

Top 4 Reasons to Avoid Probate

Avoiding Probate Makes Sense For Most People

By [Julie Garber](#)

Over the years I've heard and read the comments about why probate "really isn't that bad" and doesn't "cost that much" or "take too long." But usually these comments come from someone who has never had to deal with probate, and over the years I've been convinced that in reality most people should try to avoid probate. Here are the top four reasons why.

1. No Immediate Access to Cash

Yes, it's really true, it can take weeks or often times months to gain access to the deceased person's cash. And during that time you'll be stuck footing the bill for everything from the funeral, to utilities, to property insurance, to taxes, to storage fees, to attorney's fees. Avoiding probate allows family members to have immediate access cash to pay bills and move on with their lives.

2. A Probate Judge Can Get in the Way

During probate court approval is often required for many things including continuing or selling the deceased person's business, repairing or selling real estate, or abandoning worthless assets (think timeshares with high annual maintenance fees). Avoiding probate avoids interference in family and financial matters by a probate judge.

3. Ever Increasing Probate Fees

With courts all across the country in a financial crisis and hurting for funding, one way to raise revenue is to increase court filing fees. This was debated in Florida where it was proposed that the probate filing fees be increased to as much as \$5,000 just to open up a probate estate. Instead the fee for opening a formal probate estate was raised from \$285 to \$400. Currently in Maryland the probate fees for a regular estate range from \$50 to over \$2,500. Avoiding probate avoids probate court fees.

4. Probate Records Are Public Records

Probate is a state court proceeding, which makes all of the information about the deceased person's assets, liabilities, beneficiaries, and Personal Representatives a public record. This means that anyone can go to the court house and ask to see the entire probate file for any estate and no one at the clerk's office will care or ask why. In some states entire probate files are available for viewing online. Avoiding probate keeps family matters and financial information private.