () if another Continuation Sheet is attached			
	Total			

 Signature of Affiant

Date: _____

CONTINUATION SHEET
For
AFFIDAVIT FOR ANCILLARY ADMINISTRATION (TESTATE)

Name of Decedent: _____

Additional beneficiaries of the estate or heirs at law:

e. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

f. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

g. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

h. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

i. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage or particular parcel: _____

Signature of Affiant

Date: _____

IN THE COUNTY COMMISSION OF _____ COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____
DOD: _____

**AFFIDAVIT FOR ANCILLARY ADMINISTRATION
OF WEST VIRGINIA REAL ESTATE
WITHOUT APPOINTMENT
(INTESTATE)**

STATE OF _____,

COUNTY OF _____, to-wit:

I, _____, whose address is _____

being first duly sworn, upon oath and under penalty of perjury, do depose and say as follows:

1. The decedent, _____, died on _____ (date of death), a resident of _____ County, State of _____. The decedent has left no will so far as I know, and no will of the decedent has been presented or probated in this State or in any other state or jurisdiction.

2. More than sixty days have passed since the death of the decedent and no personal representative or administrator of the decedent's estate has been otherwise appointed in the State of West Virginia for any proper purpose.

3. A certified death certificate has been furnished herewith for filing in this County.

4. The Decedent died owning and possessing the following real estate situate in West Virginia:

	Description	County	Assessed Value	Fair Market value
a.				
b.				

c.				
d.				
	From Continuation Sheets Check () if attached			
	Total			

5. The decedent, _____, left as his/her heirs at law in accordance with the laws of intestate descent and distribution of the State of West Virginia the following persons:

a. Name: _____
 Address: _____
 Relationship to Decedent: _____
 Share or percentage: _____

b. Name: _____
 Address: _____
 Relationship to Decedent: _____
 Share or percentage: _____

c. Name: _____
 Address: _____
 Relationship to Decedent: _____
 Share or percentage: _____

d. Name: _____
 Address: _____
 Relationship to Decedent: _____
 Share or percentage: _____

e. Name: _____
 Address: _____
 Relationship to Decedent: _____
 Share or percentage: _____

Check () if Continuation sheet is attached

6. No appointment of an ancillary personal representative to administer the decedent's real estate within the State of West Virginia is necessary for any proper purpose.

7. I have personal knowledge of the above facts and am interested in the Estate of _____, the decedent, as the () acting domiciliary personal representative, () surviving spouse, () beneficiary under the decedent's will, () heir at law, or () other _____ (describe relationship or interest). [Check one]

Witness my hand and seal this ____ day of _____, 20____.

Signature of Affiant

Taken, subscribed, and sworn to before me the undersigned authority by _____, this ____ day of _____, 20____.

{seal}

My Commission expires: _____

Notary Public

Number of Continuation sheets attached: _____

CONTINUATION SHEET
For
AFFIDAVIT FOR ANCILLARY ADMINISTRATION (INTESTATE)

Name of Decedent: _____

Additional real estate situate in West Virginia:

	Description	County	Assessed Value	Fair Market value
e.				
f.				
g.				
h.				
i.				
j.				
k.				
l.				
	Check () if another Continuation Sheet is attached			
	Total			

 Signature of Affiant

Date: _____

CONTINUATION SHEET
For
AFFIDAVIT FOR ANCILLARY ADMINISTRATION (INTESTATE)

Name of Decedent: _____

Additional heirs at law:

f. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage: _____

g. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage: _____

h. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage: _____

i. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage: _____

j. Name: _____
Address: _____

Relationship to Decedent: _____
Share or percentage: _____

Signature of Affiant

Date: _____

IN THE COUNTY COMMISSION OF _____ COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____
DOD: _____

**NOTICE OF ANCILLARY ADMINISTRATION
OF WEST VIRGINIA REAL ESTATE
WITHOUT APPOINTMENT
(TESTATE)**

The undersigned Clerk of the County Commission of _____ County does hereby give NOTICE that, pursuant to the provisions of West Virginia Code § 41-5-13(b), there has been filed and there is pending before me and the said County Commission an Affidavit for ancillary administration of West Virginia real estate without the appointment of any personal representative and does state as follows:

1. The name of the decedent is _____.
The decedent died testate (with a will) on the ____ day of _____, 20__, residing at _____
(last known address), with said will of the decedent, which is dated the ____ day of _____, 20__, having been probated by the _____ Court of the County of _____, State of _____, on the ____ day of _____, 20__. The decedent died owning real estate situate in the State of West Virginia.

