

COMPLETE SMALL ESTATE AFFIDAVIT (INTESTATE-NO VALID WV WILL) PROCESS-INCLUDING INSTRUCTIONS TO COMPLETE AFFIDAVIT

WHAT'S NEW? No in-person appointment required (can be done by mail), no waivers, no publication notice, no final settlement of estate & usually, lower probate/recording fees.

Information to use from the “Choosing an Option for Probate of a Decedent” Worksheet:

- A. DEATH CERTIFICATE?** ____ Yes. (Must show Jackson County WV as residence to complete this process.) **PLEASE NOTE:** For any Jackson Co WV Resident who died outside of WV, you MUST record an original, certified copy of the Out-of-State Death Certificate WITH THE SMALL ESTATE AFFIDAVIT.
- B. ASSETS: PERSONAL PROPERTY** ____ Yes. Solely owned Information from your Assets of a Decedent worksheet findings will be listed on #6 of the Small Estate Affidavit.
- C. HEIRS-AT-LAW NAMES/ADDRESSES.** ____ Yes. Information from your Family Tree worksheet findings will be listed on #5 of the Small Estate Affidavit.

Instructions for filling out & recording the Small Estate Affidavit:

Each Blank of the Small Estate Affidavit should be completed (except on descriptions of personal property). Below are tips to help you complete the Affidavit (these follow in the order they appear in the Affidavit):

1. List YOUR State and County (Your location. Where the Affidavit will be signed/sealed by a Notary)
2. List YOUR Name & address. You are filing to become the Authorized Successor. (MUST BE AT LEAST 60 days after death)
3. List Decedent's name (name as listed on Death Certificate. An “also known as” AKA **may** also be added **if** other assets show a different name for the same person)
4. List Decedent's date of death (month/day/year).
5. The Decedent's Residence County must be Jackson and Residence State must be West Virginia to complete this Affidavit.
6. *If death occurred in WV, the Death Certificate will be recorded by Vital Statistics. If death occurred outside WV, you **MUST** include an original, certified copy of Out-of-State Death Certificate when filing the Affidavit.
7. List your Relationship to the Decedent.
8. List the Name, Address, Relationship of appropriate of lawful heir(s).
IMPORTANT REMINDER: If not confirmed before, you may contact our office to assist you with this information.
9. List the Share (or percentage) the heir is entitled to BY LAW. NOTE: if more space is needed for heir information, put a checkmark or “x” in the (____) statement for continuation sheet.
10. Category #5: When listing the description of each probate personal asset on #5, please **DO NOT** include any bank account numbers. An appropriate description would be the name of bank & type of account or year/make/model of vehicle. The fair market value

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should be closest to date of death. (*recommended for “flexibility”—add the statement “Possible check(s)/refund(s) payable to the decedent or the Estate” AND give a best estimate for market value.*)**this area does NOT have to have ALL blanks filled in**
REMEMBER: **total** must be \$50,000 or less. LIST TOTAL.

11. You MUST checkmark #6 stating that the decedent had NO probate real estate or mineral rights in WV. (cannot use Small Estate if decedent HAS probate real estate/min. rts.)
12. On #7 please note that it must be at least 60 days since Decedent’s death with no regular probate started for the Decedent’s estate.

13. DO NOT SIGN/DATE AFFIDAVIT UNTIL OUR OFFICE SAYS TO.

14. After you have completed steps 1-12, **we advise you to fax, email, or mail a copy of it to our office for confirmation.** **WV STATE CODE REQUIRES US TO CONFIRM THAT THE BLANKS ARE FILLED IN CORRECTLY & THAT THE TOTAL DOES NOT EXCEED THE AMOUNT SET BY THE WV STATE CODE.** (This step is helpful to keep you from mailing in the document and fees but having it all returned to you because it isn’t filled out accurately or correctly.)

15. **WHEN THE SMALL ESTATE AFFIDAVIT HAS BEEN CONFIRMED COMPLETE BY OUR OFFICE,** you may MAIL OR BRING IT TO OUR OFFICE.

16. **Fees for Small Estate Affidavit process (listed below) due when Affidavit recorded:**

- A. Recording fee, Small Estate Affidavit: \$12.00 (for 5 pages or less), generally \$1.00 per extra page. We can confirm fee when we see the copy of the Affidavit.
- B. Postage fee, to mail to other heirs listed on the Affidavit: \$1.50 per person.
- C. Copy fees, to mail to other heirs: **based on number of pages in the Small Estate Affidavit. (example: 5 pages or less, Affidavit copy fee is \$4.50 x number of persons to be notified. 6 page Affidavit copy fee is \$5.50 x number of persons to be notified.
- D. Certificate & Authorization fee: \$2.50 each. Generally, one certificate should be enough but it is your decision if you want multiple copies.

What happens after Small Estate Affidavit is recorded?

- a. **You, the Authorized Successor, are issued a Certificate & Authorization form listing all transferrable assets.** (You can begin presenting the Certificate & Authorization to places listed to begin transfers to beneficiary/ies.) **We also provide a separate Helpful Information sheet that may help you**
- b. **Copy of Small Estate Affidavit will be mailed to each additional heir, if applicable.** (if anyone objects in writing to the Small Estate Affidavit within 30 days, we will notify you & follow WV Code to make a determination on whether the estate can continue as a Small Estate or if regular probate must be done)
- c. **You, the Authorized Successor, are responsible for completing the probate process – including notifying creditors, paying debts as able using the probate assets.**