

HeirSearch™

We Find Missing Heirs A Better Way



How to Search For, Find, and Maximize the Estate Distributions of Heirs

Updated January 2021

www.heirsearch.com

THE CHALLENGES OF HEIR SEARCHING



Heir searching is an inherently complicated and time-consuming task, due to various factors, such as:

- **Statutes and administrative requirements that vary by state;**
- **Documents that may be erroneous or out-of-date;**
- **And crucial information that rests in the hands—or the memories—of unreliable people,** some of whom are located in the farthest reaches of the globe.

Consequently, Estate practitioners tasked with dispersing the assets of estates to known—and most pertinently unknown—heirs and beneficiaries may face significant obstacles in fulfilling their fiduciary duties.

That being said, the **single biggest barrier** to conducting a successful heir search is the unwillingness of many professional heir search firms to charge fair and reasonable fees for their services. Also known as “heir hunters,” such firms monitor court filings to find probate records of estates with unknown heirs and then conduct preliminary research to find a few unwitting heirs to sign percentage-based contracts that may force an heir to relinquish up to half of their inheritance. With these percentage-fee-based heir hunters, the bigger the estate, the bigger the disposition.

This approach is unjust to not only the heirs and/or beneficiaries, but also to the legal professionals themselves, who have a fiduciary duty.

There is, however, a better way. Hourly fee-based heir search firms, while they make up a minority segment of the industry, are committed to providing thorough, professional heir search services that commence only with written authorization of a legal professional. Unlike percentage-fee-based heir hunters, hourly fee-based professional firms, such as HeirSearch, truly help legal professionals fulfil their fiduciary duty as reasonably and efficiently as possible.

This is why we can proudly say We Find Missing Heirs a Better Way™.

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WHAT IS HEIR SEARCHING?



While distributing the assets of an estate or trust among its rightful heirs and beneficiaries can be straightforward when they are known, often an in-depth search must be conducted to find one or many more of the people who stand to inherit.

In some cases, the heirs may have lost touch with the decedent; in others, there may never have been a relationship to begin with. Sometimes the contact information for heirs is simply outdated; after all, it is estimated that 22% of U.S. adults moved or know someone who moved due to the COVID-19 pandemic, and on average, [40 million Americans](#) moved each year between 2016 and 2020.

It is also possible that a decedent fails to clearly specify how they'd like their estate to be distributed and didn't leave a will. To this point, [67% of Americans](#) don't have a will at all. And that number is climbing; in 2016, the percentage of Americans without a will stood at 56%.

When a person dies intestate, their estate is distributed according to the descent and distribution laws of the state in which they

were living. As such, in most cases the need to find heirs and beneficiaries is to notify them that they're entitled to a disposition, or to serve the heirs a notice or citation as part of the probate process.

In each scenario, it's left to the estate practitioner to locate the heirs and beneficiaries—i.e. to undertake an “heir search.”

Whether you're the attorney for the estate, personal representative or executor; or a private or public fiduciary, guardian or administrator, the important task in the probate process is to identify and locate those who are legally entitled to a disposition from the estate or for notice of the proceedings.

Many practitioners begin their search for missing heirs alone, but from tracking down accurate vital records to identifying who the rightful heirs and/or beneficiaries are in the first place, it's inherently complex and onerous. This is why most legal professionals seek the assistance of an heir search services firm.

STANDARD GENEALOGY VS. FORENSIC GENEALOGY

While a critical component of heir searching is locating the whereabouts of heirs and beneficiaries, in some cases the search must begin with finding out who, exactly, the heirs are. This is achieved through forensic genealogical research, which differs from standard genealogy in a few ways.

In general, genealogy is the study of family origins and history. It involves examining one's ancestors through documenting how each generation is connected to the next using dates of birth, marriage, and death. Standard genealogy can be done as a casual or a professional pursuit; there are numerous services that use standard genealogy to help people trace their “family tree”.

