

MassHealth Estate Recovery FAQ

This FAQ provides general information about MassHealth's estate recovery program requirements, process, hardship waivers, and deferrals. Information in this FAQ does not apply to all individual situations. MassHealth publications and regulations 130 CMR 501.000 and 130 CMR 515.000 provide additional information about estate recovery.

The information below is not legal advice and should not be used as a substitute. MassHealth applicants, members, and their families should consult with a licensed attorney if you wish to obtain legal advice or more information about how estate recovery may affect you or your loved ones. You may also get information about probate estates in person or online from [Massachusetts Probate & Family Courts](#).

Updates to the Estate Recovery Program

What changes is MassHealth making to its estate recovery program?

In November 2020, MassHealth proposed its first reforms to estate recovery policy in almost two decades to prevent undue hardship for members and their families. MassHealth has proposed changes to its regulations to reduce the number of estates subject to estate recovery and to expand the criteria for undue hardship waivers. These reforms will become effective on May 14, 2021. You can learn more about these reforms in this [policy summary](#).

General Questions

What is estate recovery?

Federal and state Medicaid law requires the MassHealth agency to have an estate recovery program. Under this program, MassHealth is required to recover money from the estate assets of certain MassHealth members after their death. MassHealth has the right to be repaid for the total cost of care for services paid by MassHealth for members age 55 and older, or for members of any age who are permanently in a long-term care or other medical facility.

The estate recovery requirements aim to make sure assets available to MassHealth members are used to pay for their care, while protecting the use of some of those assets, such as their homes, during their lifetimes. Estate recovery collections are deposited into the state's general fund, which pays for programs and services benefitting everyone in Massachusetts.

Some examples of how MassHealth estate recovery would work are below.

For example, John Doe was under 55 years old and in a nursing home for the entire month of July. He died August 3. MassHealth paid \$2,000 for his care in the nursing home. His estate is worth \$150,000. MassHealth will recover \$2,000 from his estate, after claims with higher priority (i.e., mortgage, taxes, funeral expenses, and costs of administering his estate) are paid, unless surviving heirs are eligible for a deferral or waiver. In general, after all administrative costs are paid and all claims against the estate are satisfied (including claims by MassHealth and any other creditors), John Doe's heirs will inherit what is left in the estate.

In another example, Jane Smith has been on MassHealth for years. MassHealth has spent \$45,000 on the medical services she received since she was age 55. Her estate is worth \$40,000. MassHealth will recover from the remainder of the estate after claims with higher priority are paid and unless surviving heirs are eligible for a deferral or waiver. If heirs are not eligible for a deferral or waiver, when the MassHealth

claim exceeds the value of the remaining amount in the estate, MassHealth will recover the remaining amount from the estate and will not pursue any unsatisfied claim amount from individual heirs.

There are certain protections and exemptions to estate recovery requirements. These are described below under “Exceptions, Deferrals, and Hardship Waivers.”

Who is affected?

MassHealth members 55 years or older and members of any age who are receiving long-term care in a nursing home or other medical institution who leave a probate estate are subject to estate recovery after their death. Estate recovery may apply to MassHealth members whether or not they enrolled in a health plan, such as a Managed Care Organization, Accountable Care Organization, Senior Care Options (SCO), PACE, or One Care.

What is a probate estate? What kind of property is subject to estate recovery?

A probate estate includes assets that were owned solely by the individual at the time of death.

Any property or assets that are part of the MassHealth member’s probate estate are subject to estate recovery. This can include real property (homes) and personal property (cars, funds in bank accounts, and other assets). MassHealth cannot recover from assets that are outside of a member’s probate estate.

Generally, IRAs, 401Ks, and life insurance policies are not part of the probate estate and are not subject to recovery, but there are exceptions.

When does estate recovery happen?

Estate recovery only occurs after a MassHealth member’s death. The process begins once a probate file is opened by the member’s personal representative, the court-appointed executor or administrator of the estate (often a lawyer), with the appropriate probate court.

What MassHealth payments are subject to estate recovery?

Generally, Massachusetts has the right to be repaid for the total cost of care (not just long-term care) for services paid by MassHealth after the member turned 55 years of age and at any age while the member was permanently in a long-term care facility. Some exceptions are described below. Estate recovery may apply to MassHealth members whether or not they are enrolled in a health plan. MassHealth payments subject to estate recovery include

- Payments made directly by MassHealth to health care providers for a member’s care; and
- Payments made by MassHealth to the member’s health plan, such as a Managed Care Organization, Accountable Care Organization, Senior Care Options (SCO), PACE, or One Care. This includes reimbursement for the total amount MassHealth paid in monthly premium payments to the health plan, regardless of what services the member may have received.

