MESA ESTATE PLANNING

The Arizona Probate Guide

What probate really is, what it costs a family, and the paths around it. In plain English.

MESA ESTATE PLANNING

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START HERE

What probate actually is.

Probate is the court process for settling a person's affairs after they pass away. A judge confirms the will (if there is one), appoints someone to be in charge, and supervises while debts are paid and what remains is handed to the family. It is not a punishment and it is not rare. It is simply what Arizona law requires when assets have no other way to transfer.

> *"Most families meet probate at the worst possible time, right after losing someone they love. This guide exists so your family meets it on paper first. Or better, never meets it at all."*
>
> MCKAY TUCKER · MESA ESTATE PLANNING

GOES THROUGH PROBATE

Assets titled in the person's name alone

A house deeded solely to the person who passed. Bank or brokerage accounts with no named beneficiary. Vehicles, business interests, and anything else with no surviving co-owner and no beneficiary listed.

SKIPS PROBATE

Assets with a plan attached

Anything owned by a living trust. Accounts with beneficiary or payable-on-death designations. Real estate with a recorded beneficiary deed. Property owned jointly with right of survivorship.

THE COMMON SURPRISE

A will does not avoid probate

A will is the instruction sheet the court follows inside probate. It matters, but it does not keep your family out of the courtroom. Only titling and beneficiary planning do that.

THE EXCEPTION

Very small estates

Arizona lets modest estates skip formal probate using a simple affidavit after a waiting period. The limits are set by statute and change from time to time, so ask before assuming you qualify.

THE PROCESS

Probate, step by step.

Most Arizona probates are "informal," meaning the court supervises lightly rather than at every step. Even so, the sequence is fixed and each step takes real time.

1. **Open the estate**
   Someone files with the court and is appointed personal representative. That person now has legal authority, and legal responsibility, for everything that follows.

2. **Notify heirs and creditors**
   Family members are formally notified, and creditors are given a window to make claims against the estate. In Arizona that claim window alone runs about four months.

3. **Inventory everything**
   The personal representative lists and values every asset: the house, accounts, vehicles, and personal property. Some assets need appraisals.

4. **Pay before anyone inherits**
   Valid debts, final bills, taxes, and the costs of the probate itself all come out first. Distributing money too early can make the personal representative personally liable.

5. **Distribute and close**
   What remains goes to the people named in the will, or to the people Arizona law chooses if there is no will. The estate is then closed with the court.

6 to 12 months is typical.

Disputes between family members, out-of-state property, an unclear will, or a hard-to-sell asset can stretch it well past a year.

THE PRICE TAG

What probate costs a family.

The money comes out of the estate, which means it comes out of what you meant to leave behind. A typical Arizona probate runs $3,000 to $10,000 all-in, and that is when everything goes smoothly.

DIRECT COSTS

Court and filing fees

Filing fees, certified copies, publication of notices, and appraisal costs. Individually small, they add up to hundreds before anything substantive happens.

DIRECT COSTS

Attorney and representative fees

Most families hire counsel to keep the personal representative out of trouble, and the representative is entitled to reasonable compensation too. This is usually the largest line item.

HIDDEN COSTS

It is all public record

The will, the inventory of what you owned, who inherited, and any family disagreement along the way become a court file anyone can request.

HIDDEN COSTS

The wait itself

While probate runs, accounts sit frozen and the house sits in limbo. A surviving family's bills do not wait six to twelve months, but the money often does.

HIDDEN COSTS

Out-of-state property doubles it

A cabin in Utah or a rental in another state usually means a second, separate probate in that state, with its own courts, timelines, and fees.

HIDDEN COSTS

Family friction

Probate hands a grieving family a long process, frozen money, and formal deadlines. That combination invites disagreement at exactly the wrong time.

THE PATHS AROUND IT

How families avoid probate.

THE MAIN TOOL

A funded living trust

Assets owned by your trust never enter probate. You stay in full control while you are alive, and the person you chose hands things directly to your family when the time comes. "Funded" is the key word: the trust only works for assets actually titled into it.

FOR ACCOUNTS

Beneficiary and POD designations

Retirement accounts, life insurance, and bank accounts can name beneficiaries directly. These transfers skip probate, but only if the forms are current. An ex-spouse or a deceased parent on an old form is a common and painful mistake.

FOR REAL ESTATE

The Arizona beneficiary deed

Arizona lets you record a deed now that transfers your home automatically at death. It is inexpensive and useful in simple situations, though it has no backup planning if your beneficiary cannot inherit. A trust handles the what-ifs.

USE WITH CARE

Joint ownership

Property owned jointly with right of survivorship passes to the co-owner automatically. Adding a child to a deed, though, exposes your home to their creditors and can create tax problems. Talk to someone before using this shortcut.

QUICK SELF-CHECK

Will your estate go through probate? Check any that apply.

- [ ] My home is titled in my name alone, with no trust and no beneficiary deed.
- [ ] I have bank or investment accounts with no beneficiary or POD listed.
- [ ] My plan is a will only, or I have no estate plan at all.
- [ ] I own property in another state.
- [ ] I have not reviewed my beneficiary forms in over three years.

Every checked box is a piece of your estate that is probably headed to probate court. Every one of them is fixable, usually quickly.

IF YOU ARE THERE RIGHT NOW

Just lost someone? Do these five things first.

If you are reading this after a loss, we are sorry. There is no urgency that outranks taking care of yourself and your family. When you are ready, this is the order that protects you.

1. **Order certified death certificates**
   Ask the funeral home for eight to ten. Banks, insurers, and the county will each want their own.

2. **Gather the paperwork**
   The will or trust if one exists, deeds, account statements, life insurance policies, and recent bills. Do not worry about organizing it perfectly.

3. **Do not pay debts or hand out property yet**
   Arizona law sets the order in which debts get paid, and some claims expire on their own. Paying or distributing too early can cost the family real money.

4. **Secure the property**
   Keep the home locked and insured, forward the mail, and keep utilities on. Small steps now prevent big losses later.

5. **Get a map before you march**
   One conversation tells you whether the estate needs full probate, qualifies for a simpler path, or avoids court entirely. Many families are relieved to learn it is easier than they feared.

Get a free, no-pressure answer.

Whether you are planning ahead or facing probate today, one call tells you exactly where you stand. Flat fees, plain English.

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This guide is general information for Arizona families, not legal advice, and reading it does not create an attorney-client relationship. Probate rules, small-estate limits, timelines, and costs depend on the specific estate and change over time. For advice about your situation, talk with a licensed Arizona attorney.