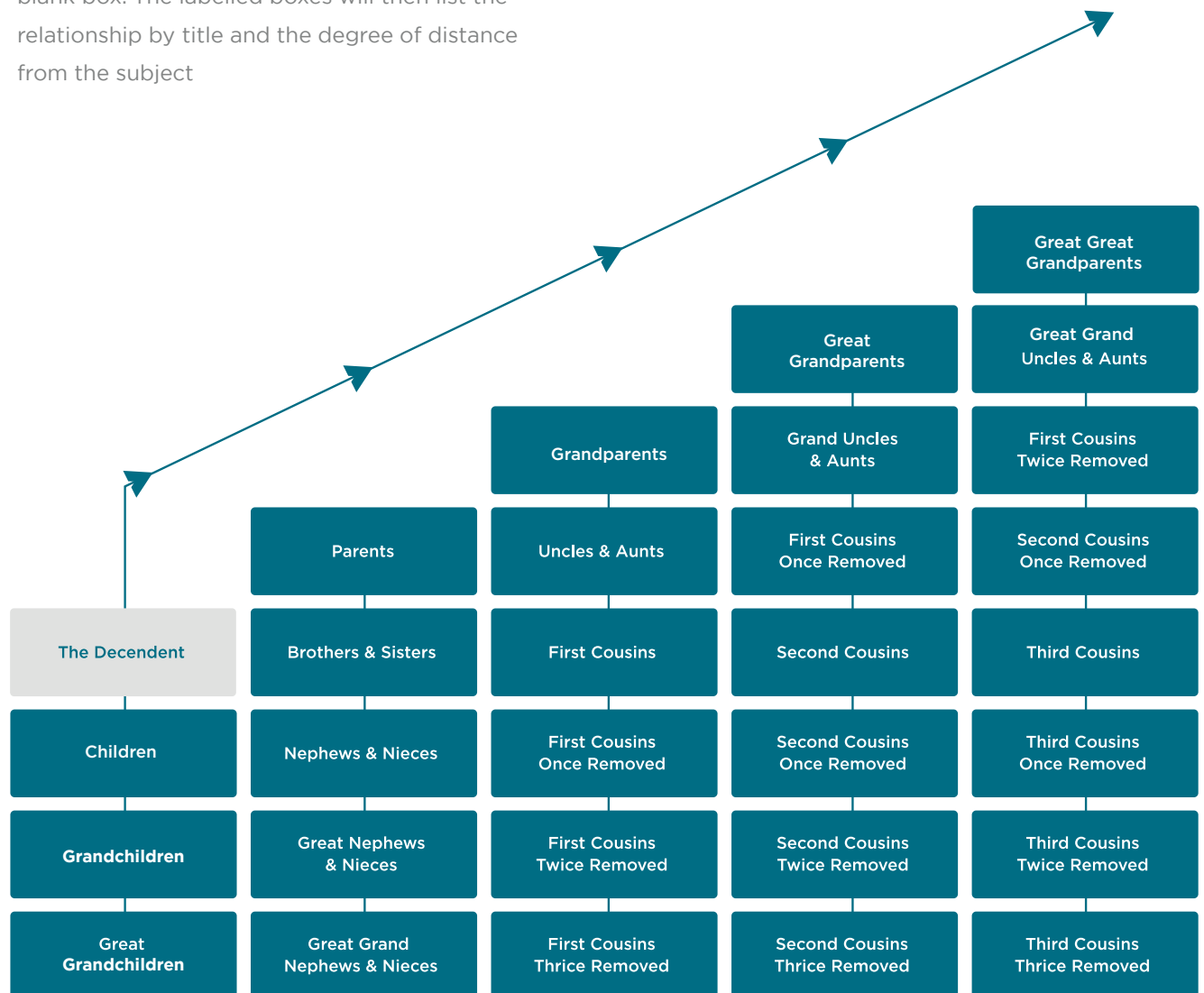
Forensic genealogy, on the other hand, establishes pedigree through deep research and is conducted by a trained professional. Forensic genealogy, in many cases, also has legal implications—typically the distribution of held monies or assets. Both make use of individual interviews and document searches and leverage a Consanguinity Chart (see Exhibit 1), which illustrates the relationships among blood relatives, from lineal or direct to collateral to extended.



TABLE OF CONSANGUINITY

Instructions:

Place the subject/decendent for whom you need to establish relationship by consanguinity in the blank box. The labelled boxes will then list the relationship by title and the degree of distance from the subject



Professional heir searching leverages forensic genealogy, as its goal is to identify heirs or beneficiaries expressly for the purpose of the legal disposition of a decedent's assets to them. With that goal in mind, heir search firms don't go back in time like a standard genealogist would, but instead go forward, starting with the decedent to find living heirs.

Many U.S. states have recently adopted a uniform probate code, while a few states still maintain their own unique descent, distribution, and notice statutes; for example, some states differ as to which generational level or degree of consanguinity is required when it comes to locating living heirs.

