

Legal Terms Relating to Probates and Wills

ADMINISTRATOR (-TRIX)	A person appointed by the court to administer the settlement of an estate. May indicate an intestate estate or that the executor resigned or was unavailable.
BENEFICIARY	One who benefits from a will or from property.
BEQUEATH	To give personal property vs. devise which is to give real property.
BOND	An obligation by the principal to fulfill an prescribed duty or pay a certain sum of money.
BONDSMAN	One who is liable to make payment on a bond.
BROTHER / SISTER-IN-LAW	May be the brother of one's spouse or of one's sister. May refer to a stepbrother.
CHATTEL	Personal or movable property including animals and in some instances slaves.
CONTEST	To appose some provision of a will.
COVERTURE	The condition of being a married woman; the duration of a marriage.
CURTESY	The life estate, under common law to which a man is entitled upon the death of his wife, in the real property she possessed in fee simple provide they had at least one child born alive.
DEVISE	A gift of real property by a will. Hence, devisee is one who received a bequest of real property in a will.
ET UXOR	And wife, abbreviated <i>et ux.</i>
EXECUTOR (-TRIX)	A person named by a testator in a will to administer the estate upon his death.
FEE SIMPLE	The right to ownership of real property with no restrictions on the use, sale or willing of the property. May be termed "fee," or "fee absolute"
FEE TAIL	Ownership of real property that descends to or through specific heirs. May be said to be held "in tail" or be "entailed."
GUARDIAN	One who has legal authority to care for the interest of another.
HEIR	Strictly speaking, one who inherits in the case of an intestate estate.
HEIR AT LAWS	Legal heirs, designated by law to inherit from an intestate estate.

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<i>IMPRIMIS</i>	“In the first place”
INFANT	A minor under legal age.
INTESTATE	A person who dies without a valid will.
LEGATEE	One who received personal property by will. Now may mean one who received either personal or real property by will.
LINEAL	In a direct line from parent to child.
LIFE ESTATE	The right to hold property for one’s life. Dower and Curtesy are life estates.
<i>LOCUS SIGILLI</i>	In place of a seal.
MAJORITY	The age at which one can make contracts in one’s own right.
NEXT FRIEND	One who represents the interests of another without having been appointed as guardian.
ORPHAN	An infant who has lost one or both of his parents.
PARTITION	The dividing of real property to all heirs according to law.
PERSONALTY	Personal or movable property or chattels.
PRIMOGENITURE	A common law principle wherein real property of an intestate was assigned to the first-born son to the exclusion of all others.
RELICT	The surviving spouse – widow or widower.
<i>SINE PROLE</i>	Without having children
SON / DAUGHTER-IN-LAW	May be the spouse of one’s child or a stepchild.
SURROGATE	A court or judicial officer who has jurisdiction over probates and guardianship.
TESTAMENT	A document bequeathing personal property.
TESTAMENTARY	Pertaining to a will.
TESTATE	A person who dies with a valid will.
WIDOW’S ALLOWANCE	The amount decreed by law that a widow is given from her husband’s estate to support herself and her children.
WIDOW’S ELECTION	The widow’s decision to take either what was willed her by her husband or what she is entitled to under the law.
WILL	A document stating how one wished one’s property to be disposed of upon death. Formerly a will referred to the disposition of real property as apposed to personal property.