

Glossary of Terms

Administrator – a personal representative authorized by the proper court to administer the estate of a person who dies without a will

Ancillary – additional or supplemental

Ancillary Administration – the administration of an estate’s assets in a state other than the one in which the decedent lived

For example:

- ▶ If the decedent lived in North Carolina but owned property in Florida, the estate administration in Florida is considered “ancillary.”
- ▶ If the decedent lived in Virginia but owned property in North Carolina, the estate administration in North Carolina is considered “ancillary.”

Ancillary Administrator – the administrator appointed in the state where the decedent owned property but did not claim residence

Attorney-in-fact – the individual named to handle the principal’s affairs

Beneficiary – receives assets of the trust according to the terms of the trust document

Decedent – the person who has died

Domiciliary Administration – the administration of an estate’s assets for the state in which the decedent claimed residence

Domiciliary Personal Representative – the person who administers an estate’s assets for the state in which the decedent lived

Durable power of attorney – a clause within a power of attorney that states that the power of attorney will be effective even if the principal becomes incapacitated

Estate – property of a decedent

Executor – a personal representative named in the decedent’s will and appointed to administer the estate

Grantor – creates the trust by transferring ownership of his or her assets to the trust (can also be called settler, trustor, creator and donor)

Guardian Ad Litem – a person who is court-appointed and acts on behalf of the person or property of an infant, a minor without living parents, or a person incapable of managing his or her own affairs

Intestate – dying without a will

Irrevocable trust – a legal document that transfers property to a trustee who holds the property for the benefit of someone else; an irrevocable trust cannot be amended or revoked by the grantor.

Irrevocable trust deposit account – an account titled in the name of an irrevocable trust (IRT)

Letters of Administration – legal document issued by a court showing the administrator's legal right to control the assets of the deceased person

Letters Testamentary – legal document issued by a court showing the executor's legal right to control the assets of the deceased person

Payable on Death account – account that allows a member to designate one or more beneficiaries to whom all funds are payable upon the death of all owners

Personal agent – appointed by an owner or joint owner of an account to act as agent for the owner in depositing and withdrawing funds from the owner's account

Personal Property – any property that is not real property

Personal Representative – the executor, administrator or collector authorized to administer an estate

Power of attorney – grants legal authority for an individual to act on behalf of the principal who appointed him or her

Principal – creator of the power of attorney

Probate – court-supervised process to determine that the deceased's will is his or her final statement regarding distribution of property and to appoint the personal representative of the estate

Probate Court – court with the authority to supervise estate administration

Probate Estate – estate property that may be disposed of by a will

Real Property – Land and appurtenances, including anything of a permanent nature such as structures, trees, minerals, and the interest, benefits and inherent rights thereof

Revocable living trust – a legal document that transfers property to a trustee who holds the property for the benefit of someone else; the grantor of a revocable living trust can amend or revoke the RLT if he or she desires.