Using forensic genealogy, professional search firms not only identify and locate missing heirs in accordance with state laws, but generate the detailed reports necessary for the disposition of monies and assets to be approved, with affidavits, exhibits, and all efforts to find missing heirs and determine kinship documented accordingly.

If the search process isn't conducted according to state laws and/or the report isn't compiled in such a way as to receive court approval, the disposition cannot be made, and the professional representing the estate could be held liable, such as for breach of fiduciary duty.



BARRIERS TO GETTING THE MAXIMUM ESTATE AMOUNT TO RIGHTFUL HEIRS



As with any endeavor where the goal is a distribution of monies and/or assets, the potential for ethical violations can be especially high. And while on a state level there are statutes, administrative rules, and related laws that apply to heir searching, these may differ from state to state.

Moreover, in the U.S., while some heir search firms adhere to the Genealogical Proof Standard as well as the ethical guidelines laid out by the [Association of Professional Genealogists](#), the heir search industry itself is largely unregulated. It lacks an established organization that accredits its members or otherwise provides standards to which heir search practitioners must adhere.

By far the biggest barrier to getting the maximum estate amount to its rightful heirs and/or beneficiaries is the fee structure approach used by certain heir search firms. A professional search firm should always be capable of producing one of two results:

- Either locate missing heirs;
- Or in cases when an heir cannot be found, provide a due diligence report that will satisfy the court along with testimony if required and show that all attempts were made to locate said heirs by charging fair, reasonable, transparent, and justifiable fees.

How certain heir search firms choose to approach the search and what they charge for their services, however, often comes at an exorbitant cost to everyone else involved.

CHOOSING THE RIGHT HEIR SEARCH APPROACH



The first and most common way to conduct an heir search is the do-it-yourself approach. Typically upon a person's death, the person handling the estate will try to locate the heirs by reaching out the decedent's family members, searching for vital records using online databases, or even going through the personal effects of the deceased in the hopes of recovering contact information.

Such searches can often be frustrating at best and at worse, futile. Not all connections will be forthcoming with, or even have access to, accurate information; vital records aren't always available or, for the average person, accessible, and even if they can be accessed may be inaccurate or incomplete; and contact information, if it can be located at all, isn't always up-to-date. Some people—for whatever reason—don't want to be found.

The search often crosses borders as well, which requires navigating local laws, languages, cultural norms, or even political conflicts. In some cases, the search will

take people to extremely rural and difficult-to-access regions that, in the interest of safety, require the guidance and assistance of locals. To be sure, some people may consider such a journey the adventure of a lifetime, but it can easily become an exercise in frustration and expense if they fall short in obtaining just one or two vital pieces of information required for dispensation of the assets in question.

Such roadblocks are why many people seek the assistance of individual professionals, such as genealogists or private investigators. However, their skills and experience will vary—many lack expert witness capabilities or are not fully credentialed—and they are often limited to the most local of searches. Others will seek out an heir search firm, which generally has international reach, employs multiple people, and is steeped in the legal requirements around identifying, locating, and contacting rightful heirs and beneficiaries. Where they differ is around how they initiate the search in question—and the fees they charge to do so.

Percentage-based fee firms, also known as heir hunters, monitor the probate records filed in courts to find estates that have both known and unknown heirs. They then initiate an independent search to find the heirs and once they do, present them with a contract that gives the firm a percentage of the value of the monies and/or assets due to the heir.

They do not reveal the source of the inheritance nor any other related information to the heir, but instead use their exclusive possession of this knowledge as leverage to get the heir to sign the contract. The percentage-based fee is typically one-third but can be as high as one-half of the disposition value, and can be even higher for heirs found overseas.

Heir hunters will also direct the heir to a law firm with whom they have an ongoing working relationship. The law firm then

informs the probate attorney that they represent the estate heir, and that proof of their client's relationship to the decedent will be immediately forthcoming in the form of a signed letter. This "race" to get to the estate first is over for any other heir hunters as soon as such a letter is received by the probate attorney or trust officer.

Obviously, heirs are placed at a distinct disadvantage when heir hunters withhold inheritance information until after a contract is signed. And referring an heir to a specific attorney can be viewed as serving the heir hunter's interest before the heir's. Moreover, it is the duty of the estate attorney to find all the heirs named, so the involvement of an heir hunter focused on finding just one or two heirs significantly complicates—and in some cases outright jeopardizes—the job they've been tasked to do.



Non-percentage-based fee firms, on the other hand, only charge based on the nature of the search required and the information available — not on the size of the trust or estate.

