

VIRGINIA SMALL ESTATE AFFIDAVIT

Virginia Small Estate Act – Va. Code §§64.2-600 & 64.2-601

Note to the “person” to whom this Affidavit is delivered: Any person having possession of a small asset shall pay or deliver the small asset to the designated successor of the decedent upon being presented an affidavit made by all of the known successors. Upon the presentation of this affidavit, the designated successor may endorse or negotiate any small asset that is a check, draft, or other negotiable instrument that is payable to the decedent. If you do not understand or have questions regarding your legal responsibilities relative to this Affidavit, you should consult an attorney at law.

I/We, the “Successor(s)”, after being duly sworn, depose and state as follows:

1. That _____, the “decedent”, died on the ____ day of _____, 20_____.

2. That at the time of death, the decedent’s estate consisted of only a “small asset”.

A “small asset” means any indebtedness owed to or any asset belonging or presently distributable to the decedent, other than real property, having a value on the date of the decedent’s death of no more than \$75,000. A “small asset” includes any bank, savings institution, credit union, or brokerage account, security, deposit, tax refund, overpayment, item of tangible personal property, or an instrument evidencing a debt, obligation, stock, or chose in action. Upon presentation of this Affidavit the designated successor may endorse or negotiate any small asset that is a check, draft, or other negotiable instrument that is payable to the decedent or the decedent’s estate.

A description of the Small Asset appears below:

Checking Account Savings Account Check payable to the Decedent Brokerage Account Stock Deposit

Tax Refund Unclaimed Property Motor Vehicle Debt Instrument (i.e. promissory note)

Chose in Action (i.e. right to sue) Other: _____

3. That the value of the decedent’s entire personal probate estate as of the date of the decedent’s death, wherever located, did not exceed \$75,000.

4. That at least 60 days have elapsed since the decedent’s death.

5. That no application for the appointment of a personal representative is pending or has been granted in any jurisdiction.

6. That the decedent’s will, if any, has been duly admitted to probate.

7. That the claiming Successor is entitled to payment or delivery of the “small asset”, and the basis upon which such entitlement is claimed appears below: “Successor” means any person, other than a creditor, who is entitled under the decedent’s will or the laws of intestacy to part or all of a small asset.

Surviving Spouse Beneficiary under Will Heir (no Will) Other (describe relationship to the decedent): _____

8. That the names and addresses of all Successors, to the extent known, are:

Name of Successor(s):

Address:

- | | |
|----------|-------|
| 1. _____ | _____ |
| 2. _____ | _____ |
| 3. _____ | _____ |
| 4. _____ | _____ |

9. That the name of each Successor designated to receive payment or delivery of the “small asset” on behalf of all Successors is/are: “Designated Successor” means one or more successors who are designated pursuant to subdivision A 7 of § 64.2-60 to receive payment or delivery of the small asset on behalf of all successors.

10. That the Designated Successor shall have a fiduciary duty to safeguard and promptly pay or deliver the “small asset” as required by the laws of the Commonwealth of Virginia.

WHEREFORE, the undersigned Successor(s) to the “small asset” of the decedent make this Affidavit pursuant to §64.2-601 of the 1950 Code of Virginia, as amended (all successors must sign in front of a notary)

Signature (Successor 1) Signature (Successor 2, if applicable) Signature (Successor 3, if applicable) Signature (Successor 4, if applicable)

NOTARY CLAUSE

This section is completed by the Notary Public or Clerk

STATE OF _____ COUNTY/CITY OF _____, to-wit:
This Virginia Small Estate Affidavit was acknowledged, subscribed, and sworn to before me this ____ day of _____, 20____,
by _____
(Names of Successor(s) signing affidavit)

Notary Registration Number: _____

My Notary Commission expires: _____

Notary Public/Circuit Court Clerk/Deputy

STATE OF _____ COUNTY/CITY OF _____, to-wit:
This Virginia Small Estate Affidavit was acknowledged, subscribed, and sworn to before me this ____ day of _____, 20____,
by _____
(Names of Successor(s) signing affidavit)

Notary Registration Number: _____

My Notary Commission expires: _____

Notary Public/Circuit Court Clerk/ Deputy