2. The County Commission before whom the affidavit has been filed is the County Commission of _____ County, with mailing address of _____.

3. The name and address of the person filing the affidavit is:

Such person is related to the decedent as _____.
The affidavit is dated the ____ day of _____, 20__ and was filed with the County Clerk on the ____ day of _____, 20__.

4. This Notice has been first published on the ____ day of _____, 20__.

5. Any interested person objecting to the filing of the foreign will or affidavit or objecting to the absence of appointment or administration being made in this State must file a written objection with the County Commission within sixty (60) days after the date of first publication or thirty (30) days of service of this Notice upon such interested person by the person filing the Notice, whichever is later.

NOTICE IS GIVEN THAT IF AN OBJECTION IS NOT TIMELY FILED, THE OBJECTION IS FOREVER BARRED AND THAT THE ANCILLARY ADMINISTRATION OF THE WEST VIRGINIA REAL ESTATE OF THE ABOVE DECEDENT SHALL BE DEEMED FINAL AND COMPLETE IN ACCORDANCE WITH THE PROVISIONS OF LAW.

ENTER this ____ day of _____, 20__.

Clerk of the County Commission

IN THE COUNTY COMMISSION OF _____ COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____
DOD: _____

**NOTICE OF ANCILLARY ADMINISTRATION
OF WEST VIRGINIA REAL ESTATE
WITHOUT APPOINTMENT
(INTESTATE)**

The undersigned Clerk of the County Commission of _____ County does hereby give NOTICE that, pursuant to the provisions of West Virginia Code § 44-1-4(b), there has been filed and there is pending before me and the said County Commission an Affidavit for ancillary administration of West Virginia real estate without the appointment of any personal representative and does state as follows:

1. The name of the decedent is _____.
The decedent died intestate (without a will) on the ____ day of _____, 20____, residing at _____ (last known address). The decedent died owning real estate situate in the State of West Virginia. As reported in the affidavit filed herein, (a) the decedent has left no will as far as is known; (b) no will of the decedent has been presented or probated in this State or in any other jurisdiction; and (c) more than sixty days have passed since the death of the decedent and no personal representative or administrator of the decedent's estate has been otherwise appointed in the State of West Virginia for any proper purpose.

2. The County Commission before whom the affidavit has been filed is the County Commission of _____ County, with mailing address of _____.

3. The name and address of the person filing the affidavit is:

Such person is related to the decedent as _____.
The affidavit is dated the ____ day of _____, 20____ and was filed with the County Clerk on the ____ day of _____, 20____.

4. This Notice has been first published on the ____ day of _____, 20____.

5. Any interested person objecting to the filing of the affidavit or objecting to the absence of appointment or administration being made in this State must file a written objection with the County Commission within sixty (60) days after the date of first publication or thirty (30) days of service of this Notice upon such interested person by the person filing the Notice, whichever is later.

NOTICE IS GIVEN THAT IF AN OBJECTION IS NOT TIMELY FILED, THE OBJECTION IS FOREVER BARRED AND THAT THE ANCILLARY ADMINISTRATION OF THE WEST VIRGINIA REAL ESTATE OF THE ABOVE DECEDENT SHALL BE DEEMED FINAL AND COMPLETE IN ACCORDANCE WITH THE PROVISIONS OF LAW.

ENTER this ____ day of _____, 20__.

Clerk of the County Commission

IN THE COUNTY COMMISSION OF _____ COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____
DOD: _____

**CERTIFICATE OF SERVICE
OF
NOTICE OF ANCILLARY ADMINISTRATION
OF WEST VIRGINIA REAL ESTATE
WITHOUT APPOINTMENT**

STATE OF _____,

COUNTY OF _____, to-wit:

I, _____, the undersigned, being first duly sworn, upon oath and under penalty of perjury, do hereby certify that on the ____ day of _____, 20____, I served a true and correct copy of the attached or foregoing "NOTICE OF ANCILLARY ADMINISTRATION OF WEST VIRGINIA REAL ESTATE WITHOUT APPOINTMENT" concerning the estate of the decedent _____ on the interested parties hereto by United States Mail, postage prepaid, addressed as follows:

- a. Name: _____
Address: _____
Relationship to Decedent: _____
- b. Name: _____
Address: _____
Relationship to Decedent: _____
- c. Name: _____
Address: _____
Relationship to Decedent: _____
- d. Name: _____
Address: _____
Relationship to Decedent: _____

- e. Name: _____
Address: _____
Relationship to Decedent: _____
- f. Name: _____
Address: _____
Relationship to Decedent: _____
- g. Name: _____
Address: _____
Relationship to Decedent: _____
- h. Name: _____
Address: _____
Relationship to Decedent: _____
- i. Name: _____
Address: _____
Relationship to Decedent: _____

Check if Continuation sheet attached ()

Witness my hand and seal this ____ day of _____, 20____.