As such, the value of their services increases with the value of the estate or trust. They can often be engaged without a retainer; do not initiate their search without the knowledge and written authorization; will usually recommend obtaining court approval of their search firm’s proposal; and will only seek their fee after the search has been successfully completed.

When weighing the relevance of an heir search firm’s fees, C. Tim Rodenbush, President of HeirSearch, offers estate and

legal professionals the following advice: “Put yourself in the missing heir’s shoes.” In other words, if you were the lost heir, would you willingly choose to pay an heir hunter up to 50% of your inheritance just to find you? Of course, the answer is no.

The math is simple: the more reasonable the cost of the search, the greater the inheritance that remains for the heir. When faced with the fiduciary responsibility of engaging an heir search firm to locate missing heirs, it is incumbent upon estate and legal professionals to think in terms of justifying the search firm’s fees to the missing heir. For help, see the 7 Guidelines for Selecting an Heir Search Firm (Exhibit 2).

Percentage and Non-Percentage Fees Comparison

	Percentage Fee	Non-Percentage Fee
Estate Value	\$1,000,000.00	\$1,000,000.00
Fee Charged	\$300,000.00	\$3,000.00
Savings for heirs		\$297,000.00

7 GUIDLINES FOR SELECTING AN HEIR SEARCH FIRM



Exhibit 2

1

Time is of the essence. As soon as the estate has been opened and filed with the court, this public knowledge will push numerous heir hunter firms to actively seek out the heirs. Once located, they will have the heirs sign a percentage-fee contract before disclosing details of the estate or amount of the inheritance.

2

Be cautious when discussing the case with prospective search firms. Remind the firm that it is not authorized to start a search without your consent. Many firms offer different fee structures, at times independently searching for heirs without estate approval, and other times offering services to the estate. A fee quotation can be obtained without disclosing the estate name or the names of the missing heirs.

3

Fully understand all the search firm's fee methodologies. Whether the fee is to be paid by the missing heir's portion or by the estate, make sure it is reasonable. The services to locate heirs by a professional search firm can always be achieved with fair, reasonable, transparent, and justifiable fees.

4

Be sure the firm has adequate errors and omissions insurance to protect all parties.

5

Ensure that the firm is capable of national and international scope searches.

6

Check industry references and associations to ensure that the search firm is reputable and in good standing.

7

Obtain court authorization, where applicable, of the search firm and the fees. The firm should be able to provide fully documented court ready reports and testimony if required.

A BETTER WAY TO CONDUCT HEIR SEARCHES



Since 1967, HeirSearch has provided the legal and trust professions a forensic genealogy approach to support their clients through our five-pillar approach, which consists of: reasonable, non-percentage-based fees; authorized search services, a 97% success rate; documented court-ready reports; and worldwide service.

Reasonable, Non-Percentage-Based Fees

Our fees are quoted in advance and determined by a set fee schedule based on the type of search and its unique requirements—never as a percentage of the trust or estate. Our services include:

- **Professional Forensic Genealogical Researchers:**
With combined experience of more than 130 years, our team of forensic genealogical researchers has successfully completed tens of thousands of searches. Our researchers adhere to the Genealogical Proof Standard with specialties including history, forensics, sociology, geography, private investigation, and archival management. Additionally, our research team features expertise in a variety of languages and cultures.
- **Superior Data:**
A vast and dynamic range of databases that leverage the resources of respected third parties. We also have archival records and a library with an international scope.
- **Extensive Network of Worldwide Resources:**
We have connections, resources, and relationships that span every continent and together allow us to access information quickly, efficiently, and cost effectively.
- **Regular Updates and Research Summaries:**
Your researcher will regularly advise you of our progress and next steps via the communication method of your choice and will provide research summaries including the identified heirs. We will also update you immediately if significant discoveries occur.

Authorized Search Services

HeirSearch services are retained by attorneys for fees quoted up front. We believe courts look more favorably on agreements with heir search firms when the cost of the search is known in advance. We never initiate independent searches.

97% Success Rate Since 1967

Our research experts are highly qualified in finding missing heirs and beneficiaries using a combination of specialized education, training, and experience. Since our inception, this collective knowledge and expertise has yielded an average success rate of 97%.

Documented Court-Ready Report:

Concluding the search, the collected and analyzed data is expertly organized into a court-ready final report, tailored to your specific needs, in both digital and hard-copy form. We can provide a standard report, notarized affidavit, or declaration. All supporting documentation required to establish identities of the parties referred to are accurately, clearly, and concisely detailed in the final report, which can also include, if applicable:

- **Exhibits:**

Critically analyzed supporting documentation/records required to establish identities of the parties referred to in the final reports. Exhibits can also be included, by request, within research summaries.

