

TABLE 2-1
MAXIMUM ESTATE VALUE
TO AVOID PROBATE

	All Assets	Real Estate	Spouse		All Assets	Real Estate	Spouse
Alabama	\$ 3,000			Montana	\$ 7,500		
Alaska	\$ 15,000			Nebraska	\$ 10,000		
Arizona	\$ 30,000	\$50,000		Nevada	\$ 25,000		
Arkansas	\$ 50,000			New Hampshire	\$ 10,000		
California	\$100,000			New Jersey	\$ 5,000		
Colorado	\$ 27,000			New Mexico	\$ 30,000		\$30,000
Connecticut	\$ 20,000						+ homestead
Delaware	\$ 20,000			New York	\$ 10,000		
D.C.	\$ 15,000			North Carolina	\$ 10,000		\$20,000
Florida	\$ 20,000			North Dakota	\$ 15,000		
Georgia	\$ 2,500			Ohio	\$ 35,000		\$85,000
Hawaii	\$ 20,000			Oklahoma	\$ 60,000		
Idaho	\$ 25,000			Oregon	\$140,000	\$90,000	
Illinois	\$ 50,000			Pennsylvania	\$ 25,000		
Indiana	\$ 15,000			Rhode Island	\$ 10,000		
Iowa	\$ 15,000			South Carolina	\$ 10,000		
Kansas	\$ 10,000			South Dakota	\$ 10,000		
Kentucky	\$ 10,000			Tennessee	\$ 10,000		
Louisiana	\$ 50,000	no real estate		Texas	\$ 50,000		
Maine	\$ 10,000			Utah	\$ 25,000		
Maryland	\$ 20,000			Vermont	\$ 10,000		
Massachusetts	\$ 15,000			Virginia	\$ 10,000		
Michigan	\$ 15,000			Washington	\$ 60,000		
Minnesota	\$ 20,000			West Virginia	\$ 50,000		
Mississippi	\$ 20,000			Wisconsin	\$ 10,000		
Missouri	\$ 40,000			Wyoming	\$ 70,000		

takes seventeen times longer and costs one hundred times more to transfer a deceased person's wealth to survivors than the currently revised system in England.

In the mid-1960s, efforts to modernize the probate system through adoption of the so-called Uniform Probate Code were conceived as joint projects of the American Bar Association and the National Conference of Commissioners on Uniform State Laws. The project attempted to bring some order to a system that was so archaic and complex that few, if any, of the country's scholars of jurisprudence could find any redeeming value in it at all.

Unfortunately, the Uniform Probate Code ran into such universal opposition that it was either rejected outright or, where adopted by

certain states, watered down to such an extent that one legal scholar said, "One wonders whether the original writers of the model code would recognize their own work."

THE COST OF PROBATE

As one legal scholar expressed it so well, "The cost of probate expands to consume the money available." Although said with tongue in cheek, the remark was also an attempt to encourage the legal profession to reform a system that has become scandalously consumptive.

A nationwide survey of probate and administrative costs was published in 1977 by the Estate Research Institute. Table 2-2 shows the relative consistency of the probate cost—as a percentage of the estate. **Note that the fees are**