Signature of Affiant

Taken, subscribed, and sworn to before me the undersigned authority by _____, this ____ day of _____, 20____.

{seal}

My Commission expires: _____

Notary Public

**CONTINUATION SHEET
For
CERTIFICATE OF SERVICE**

Name of Decedent: _____

Additional interested parties of the estate:

j. Name: _____
Address: _____

Relationship to Decedent: _____

k. Name: _____
Address: _____

Relationship to Decedent: _____

l. Name: _____
Address: _____

Relationship to Decedent: _____

m. Name: _____
Address: _____

Relationship to Decedent: _____

n. Name: _____
Address: _____

Relationship to Decedent: _____

Signature of Affiant

Date: _____

IMPORTANT: The party filing the foreign will or affidavit shall, not later than thirty days after the date of first publication, serve a copy of the notice at the last known address by first class mail, postage prepaid or by personal service on the following persons: (1) The decedent's surviving spouse, if any; (2) If there is a will, the personal representative or personal representatives named therein; (3) If there is a will, all devisees or beneficiaries named therein; (4) The heirs at law of the decedent determined under the laws of this State; and (5) Any known creditors of the decedent residing or located in this State or who may claim a lien or interest against the real estate of the decedent situate in this State.

IN THE COUNTY COMMISSION OF _____ COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____
DOD: _____

**CERTIFICATION OF COMPLETION
OF ANCILLARY ADMINISTRATION
OF WEST VIRGINIA REAL ESTATE
WITHOUT APPOINTMENT**

The undersigned Clerk of the County Commission of _____ County does hereby CERTIFY that, pursuant to the provisions of West Virginia Code § 41-5-13(b) or § 44-1-4(b), an Affidavit for ancillary administration of West Virginia real estate without the appointment of any personal representative for the above named decedent has been filed before the County Commission on the ____ day of _____, 20____, that Notice of the same was made and published as required by law on the ____ day of _____, 20____, that a Certificate of Service has been filed by the affiant on the ____ day of _____, 20____ reporting service of the Notice upon the interested parties, and that no written objection with the County Commission has been filed within sixty (60) days after the date of first publication or thirty (30) days of service of the Notice upon such interested persons by the affiant, whichever is later.

Accordingly, the undersigned Clerk of the County Commission does hereby CERTIFY that objections in this matter are forever barred and that the ancillary administration of the West Virginia real estate of the above decedent is hereby deemed final and complete in accordance with the provisions of law.

ENTER this ____ day of _____, 20__.

Clerk of the County Commission

IN THE COUNTY COMMISSION OF _____ COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____
DOD: _____

ORDER AND NOTICE OF HEARING
ON
OBJECTION TO ANCILLARY ADMINISTRATION

In relation to the Estate of _____, the County Commission **FINDS** that:

1. Pursuant to the provisions of West Virginia Code § 41-5-13(b) or § 44-1-4(b), an Affidavit for ancillary administration of West Virginia real estate without the appointment of any personal representative for the above named decedent was filed before the County Commission on the ____ day of _____, 20__ by the affiant _____;

2. Notice of the same was made and published as required by law on the ____ day of _____, 20__, and a Certificate of Service has been filed by the affiant on the ____ day of _____, 20__, reporting service of the Notice upon the interested parties; and

3. A written objection to ancillary administration of West Virginia real estate without the appointment of any personal representative has been timely filed with the County Commission on the ____ day of _____, 20__ by _____, who is an interested party concerning the Estate of the decedent.

Accordingly, pursuant to the provisions of West Virginia Code § 44-1-14b(d), it is hereby **ORDERED** that a hearing on the objection to ancillary administration of West Virginia real estate without the appointment of any personal representative shall be held in this matter before the County Commission on _____, the ____ day of _____, 20__, at _____ o'clock, at the Courthouse located at _____, at which time and place the affiant and any interested persons are hereby **NOTIFIED** to appear and take such actions as he or she deems proper, otherwise the County Commission may take such action as it deems appropriate including overruling the objection filed or entering an order directing that full and complete ancillary administration of the estate of the nonresident decedent be made in this State.

