

THE INS AND OUTS OF
PROBATE FOR
GENEALOGISTS – WHERE
DO I FIND PROBATE
DOCUMENTS?

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Probate Documents

- Probate actions generate a series of documents filed with the court handling to probate action
- All of the documents, or pleadings, filed with the court, are preserved by the courts

Jurisdiction

The type of cases handled by a particular court divided either by district, county or the nature of the claim or controversy

Jurisdiction

Can be either subject matter jurisdiction or determined by location

Probate law and procedures

Have changed over time and will continue to change. You need to know the history of the probate law in your area of research.

History of the Probate Court

The name and jurisdiction of the probate courts in the states may have changed over time

Examples of probate courts

- Arizona Superior Court – Probate Division
- Utah District Court – Probate
- California Superior Court
- Wisconsin Circuit Court
- Texas Probate Court
- Pennsylvania Courts of Common Pleas
- Tennessee Chancery Court

Where are the Probate files?

- The name, jurisdiction and location of the records may have changed over time.
- Tracking down the documents can be a real challenge

Jurisdiction for Probate Case

- In the court where the decedent died
- In a court where the decedent resided
- In a court where the decedent owned property
- In a court where the heirs reside

Ancillary Probate

- Filed in a court where the property is located usually in another state
- Is not a full probate action and is based on the filings in the court where the probate originated

Steps to find a probate case file

- Determine the date of death of an ancestor.
- Determine the exact place of death.
- Investigate and determine which court or other entity handled probate matters at the time and place of the ancestor's death.
- Determine where the surviving records are stored and whether or not the records are available online in digitized format. This may involve a search in several online databases.
- Search the court or other entity records both before and for a time period after the death of the ancestor. You may find probate actions filed years after the date of death.

Check with the following:

- The court where the probate action may have been filed at the time of the death of the decedent
- Adjoining counties and courts
- State Archives, Libraries, Historical Societies and similar repositories
- Check online