- **Family Tree:**

A detailed diagram illustrating the generations of a decedent's family and the relationships among heirs, customized to include the names, birth and death dates,

corresponding exhibit numbers, and references to individual paragraphs found in the final report. The layout is designed for prompt and convenient reference.

We also provide testimony in court when needed, via video conferencing or telephone. We do written depositions as well, in an affidavit of declaration format. We provide any level of support as needed. HeirSearch is periodically called upon to provide expert witness testimony in numerous jurisdictions on matters related to our forensic genealogy expertise.

Worldwide Service

Over the years, HeirSearch has successfully located tens of thousands of missing heirs and lost beneficiaries in more than 65 countries. Regardless of location or scarcity of information, our in-house knowledge and international research expertise allow us to succeed where other search firms fall short.

We have satisfied clients in every U.S. state and Canadian province. Our extensive history and worldwide resources allow HeirSearch to successfully resolve cases ranging from one-off searches for a single named individual to larger projects requiring comprehensive, in-depth genealogical research, both domestic and international.

Not only do We Find Missing Heirs A Better Way™, but we are also a proud partner of the National Association of Estate Planners & Councils, The Association of Professional Genealogists, The American Bankers Association, The Federation of Genealogical Societies, The Washington State Genealogical Society, and The Better Business Bureau.

SEARCHING WITH A SINGLE PHOTOGRAPH

Objective:

To locate a decedent's paternal family using only information found on an old family photograph and provide notice to the family's heirs.

Background:

HeirSearch was hired to locate the paternal family of a woman who had recently passed away. The decedent was 90 years old when she passed and had very few relatives left that were familiar with her family history. All HeirSearch had to go on was a photograph of the decedent's paternal family: seven people seated at a dining room table, with the names of each individual handwritten on the back. Notably, there were eight place settings at the table, with the empty spot ostensibly belonging to the photographer and potential eighth family member.

Challenges:

With only names on an old photograph to work with, background information was minimal. Initial attempts to obtain records for the decedent's father using his given name had failed.

HeirSearch Results:

After a lengthy investigation, our research experts made a breakthrough when they discovered that surnames on both the paternal and maternal sides had been changed when they immigrated to America. It appeared that modern day relatives with the "new" surnames had no idea that their family surnames had ever been changed.

After many interviews, we discovered a distant relative who was aware of the original surname. It turned out that the "new" surname was not a simple adaptation of the original, but rather a completely different surname. Our researchers began investigating the individuals listed on the back of the photograph and while three of them could not be found in census records, individuals with similar names and ages were located.

After searching all available records, we were able to make connections between individual family members. It turned out the paternal family line came to America from Russia. We were unable to find the landed immigration or passenger arrival records using the "new" surname, but we did find a record using the original surname for three of the dinner guests. That was the missing link that helped us successfully complete the search.

The decedent's paternal family was located and our client was able to provide notice.

A FAMILY TREE WITH COUNTLESS BRANCHES

Objective:

To locate, prove, and report the parents, siblings, and half-siblings of the decedent.

Background:

When a New York-based attorney enlisted us to help notify the decedent's relatives of the probate petition, the task seemed straightforward. But as it unfolded, it was clear that a deeper lineal search was needed to satisfy the attorney's executor obligations.

Challenges:

After our initial research, which encompassed locating, proving, and reporting parents, siblings, and half-siblings of the decedent, the case expanded in scope for HeirSearch™ to conduct a thorough lineal investigation of the decedent. What had been discovered in the search up to that point caused the court to order more research on the lineal descendants.

HeirSearch Results:

During our investigations, we located a series of additional family members:

- Two alleged children (one living, one deceased)
- One alleged granddaughter (living)
- Two half-blood siblings (both deceased)
- And two half-blood nieces (one deceased and one living)

Upon presenting our initial results, the court requested further research for an unnamed individual — an alleged grand-nephew of the half-blood. Our response to the request included many sources, of which none returned matching records.

After the exhaustive research, our affidavit of search results was successfully delivered to the court.

At HeirSearch, we will be glad to assist you in any current or future heir search needs. Call now 1-800-663-2255 or visit www.heirsearch.com and see for yourself how We Find Missing Heirs A Better Way™.

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Gold Level
Associate Member

