

5 Catastrophic Probate Mistakes to Avoid: Tips to Sidestep Red Flags Can Protect Assets, Executors

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Losing a loved one is difficult enough without suddenly being responsible for administering an estate. For people who have been named as a Personal Representative or an executor, they may be facing unfamiliar legal responsibilities while also trying to navigate grief. It's understandable to feel overwhelmed, especially for those in this situation for the first time.

For those taking on the daunting task of handling an estate, well-intentioned mistakes can create unnecessary delays, additional expenses, or complications that make an already difficult time even more stressful. But many of the most common probate issues can be avoided with the right guidance.

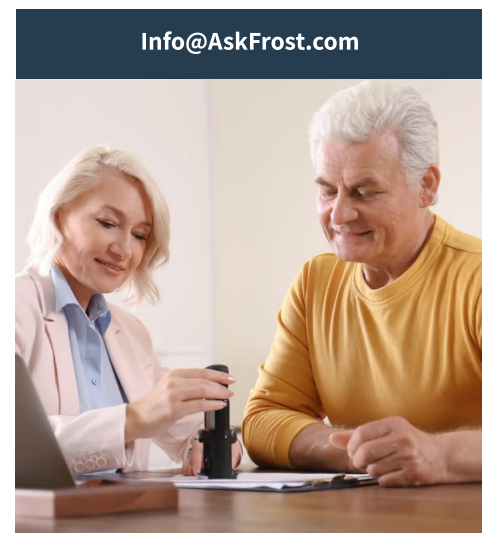
Frost Law works with clients on issues like these. And to help provide insights into this complex area, here are five common mistakes people make when wrapping up a loved one's affairs, and tips to avoid when overseeing this difficult task.

Mistake #1: Thinking there's plenty of time

One of the most common misconceptions is that there is no urgency to begin the probate process.

While it is natural to want time to grieve, waiting too long to open an estate can create avoidable challenges. Financial institutions often require probate documentation before releasing assets, bills continue to come due, and important legal deadlines may begin running. Taking the appropriate first steps early helps preserve the estate's assets, keeps the administration process moving forward, and can reduce stress for everyone involved.

Mistake #2: Forgetting about non-probate assets



Another frequent source of confusion is the belief that every asset must pass through probate.

In reality, many assets transfer outside of the probate estate altogether. Jointly owned property, life insurance proceeds with designated beneficiaries, retirement accounts, and payable-on-death accounts are just a few examples of assets that may avoid probate entirely. Understanding which assets belong in the estate, and which do not, can simplify the process and help avoid unnecessary time and expense.

Mistake #3: Underestimating the amount of work involved

Many Personal Representatives and executors are surprised by the number of responsibilities involved after opening the estate.

Probate is more than filing paperwork with the Register of Wills. Depending on the circumstances, there may be creditor notices, inventories, information reports, accountings, tax filings, and other legal requirements that must be completed within specific timeframes. Staying organized is important, but understanding what is required is equally essential.

Mistake #4: Mismanaging the assets

Perhaps one of the most significant mistakes occurs when beneficiaries receive distributions too early, which can be catastrophic for executors.

Families are often eager to settle an estate and move forward, but estate assets should generally not be distributed until debts, taxes, and other obligations have

been addressed. Even if there is no malicious intent, the liability for missing assets or unpaid claims can fall to the executor personally. Following the proper process helps protect both the estate and the Personal Representative.

Mistake #5: Not seeking professional assistance

Finally, many people assume they need to navigate probate entirely on their own.

While Maryland's probate process is designed to provide structure, every estate presents its own unique circumstances regardless of where someone lives. Questions involving creditors, real estate, taxes, family dynamics, or beneficiary designations can quickly become more complex than expected. Seeking experienced legal guidance early in the process can provide clarity, reduce stress, and help avoid costly mistakes before they happen.

Hiring a lawyer to help may sound expensive, but a good probate attorney will take payment directly from the estate—meaning no out-of-pocket costs for the executor.

Serving as a Personal Representative or executor is an important responsibility, but it does not mean the person has to shoulder every burden alone. With knowledgeable guidance, probate can often be administered efficiently and with confidence, allowing the representative to focus on honoring the loved one's wishes rather than worrying about legal procedures.

For those who have recently lost a loved one or have questions about administering an estate in Maryland, the team at Frost Law is here to help. The estate administration team can guide people through each stage of the probate process, explain the responsibilities, and help ensure the



estate is administered properly so people can move forward with greater peace of mind. For states outside of Maryland, we may also be able to help. Give our office a call at [\(410\) 497-5947](tel:(410)497-5947) or [fill out our contact form](#) to set up a quick consultation.

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