The Clerk of the County Commission is directed as provided by law to mail a copy of this Order and Notice to the affiant and all interested persons whose addresses appear in the Affidavit or at their last known addresses appearing in the records of the County Clerk.

All of which is accordingly ADJUDGED, ORDERED, and DECREED this ____
day of _____, 20__.

County Commissioner, President

County Commissioner

County Commissioner

IN THE COUNTY COMMISSION OF _____ COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____
DOD: _____

**ORDER OVERRULING OBJECTION
AND PERMITTING ANCILLARY ADMINISTRATION
WITHOUT APPOINTMENT**

In relation to the Estate of _____, the County Commission **FINDS** that:

1. Pursuant to the provisions of West Virginia Code § 41-5-13(b) or § 44-1-4(b), an Affidavit for ancillary administration of West Virginia real estate without the appointment of any personal representative for the above named decedent was filed before the County Commission on the ____ day of _____, 20__ by the affiant _____.

2. A written objection to ancillary administration of West Virginia real estate without the appointment of any personal representative has been timely filed with the County Commission on the ____ day of _____, 20__ by _____, who is an interested party concerning the Estate of the decedent.

3. On the ____ day of _____, 20__, the County Commission entered an Order and Notice to the affiant and the interested parties for a hearing in this matter which was held before the County Commission on the ____ day of _____, 20__.

4. At the hearing, upon presentation of evidence or arguments of the parties, the County Commission determined that no good cause or reason was shown by any person or otherwise known to prevent the ancillary administration of the West Virginia real estate of the Estate of the decedent _____ without the appointment of any personal representative as allowed by West Virginia law.

NOW, THEREFORE, upon consideration of all of the above, the County Commission, pursuant to the provisions of West Virginia Code § 44-1-14b(d), hereby **OVERRULES** the objection and hereby **ORDERS** that the ancillary administration of the West Virginia real estate of the Estate of the decedent _____ is hereby deemed final and complete in accordance with the provisions of law.

The Clerk of the County Commission is directed as provided by law to mail a copy of this Order to the affiant and all interested persons whose addresses appear in the Affidavit or at their last known addresses appearing in the records of the County Clerk.

All of which is accordingly ADJUDGED, ORDERED, and DECREED this ____
day of _____, 20__.

County Commissioner, President

County Commissioner

County Commissioner

IN THE COUNTY COMMISSION OF _____ COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF _____
DOD: _____

**ORDER SUSTAINING OBJECTION
AND DIRECTING FULL ANCILLARY ADMINISTRATION**

In relation to the Estate of _____, the County Commission **FINDS** that:

1. Pursuant to the provisions of West Virginia Code § 41-5-13(b) or § 44-1-4(b), an Affidavit for ancillary administration of West Virginia real estate without the appointment of any personal representative for the above named decedent was filed before the County Commission on the ____ day of _____, 20__ by the affiant _____.

2. A written objection to ancillary administration of West Virginia real estate without the appointment of any personal representative has been timely filed with the County Commission on the ____ day of _____, 20__ by _____, who is an interested party concerning the Estate of the decedent.

3. On the ____ day of _____, 20__, the County Commission entered an Order and Notice to the affiant and the interested parties for a hearing in this matter which was held before the County Commission on the ____ day of _____, 20__.

4. At the hearing, upon presentation of evidence or arguments of the parties, the County Commission determined that good cause or reason was shown which would require full and complete ancillary administration of the West Virginia real estate of the Estate of the decedent _____.

NOW, THEREFORE, upon consideration of all of the above, the County Commission, pursuant to the provisions of West Virginia Code § 44-1-14b(d), hereby **SUSTAINS** the objection and hereby **ORDERS** that the personal representative, affiant, or other proper party, as the case may be, is directed to make application to the County Clerk of this County for full and complete ancillary administration and probate of the Estate of the decedent _____ in accordance with all of the provisions of the laws of the State of West Virginia.

The Clerk of the County Commission is directed as provided by law to mail a copy of this Order to the affiant and all interested persons whose addresses appear in the Affidavit or at their last known addresses appearing in the records of the County Clerk.

All of which is accordingly ADJUDGED, ORDERED, and DECREED this ____
day of _____, 20__.

County Commissioner, President

County Commissioner

County Commissioner