

TERMS

Beneficiaries - Those persons who will be given assets from the estate.

Decedent - The person who has died is the decedent.

Devisees - Persons named in a will to receive real estate.

Fiduciaries, executors and administrators - Any person appointed by the court to administer an estate is a "fiduciary." If the fiduciary was nominated in the will to serve, then the fiduciary is called an "executor." If the fiduciary was not nominated in the will to serve, then the fiduciary is called an "administrator." The duties of an executor and an administrator are the same. This pamphlet will use the term "fiduciary" to refer to both executors and administrators.

Heirs - Heirs, who are sometimes also referred to as "heirs at law," are the persons who would inherit the estate assets under Vermont law if there were no will. Generally you can think of heirs as including immediate and extended family, both ancestors and descendants, of the decedent.

Intestate - "Intestate" is a term that refers to the estate of a decedent who died without a will, or with a will that was not allowed by the court.

Interested persons - "Interested persons" is a term that defines those persons who will be considered as parties and who must receive notice of various matters during the administration of the estate. Rule 17 of the Vermont Rules of Probate Procedure (*VRPP Rule 17*) describes who are interested persons.

At the beginning of an estate proceeding, the term "interested persons" includes heirs, devisees, legatees, children, spouses, and such other persons as the court directs.

After the proceeding has begun, the designation can change. The court can assist in determining who has to be served with various documents after the proceeding has begun.

Legatees - Persons named in a will to receive personal property.

Testate - "Testate" is a term that refers to the estate of a decedent who died leaving a will that has been allowed by the court.