An executor letter is signed by a judge and issued by a probate court clerk, indicating that a person or organization is authorized to act on behalf of a decedent’s estate as an executor. It’s also called "letters of testamentary" or "letters of administration" in some jurisdictions. The court has to approve the executor named in the will, and upon doing so, the judge will often issue an executor letter. It’s often necessary to present the letter to banks and other institutions before they will transfer assets to the executor on behalf of the estate and for the executor to take control of the estate while in probate. If the decedent dies intestate, with no will or without a valid will, then the court may appoint an administrator who is responsible for the same duties and responsibilities as an executor.

A probate proceeding is often necessary for an estate that is valued over a certain amount according to regional laws and for property that is not jointly owned with a right of survivorship. The executor is often the one to approach the probate court with a copy of the will and the decedent’s death certificate. Upon examination of the will and certificate, a probate judge will issue an executor letter if the executor has posted the required bond. The executor may also have to obtain a surety from a third party, for which the estate often pays. Some jurisdictions require no bond, or may honor a bond waiver provided in the will.

Relatives may also apply to the court for an executor letter, especially when the value of the estate is small. A court proceeding is not required for smaller estates in many jurisdictions. The court clerk often issues the letter without the judge in those circumstances.

Obtaining an executor letter is the key to managing the financial affairs of the estate. One of the duties of the executor is to open a bank account in his own name and to transfer monies from the decedent’s bank accounts into it. A bank will only release funds if the executor can present an executor letter, which is proof that this person has the authority to transfer the funds. The executor may also decide to change the name on other accounts or assets owned by the estate, but for liability reasons, the institutions or individuals holding those accounts or assets will often require an executor letter before making a change. Various governmental agencies often require an executor letter in order to release funds or issue a taxpayer identification number to the executor as well.

It is not necessary to write a letter of probate to act as a personal representative or the personal administrator for the estate of someone who has died. A letter of probate is a legal document issued by a probate court that gives a person the authority to control and distribute the assets of the person who died. A person who was appointed by the deceased in a will to be the personal administrator, or a person wishing to serve as the personal representative of the estate if there is no will, uses a form application to request that the probate court issue the type of probate letter that allows her to do so.
LETTER OF PROBATE

Someone who was named in a will to handle a deceased’s estate is referred to as a personal administrator or “executor.” She applies to the probate court for the authorization to control the assets of the estate and disburse them under the terms of the will. The court then issues her a letter of probate called “letters testamentary” as proof of her legal authority.

When the deceased died without a will, the person appointed by the court upon receiving her application is called a personal representative. She receives a letter of probate called “letters of administration” from the court. Both personal administrators and personal representatives act as officers of the probate court.

In the US, the applications for letters testamentary and letters of administration are available at local county clerks’ offices or from clerks of circuit courts. Many counties have the forms available on the Internet. There are generally filing fees associated with the application. Applicants may also be required to post a bond. In some cases, the court may be able to waive the bond upon request.

The applications for letters of probate require private information about the deceased and any documentation of the death. The applicant will also need to provide the names of any “heirs,” the closest relatives related by blood, and their names and addresses. Any person specified to receive anything under the will should also be listed with their names and addresses. A personal representative should include any information regarding the wish of the deceased that she serve in this capacity, or reasons why she is qualified to do so.

As part of her duties, an executor or personal representative may have to pay the debts of the estate before making any disbursements. In complicated or larger estates, she may want to consult an attorney. Reasonable costs and expenses may be taken from the estate for its administration.