Does estate recovery work differently if the member is enrolled in a health plan, such as a Managed Care Organization, Accountable Care Organization, One Care, PACE, or Senior Care Options?

As mentioned above, estate recovery may apply to MassHealth members whether or not they enrolled in a health plan. MassHealth pays health plans advance monthly premium payments which are adjusted for different members’ health needs. The premium payments may be more or less than the actual cost of services the member received from their health plan. A member’s estate will never have to repay more than the amount MassHealth paid.

MassHealth is required to use the total amount in premium payments made by MassHealth to the health plan as the cost of care when calculating the statement of claim for members who were enrolled in a health plan.

How does estate recovery work?

The personal representative of the member's estate is required to notify MassHealth of the member's death. They do this by sending a copy of the probate petition and death certificate by certified mail to:

MassHealth Estate Recovery Unit
P.O. Box 15205
Worcester, MA 01615-0205

The MassHealth Estate Recovery Unit then prepares a Notice of Claim. This notice calculates the amount subject to estate recovery that was paid by MassHealth for the member's care on or after their 55th birthday, or after they began receiving long-term care in an institution (for individuals of any age).

The Notice of Claim is filed in the probate court, and a copy of the Notice of Claim is mailed or faxed to the personal representative of the estate and the attorney representing the estate.

Does the personal representative of the estate need to send a certified copy of the death certificate with the copy of the petition or will a photocopy be okay?

For notification purposes, the Estate Recovery Unit will accept a photocopy of the death certificate for the deceased MassHealth member. A copy of the probate petition must also be sent.

How does an estate respond to a MassHealth estate recovery claim?

Only the court-appointed personal representative of the estate can respond to a MassHealth estate recovery claim. The personal representative can request a copy of the billing documentation from MassHealth in support of its claim. If the personal representative believes that all or part of the claim is not valid, decides to request a deferral of estate recovery, or decides to apply for a hardship waiver(s), they must send written notice by certified mail to the MassHealth Estate Recovery Unit within 60 days of receiving the Notice of Claim.

If the personal representative files a challenge to the claim or a waiver or deferral request and MassHealth disagrees with the personal representative's response, it will inform the personal representative of the decision. MassHealth may file suit against the estate within 60 days of the date it receives the written response of the personal representative with which it disagrees. In this situation, a court determines the validity of MassHealth's claim.

If the personal representative does not respond within 60 days of the date of the Notice of Claim, the MassHealth claim is deemed allowed as a matter of law, and MassHealth will continue to pursue the recovery of this claim from the estate until it is paid.

If the estate does not pay the claim within four months and 60 days from the date the personal representative is approved by the probate court, interest will accrue on the MassHealth claim amount at the rate specified by state law. If the estate pays the claim within four months and 60 days from the date the personal representative's bond is approved by the probate court, no interest will accrue on MassHealth's claim.

MassHealth will file a release of its claim in the probate court once the claim is paid.

What if I disagree with MassHealth's decision to file a Notice of Claim or the claim amount?

If the personal representative disagrees with MassHealth's claim or the claim amount, he or she may file written notice with MassHealth challenging the claim or requesting a deferral or waiver of the claim within 60 days of the MassHealth Notice of Claim. If MassHealth denies the personal representative's challenge or denies a request for a deferral or waiver, MassHealth will notify the personal representative of its decision and will give the personal representative an opportunity to withdraw the written notice.

If the personal representative still disagrees with MassHealth's determination and does not withdraw the written notice, MassHealth must bring a lawsuit against the estate in Superior Court in order to enforce its claim within 60 days of its receipt of the personal representative's written notice. The estate will then have the opportunity to present its case in court, and the court will determine the validity of the MassHealth claim and/or the request for a deferral or waiver. At any time during this process, the estate and MassHealth may agree to resolve the case on mutually acceptable terms.

Will the state make me sell my loved one's home?

A home will only be part of the probate estate if it does not transfer to a joint owner as a matter of law. In many cases when a home is part of the probate estate, the sale of a home may be required to repay creditors including MassHealth. MassHealth has established several waivers to prevent undue hardship, including waivers that aim to support family members residing in the deceased member's home, described below.

