

# Key Aspects to Understanding Probate

## Illinois Probate

For deceased Illinois residents, if at the time of the person's death one does not own real estate or have other assets in one's sole name exceeding a total of \$100,000, no court-administered probate is required.

- Instead, one can use Illinois' Small Estate Affidavit (SEA) in lieu of probate.
- Attorney drafts the SEA containing certain specific information, and it is then used to wind-up the deceased person's affairs without court.
- However, there still exists an independent statutory requirement to file the original Will with the court; this does not open a probate case.

## Wisconsin Probate

For Wisconsin residents, if at the time of the person's death he does not have more than \$50,000 in total assets (including real estate), no court-administered probate is required.

- Instead, one may use Wisconsin's Transfer by Affidavit in lieu of probate.
- Like Illinois, there is an independent statutory requirement to file the original Will with the court; this does not open a probate case.