

VIRGINIA SMALL ESTATE ACT AFFIDAVIT

Va. Code §64.2-600 & 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. If you do not understand or have questions regarding your legal responsibilities relative to this Affidavit, you should consult an attorney at law. “Person” means any individual, corporation, business trust, fiduciary, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.*

I/WE, the “Successor(s)”

_____, after being first 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 only of a “Small Asset”. *“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 account, savings institution account, credit union account, 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:

☐ Bank Account ☐ Savings Institution Account ☐ Credit Union Account ☐ Brokerage Account ☐ Security ☐ Deposit
☐ Tax Refund ☐ Overpayment ☐ Tangible Personal Property ☐ Instrument Evidencing a Debt (i.e. promissory note)
☐ Obligation (i.e a contract right) ☐ Stock ☐ Chose in Action (i.e right to sue)

Description of Small Asset (if required by recipient of Affidavit):

3. That the value of Decedent’s entire personal probate estate as of the date of the decedent’s death, wherever located, does not exceed **\$75,000.00**.

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, was duly probated.

7. That the claiming Successor is entitled to payment or deliver of the small asset and the basis upon which such entitlement is claimed appears below (check all that apply):

“Successor” means any person, other than 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

If Other, describe relationship of the Decedent: _____

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

(IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL PAGE(S) TO AFFIDAVIT)

9. 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.

WHEREFORE, the undersigned Successor(s) to the Small Asset of the Decedent make this Affidavit pursuant to Va. Code § 64.2-601

(ALL SUCCESSORS MUST SIGN BELOW)

Signature

Signature

Signature

Signature

Signature

Signature

(IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL PAGE(S) TO AFFIDAVIT)

STATE OF _____, City/County of _____, to-wit:

This Virginia Small Estate Act Affidavit was acknowledged, subscribed and sworn to before this _____
Day of _____, 20____, by

My Commission expires: _____.

Notary Registration number: _____.

NOTARY SEAL

NOTARY PUBLIC