

## OVERVIEW OF SMALL ESTATE ADMINISTRATION PROCESS

- A. Small Estate process is **restrictive** due to the “small” assets in the estate & simple nature of assets vs. creditors/beneficiaries/heirs-at-law. (NO complications expected).
- B. Small Estate **has limits** of \$50,000 in personal property
- C. Small Estate **has limits** on when probate can start:
  - With Valid Will AND Executor/trix filing Affidavit: **30 days or more AFTER Date of Death of the Decedent**
  - With NO Valid Will OR Valid Will but beneficiary filing Affidavit instead of Executor/trix: **60 days or more AFTER Date of Death of the Decedent**
- D. Small Estate **can be rescinded** (AKA Cancelled and Regular Probate required) after it has started **if**:
  - A beneficiary or heir-at-law objects (in writing) within 30 days after filing of the Small Estate Affidavit.
  - The Authorized Successor finds additional assets that exceed the limitation for personal property of \$50,000
  - The Authorized Successor must finish a lawsuit for the Decedent or needs to file a lawsuit for the Decedent.
- E. **NO PUBLICATION** of the estate is required/**NO Claim Deadline** published.
- F. **NO ESTATE FINAL SETTLEMENT** is required/NO additional documents need to be recorded.
- G. **STEP ONE:** Only ONE document is required for the ENTIRE Small Estate probate: **Small Estate Affidavit**. IF estate is Testate, the ORIGINAL Will &/or any ORIGINAL Codicil must be recorded WITH the Affidavit. Probate fees are generally smaller---from \$14.50 to over \$100 (the average fees stay under \$50, including recordings). Can be filed In-Person through an appointment OR can be filed Remotely by *regular mail only*. For complete details, the website has forms found under the TAB: **SMALL ESTATE OPTION**
- H. **STEP TWO:** When Small Estate Affidavit is recorded, the Authorized Successor will be given proof of the Small Estate process and helpful information for tips to complete their duties in SIX (6 months). Authorized Successor is responsible for notifying/paying creditors (using probate assets per WV Code Order of Debts 44-3A-26) and for distributing assets to heirs/beneficiaries.