

Illinois Small Estate Affidavit: Action Checklist (2026)

Eight steps from death certificate to distribution under 755 ILCS 5/25-1

Work through these steps in order. The key rule: every valid debt is paid, in Illinois class order, before anything goes to heirs or legatees. Full guide:

clearlegaltips.com/illinois-small-estate-affidavit/

Before you sign

- ☐ 1. Get copies of the death certificate (one for each bank or company you will deal with).
- ☐ 2. If there is a will, make sure the original is filed with the clerk of the court in the proper county (755 ILCS 5/6-1), and get a certified copy to attach.
- ☐ 3. List every asset and mark which are in the decedent's sole name with no beneficiary. Note any real estate and how it passed (joint owner, transfer on death instrument, or the decedent's name alone).
- ☐ 4. Total the personal estate, leaving out registered motor vehicles and beneficiary assets. Compare it with \$150,000 (deaths on or after August 15, 2025) or \$100,000 (earlier deaths).
- ☐ 5. List all known debts and sort them into Classes 1 to 7.
- ☐ Medicaid check: if the person received Medicaid long-term care help, contact the Illinois HFS Bureau of Collections about estate recovery before you distribute.

Counted personal estate total (\$): _____

Number of death certificates ordered: _____

Signing and using the affidavit

- ☐ 6. Complete the small estate affidavit in the form set out in 755 ILCS 5/25-1(b) (circuit clerks post copies) and sign it before a notary.
- ☐ If you live outside Illinois, name an agent for service of process in Illinois on the form.
- ☐ 7. Give a copy, with the death certificate (and certified will copy, if any), to each bank, brokerage, employer or other holder.

Holders contacted and date (bank / company, date delivered): _____

Paying and distributing

- ☐ 8. Pay debts in class order (Class 1 funeral and administration costs first), then distribute what remains as the affidavit states.
- ☐ Keep a receipt for every payment and distribution.

[] Remember: you agree to cover losses others suffer by relying on the affidavit, up to the amount lost through your act or omission. A false statement is perjury.

Date final distribution completed: _____

INSTRUCTIONS FOR USE

This checklist is general information, not legal advice. It reflects 755 ILCS 5/25-1 as amended by Public Act 104-346 (effective August 15, 2025); Public Act 104-624 changes the vehicle rule on January 1, 2027. Checked against the Illinois statutes and HFS pages in October 2026. If heirs disagree, cannot be found, or real estate is involved, talk with an Illinois attorney. Guide and sources: clearlegaltips.com/illinois-small-estate-affidavit/