The state will not force the sale of a home (except under rare circumstances) if there are family members living in the home who were living there prior to the member's death. MassHealth may allow alternate arrangements for payment of its claim including refinance, lien, or a promissory note with a recorded mortgage on the property with or without interest and payments on a case by case basis.

Will the state pursue estate recovery from a probate estate with \$25,000 or less in assets?

No. If MassHealth determines from the Probate Petition it receives from the personal representative that the probate estate has assets with a total value of \$25,000 or less, MassHealth will not pursue estate recovery. MassHealth will waive recovery for all probate estates with assets valued at \$25,000 or less. The personal representative must still send a copy of the Probate Petition and death certificate to MassHealth, even if filing for voluntary administration so that MassHealth can verify the total value of assets in the probate estate.

What's the difference between a MassHealth recorded lien and estate recovery?

MassHealth recorded liens and estate recovery are two distinct methods of recovery of MassHealth payments. In some cases, both may apply. A lien is a legal claim on assets that allows MassHealth to recover the cost of care paid on the member's behalf.

MassHealth liens are recorded in the Registry of Deeds against any legal interests that a MassHealth member has in real estate during their lifetime in certain situations. A lien will only be placed if the member is receiving long-term care in a nursing home or other medical institution and MassHealth determines that the member is not reasonably expected to return home. Before this happens, the MassHealth member will be given an advance notice and an opportunity for a fair hearing before the MassHealth Board of Hearings. If MassHealth places a lien against a property that is later sold, transferred, or refinanced, money from the sale of that property must be used to repay MassHealth for medical services provided. MassHealth regulations that outline the lien process can be found at 130 CMR 515.012. If a MassHealth member who had a lien placed on their real estate is discharged from the

long-term care institution and returns to their former home prior to death, the lien will be released. However, the release of a lien recorded by MassHealth during the life of a member on their real estate does not prevent MassHealth from seeking estate recovery after the member's death if their property is a part of their probate estate.

MassHealth estate recovery involves Notices of Claim that are recorded in the probate court. The Notice of Claim only occurs after a member's death. The Notice of Claim provides notice to the estate's personal representative about MassHealth's claim to recover services paid by MassHealth from the assets of the probate estate.

Under federal and state law, MassHealth can also record liens on a deceased member's property to ensure MassHealth's claim is paid at a later date, such as when the estate is entitled to a deferral of payment of MassHealth's claim.

Estate Recovery Exceptions, Deferrals & Hardship Waivers

Are there exceptions or postponements for estate recovery?

MassHealth may not enforce all or part of its estate recovery claim in certain situations.

1. MassHealth will waive estate recovery for all probate estates valued at \$25,000 or less. The personal representative still needs to send a copy of the petition and death certificate to MassHealth.
2. If the MassHealth member had certain long-term-care insurance and met the other requirements under the rules to qualify for this exception on the date of admission to a long-term-care facility, the estate may not have to repay MassHealth for nursing facility and other long-term-care services. The long-term-care insurance must meet the rules of the Division of Insurance under 211 CMR 65.09, and MassHealth regulations at 130 CMR 515.000. The member must also have been living in a long-term-care facility and told MassHealth that he or she did not intend to return home.
3. If the MassHealth member was eligible for both MassHealth and Medicare, MassHealth will not recover Medicare cost-sharing benefits (premiums, deductibles, and copayments) paid on or after January 1, 2010, for members who got these benefits while they were age 55 or older. This includes Medicare Savings Programs.
4. If the MassHealth member was enrolled in a MassHealth plan that included member premiums paid to MassHealth on their behalf when the member was 55 or older, MassHealth will not recover on the amount that the member paid in premiums during that time period.
5. Certain income, resources, and property of American Indian and Alaska Natives are exempt from estate recovery.
6. Estate recovery may be temporarily delayed if the MassHealth member leaves behind a surviving spouse, a child who is blind, a child who is permanently and totally disabled, or a child younger than 21 years of age. This is called a deferral. Once the conditions allowing for a deferral are no longer met, MassHealth will seek to recover its claim amount against the member's probate estate.
7. If MassHealth determines that the estate qualifies for an undue hardship waiver, MassHealth will waive all or part of its estate recovery claim. The types of undue hardship waivers are described below.

How do I qualify for an undue hardship waiver?

