

Small Estate Affidavit Limits by State (2026)

All 50 states and the District of Columbia: dollar limit, real estate rule, waiting period and statute

Last updated: October 6, 2026. Each figure was checked in October 2026 against official sources or, where noted, secondary sources. The full guide with sources, the 2025-2026 changes and a step-by-step walkthrough is at clearlegaltips.com/small-estate-affidavit-limits-by-state/.

How to read it. Limit is the most property that can pass through the small estate shortcut. Real estate says whether a house or land can be included. Wait is how long after the death you must let pass before the affidavit works (none set means the statute names no waiting period). The limit usually measures the probate estate only: property that passes by beneficiary designation, joint ownership or a trust is generally left out.

State	Limit	Real estate?	Wait	Statute
Alabama	\$47,000 (adjusted periodically for inflation)	Not allowed	None set	Ala. Code §43-2-690 et seq.
Alaska	\$50,000 personal property plus up to \$100,000 in vehicles	Not allowed	30 days	AS 13.16.680
Arizona	\$200,000 personal property; separate \$300,000 real-property affidavit (2025 law; \$75,000/\$100,000 before)	Separate procedure	30 days	A.R.S. §14-3971
Arkansas	\$100,000 in all property, less encumbrances	Included	45 days	Ark. Code §28-41-101
California	\$208,850 for deaths Apr. 1, 2025 – Mar. 31, 2028	Separate procedure	40 days	Cal. Prob. Code §13100
Colorado	\$88,000 for 2026 deaths (adjusted each year)	Not allowed	10 days	C.R.S. §15-12-1201
Connecticut	\$40,000; no solely owned real estate	Not allowed	None set	C.G.S. §45a-273
Delaware	\$50,000 (effective June 10, 2026; \$30,000 before)	Not allowed	30 days	12 Del. C. §2306
District of Columbia	\$80,000 (D.C. Law 25-302, effective Mar. 21, 2025)	Included	None set	D.C. Code §20-351

State	Limit	Real estate?	Wait	Statute
Florida	\$150,000 summary administration (effective July 1, 2026; \$75,000 before)	Included	None set	Fla. Stat. §735.201
Georgia	No dollar cap; intestate estates only, all heirs must agree, and the estate must owe no debts or the creditors must consent or be served	Included	None set	O.C.G.A. §53-2-40
Hawaii	\$100,000 gross (motor vehicles excluded)	Not allowed	None set	HRS §560:3-1201
Idaho	\$100,000	Not allowed	30 days	Idaho Code §15-3-1201
Illinois	\$150,000 personal estate, motor vehicles excluded (deaths on/after Aug. 15, 2025; \$100,000 before)	Not allowed	None set	755 ILCS 5/25-1
Indiana	\$100,000 after liens, encumbrances and funeral expenses (deaths after June 30, 2022)	Separate procedure	45 days	IC 29-1-8-1
Iowa	\$100,000 personal property (effective July 1, 2026; \$50,000 before)	Not allowed	40 days	Iowa Code §633.356
Kansas	\$75,000	Not allowed	None set	K.S.A. 59-1507b
Kentucky	\$30,000 (tied to the KRS 391.030 spousal/child exemption)	Not allowed	None set	KRS 395.455
Louisiana	\$200,000 gross for Louisiana domiciliaries (Act 293 of 2026)	Limited (see statute)	None set	La. C.C.P. art. 3421 and 3431
Maine	\$40,000 base, adjusted each year for inflation (ask the county probate court for the current figure)	Not allowed	30 days	18-C M.R.S. §3-1201
Maryland	\$50,000; \$100,000 if the surviving spouse is the sole heir or legatee	Included	None set	Md. Code Est. & Trusts §5-601

State	Limit	Real estate?	Wait	Statute
Massachusetts	\$25,000, not counting the value of a car	Not allowed	30 days	M.G.L. c. 190B §3-1201
Michigan	\$53,000 for 2026 deaths (\$50,000 base, indexed)	Separate procedure	28 days	MCL 700.3983
Minnesota	\$75,000	Not allowed	30 days	Minn. Stat. §524.3-1201
Mississippi	\$75,000	Not allowed	30 days	Miss. Code §91-7-322
Missouri	\$40,000 in real and personal property, after liens, debts and encumbrances	Included	30 days	RSMo §473.097
Montana	\$100,000	Not allowed	30 days	MCA §72-3-1101
Nebraska	\$100,000 personal property	Separate procedure	30 days	Neb. Rev. Stat. §30-24,125
Nevada	\$25,000; \$150,000 if the claimant is the surviving spouse (vehicles excluded)	Not allowed	40 days	NRS 146.080
New Hampshire	No small estate affidavit; waiver of administration has no dollar test but fits only the cases RSA 553:32 lists (closing affidavit due 6 to 12 months after appointment)	Included	None set	RSA 553:32
New Jersey	\$20,000 for an heir (with other heirs' consent); \$50,000 for a surviving spouse or partner	Included	None set	N.J.S.A. 3B:10-3 and 3B:10-4
New Mexico	\$50,000	Not allowed	30 days	NMSA §45-3-1201
New York	\$50,000 in personal property	Not allowed	None set	SCPA §1301
North Carolina	\$20,000; \$30,000 if the surviving spouse is the sole heir	Not allowed	30 days	N.C.G.S. §28A-25-1
North Dakota	\$100,000 (\$50,000 before HB 1224 of 2025)	Not allowed	30 days	N.D.C.C. §30.1-23-01
Ohio	\$35,000; \$100,000 if everything passes to the surviving spouse	Included	None set	R.C. §2113.03
Oklahoma	\$50,000	Not allowed	10 days	58 O.S. §393

State	Limit	Real estate?	Wait	Statute
Oregon	\$75,000 personal property plus \$200,000 real property	Included	30 days	ORS 114.510 and 114.515
Pennsylvania	\$50,000 excluding real estate	Not allowed	None set	20 Pa.C.S. §3102
Rhode Island	\$15,000, not counting tangible personal property	Not allowed	30 days	R.I. Gen. Laws §33-24-1
South Carolina	\$45,000	Not allowed	30 days	S.C. Code §62-3-1201
South Dakota	\$100,000 personal property	Separate procedure	30 days	SDCL §29A-3-1201
Tennessee	\$50,000 in personal property	Not allowed	45 days	T.C.A. §30-4-103
Texas	\$75,000, not counting homestead and exempt property that can be set aside for a spouse or minor children	Homestead only	30 days	Tex. Est. Code §205.001
Utah	\$100,000	Not allowed	30 days	Utah Code §75-3-1201
Vermont	\$45,000 in personal property	Not allowed	None set	14 V.S.A. §1902
Virginia	\$75,000 (deaths on/after July 1, 2025; \$50,000 before)	Not allowed	60 days	Va. Code §64.2-601
Washington	\$100,000 after liens (surviving spouse's community half excluded)	Not allowed	40 days	RCW 11.62.010
West Virginia	\$50,000 personal property and \$100,000 real property	Included	None set	W. Va. Code §44-1A-1 et seq.
Wisconsin	\$50,000	Limited (see statute)	None set	Wis. Stat. §867.03
Wyoming	\$400,000 (since July 1, 2025; \$200,000 before)	Separate procedure	30 days	Wyo. Stat. §2-1-201

Your state, in three lines

State where the person lived at death: _____

Limit shown above: _____

Total value of your probate assets (\$): _____

Real estate involved? (yes / no): _____

Earliest date the affidavit can be used: _____

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