MassHealth has created certain waivers for estate recovery in order to prevent undue hardships for low- and middle-income families of MassHealth members and for certain heirs who provided care to the MassHealth member while living in their home.

There are three hardship waivers the personal representative may apply for. Please note that hardship waivers two and three have recently been proposed and are not available or effective until May 14, 2021, as noted below.

1. **Residence and Financial Hardship Waiver:** For all Notices of Claim filed in the probate court **on or after May 14, 2021**, MassHealth will waive its entire claim if it determines that all of the following are true.
 - a. The home must be sold to repay MassHealth;
 - b. The heir to the estate lived in the home as a principal place of residence on a continual basis for two years prior to the member's admission to an institution or death and continues to live in the property when MassHealth filed its Notice of Claim;
 - c. The annual gross income of the heir's family group was less than or equal to 133% of the federal poverty level at the time MassHealth filed its Notice of Claim;
 - d. The heir inherited an interest in the property from the deceased member's estate; and
 - e. The heir is not being forced to sell the home by other heirs.

Please note that for all Notices of Claim filed in the probate court prior to May 14, 2021, the Residence and Financial Hardship Waiver requires that the heir to the estate lived in the home as a principal place of residence on a continual basis for at least one year immediately before the now deceased member became eligible for MassHealth. Please also note that any Residence and Financial Hardship Waivers arising out of Notices of Claim filed prior to May 14, 2021, which had not been satisfied and were subject to the two-year conditional requirements set forth in 130 CMR 501.013(D)(1)(a)(3) as of May 14, 2021, will become permanent and binding. The two-year conditional requirement will be removed for all Notices of Claim filed in the probate court on or after May 14, 2021.

2. **Care Provided Hardship Waiver:** For all Notices of Claim filed in the probate court **on or after May 14, 2021**, MassHealth will waive its entire claim if MassHealth determines that all of the following are true.
 - a. An heir to the estate lived in the home for two consecutive years immediately before the member became institutionalized or before the member's death;
 - b. During that time, the heir provided a level of care that kept the member from needing to be admitted to a nursing home;
 - c. The heir continues to live in the home at the time the notice of claim is filed;
 - d. The heir inherited an interest in the property from the deceased member's estate;
 - e. The home must be sold to repay MassHealth; and
 - f. The heir is not being forced to sell the property by other heirs.
3. **Income-Based Hardship Waiver:** For all Notices of Claim filed in the probate court **on or after May 14, 2021**, if MassHealth determines that the heir's family group (individual, spouse,

children, and other situations as described in the glossary below) had a gross income below 400% of the federal poverty limit for two years before the date of the MassHealth Notice of Claim, MassHealth will waive recovery in an amount equal to the value of the heir's interest in the estate up to a maximum of \$50,000 for each heir who qualifies for the waiver.

If there are multiple heirs who qualify for this waiver, the maximum waived amount is \$100,000 per estate. An estate with qualifying heir(s), regardless of whether or not there are other non-qualifying heirs, will be subject to estate recovery on the lesser of:

- a. **The total value of the estate after deducting the amount excluded for qualifying heir(s).** *For example: If the estate is worth \$45,000 and an heir qualifies for the income-based hardship waiver, the entire claim or a portion of the claim could be waived based on the value of the qualifying heir's interest in the estate; or*
- b. **The remaining value of the claim after deducting the amount excluded from the total value of the claim.** *For example: If the estate is worth \$100,000, MassHealth has a \$75,000 claim, and an heir qualifies for the income-based hardship waiver, up to \$50,000 could be waived from the MassHealth claim based on the value of the qualifying heir's interest in the estate.*

How do I apply for a Hardship Waiver or Deferral? What documentation is required to apply?

Only the court-appointed personal representative can apply on behalf of the estate for each individual heir of the estate that meets the qualifications for a hardship waiver or deferral. The Hardship Waiver Application Form is available on the MassHealth website at [mass.gov/estater recovery](https://www.mass.gov/estater recovery). The application form indicates all of the information and documentation required to qualify for each waiver.

What if multiple heirs may be eligible for different hardship waivers? Does the state determine which waiver will be granted?

The estate's personal representative must apply separately on behalf of each individual heir. The personal representative may apply for one or any combination of hardship waivers. The estate cannot be eligible to receive more than one type of hardship waiver.

The waivers are prioritized by MassHealth based on the greatest potential benefit to the estate as follows.

1. Residence and Financial Hardship Waiver. If an heir qualifies for this waiver, the estate is not eligible for the Care Provided or the Income-Based waivers.
2. Care Provided Waiver. An heir may qualify for this waiver if the estate does not apply or qualify for a Residence and Financial Hardship waiver. If an heir qualifies for this waiver, the estate is not eligible for an Income-Based waiver.
3. Income-Based Waiver. An heir may qualify for this waiver if the estate does not apply or qualify for the Residence and Financial Hardship waiver or the Care Provided waiver.

Is there a conditional period for these hardship waivers, during which an heir's circumstances must remain the same two years after the waiver is granted?

This depends on when the claim is presented. For all claims presented on or after May 14, 2021, there are no conditional periods for hardship waivers. Any Residence and Financial Hardship Waivers arising out of Notices of Claim presented prior to May 14, 2021, which had not been satisfied and were subject to the two-year conditional requirements set forth in 130 CMR 501.013(D)(1)(a)(3) as of May 14, 2021, will become permanent and binding.

If a hardship waiver is denied, is there an option to appeal?

Yes. If MassHealth denies the personal representative's request for a hardship waiver, MassHealth will notify the personal representative of its decision. The personal representative can withdraw the request. If the personal representative disagrees with MassHealth's determination and would like to appeal, the personal representative should not withdraw the request for a hardship waiver. In that case, MassHealth must bring a lawsuit against the estate in Superior Court in order to enforce its claim within 60 days of its receipt of the personal representative's written request for a hardship waiver. The estate will have the opportunity to present its case in court, and the court will determine the validity of the request for a hardship waiver.

Where do I find the Federal Poverty Level guidelines for this year and previous years?

The Federal Poverty Guidelines can be found on the [MassHealth website](#).

Care Provided Hardship Waiver

What if I was living in the home and providing care, but I do not have an interest in the home in the will?

An heir must inherit an interest in the MassHealth member's property to be eligible for the Care Provided waiver.

How do I show that I provided a level of care that kept the member from entering an institution?

Generally, the heir must provide a letter from the member's physician. The letter should attest that the provider treated the member and was familiar with their medical history, and that the member would have required admission to a facility without the care provided by the heir. The Hardship Waiver Application Form and MassHealth regulations at 130 CMR 501.013 and 130 CMR 515.011 provide additional information and guidance.

What if there is no will?

If a member dies without a will, Massachusetts probate laws specify who inherits an interest in the member's property. The probate court will issue a formal determination of heirs. The personal representative may apply for a hardship waiver for any individual receiving an interest in the member's property in this manner.

The laws specifying who inherits a member's property when there is no will can be found at <https://malegislature.gov/Laws/GeneralLaws/PartII/TitleII/Chapter190B/ArticleII>.

Income-Based Hardship Waiver

Is the \$50,000 being waived from the MassHealth claim against the estate, or from the total amount left in the estate? For example, if an estate is worth \$100,000 and there is a \$60,000 claim, will MassHealth recover \$50,000 (\$100,000-\$50,000) or \$10,000 (\$60,000-\$50,000)?

MassHealth would waive up to \$50,000 from the claim amount in the scenario above since the claim amount is less than the value of the estate.

Examples:

- 1. If the heir's interest in the estate is \$50,000 or greater, then \$50,000 would be waived from the claim and the amount of recovery would be \$10,000.*

2. *If the heir's interest in the estate was only \$20,000, then the amount waived would be \$20,000 and the amount of recovery would be \$40,000.*

If an heir may be eligible for the Income-Based waiver and the estate is valued at less than \$50,000, is the entire repayment waived?

This depends on the amount of the heir's actual interest in the estate. In some cases, this may mean the entire repayment is waived.

Example: The value of the estate is \$40,000 and the MassHealth claim is \$150,000. The recovery would be from the remaining value of the estate as the estate value is less than the claim amount. See two examples in this situation:

1. *If the heir's interest in the estate is \$50,000 or greater, then \$50,000 would be waived from the claim and the amount of recovery would be zero. The entire amount of the claim would be waived.*
2. *If the heir's interest in the estate was only \$20,000, then the amount waived would be \$20,000. The amount of recovery would be \$20,000 (\$40,000 estate value less the waived amount of \$20,000 = \$20,000 in recovered amount).*

What are some other examples of how MassHealth would calculate the waived amount and the recovered amount for an estate with one or more heirs who qualify for the Income-Based Waiver?

Example 1: The value of the estate is \$400,000 and the MassHealth claim is \$60,000. There are two heirs who qualify for the waiver, each with an interest in the estate of \$50,000 or greater. There are also two heirs who do not qualify. In this example, the waived amount is \$100,000 (50,000 + 50,000). After deducting the \$100,000 waived amount from the estate there is \$300,000 left in the estate, but after deducting the \$100,000 waived amount from the \$60,000 MassHealth claim there is nothing left in the MassHealth claim. The result is no estate recovery.

Example 2: The value of the estate is \$350,000 and the MassHealth claim is \$500,000. There are two qualifying heirs, each with an interest in the estate of \$50,000 or greater. There are also two non-qualifying heirs. In this example, the waived amount is \$100,000 (\$50,000 + \$50,000). After deducting the \$100,000 waived amount from the estate there is \$250,000 left in the estate; and after deducting the \$100,000 waived amount from the \$500,000 MassHealth claim there is \$400,000 remaining in the MassHealth claim. In this example, MassHealth would recover \$250,000, since it is less than \$400,000.

How do I contact MassHealth's Estate Recovery Unit?

The contact information for the MassHealth Estate Recovery Unit is:

MassHealth Estate Recovery Unit
P.O. Box 15205
Worcester, MA 01615-0205
Fax: (508) 856-7803

For general questions about MassHealth estate recovery, please contact the MassHealth Customer Service Center at (800) 841-2900.

I have additional questions about estate recovery after reviewing these frequently asked questions – What should I do?

You may wish to consult an attorney for advice on estate planning and probate law to get additional information about how estate recovery may affect you or your loved ones. For general questions about MassHealth estate recovery, you may call the MassHealth Customer Service line for assistance at (800) 841-2900.

Glossary of Terms

Family Group: For purposes of determining the gross income of the family group for an heir applying for the Residence and Financial Hardship Waiver and/or Income-Based Hardship Waiver, the Family Group is comprised of an individual; a couple who are two persons married to each other according to the rules of the Commonwealth and are living together; or a family who live together and consist of (1) a child or children under the age of 19, any of their children, and their parents, (2) siblings under the age of 19 and any of their children who live together, even if no adult parent or caretaker is living in the home, or (3) a child or children under the age of 19, any of their children, and their caretaker relative when no parent is living in the home.

Gross Income: The total money earned or unearned, such as wages, salaries, rents, pensions, or interest, received from any source without regard to deductions.

Hardship Waiver: Waiver of estate recovery either in whole or in part of the MassHealth claim, if MassHealth determines that estate recovery would present an undue hardship on the estate.

Health Plan: A network of doctors, hospitals, and other health care providers that are paid monthly premiums by MassHealth to provide care for members who are enrolled in the network. MassHealth health plans include Managed Care Organizations, Accountable Care Organizations, Senior Care Options, PACE, and One Care.

Heir: A person who inherits property or may be entitled to inherit property under a Last Will & Testament of the decedent or under the laws of intestacy if the decedent passes away without a will.

Home: The individual's principal place of residence.

Notice of Claim: A written statement prepared by the MassHealth Estate Recovery Unit that is filed in the probate court and mailed to the court appointed personal representative of the member's estate. The statement details the amount of medical benefits provided to the deceased MassHealth member for which the MassHealth Estate Recovery Unit is seeking recovery.

Personal Representative: Under estate recovery, a court appointed executor or administrator of the estate of a deceased person.

Probate: Probate is the formal process through which a probate court determines how to distribute your property after you die if you die with or without a will. In general, assets that you designate for people to inherit through your will are probate assets. If you die without a will Massachusetts law will determine which of your assets are probate assets and who will inherit them.

Some assets are non-probate assets because they get transferred to the designated individuals automatically upon death by contract or by operation of law without the need for any probate court

proceeding. Examples of non-probate assets include real estate interests that pass by operation of law, life insurance, IRAs and similar pension and retirement accounts, and annuities, just to name a few.

The probate process includes filing a probate petition with or without a will, and the court's appointing of a personal representative of the person's estate. The personal representative's job is to collect assets, pay bills, file taxes, distribute the person's remaining property to heirs after all expenses of the estate are paid, and to file a final account with the probate court to close out the estate.

Real Property: Real estate; homes, land.