

Virginia Small Estate Affidavit Checklist (2026)

Ten checks under Va. Code 64.2-601 to 64.2-603, from the 60-day wait to paying out every successor

Before you sign

- ☐ Wait at least 60 days after the date of death. The affidavit has to state that 60 days have passed.
- ☐ If there is a will, have it probated with the clerk of the circuit court. The affidavit states that the will, if any, was duly probated.
- ☐ Add up the personal probate estate at date-of-death values and confirm it does not exceed \$75,000. The Act covers personal property only. Ask the clerk about joint, beneficiary and trust assets.
- ☐ Confirm no application for a personal representative is pending or granted in any jurisdiction.
- ☐ List all known successors under the will or intestacy law, with addresses, and decide who will be designated to receive the asset for all of them.

Signing and collecting

- ☐ Use Form CC-1685 (rev. 07/26), the form from the Virginia courts. Check the revision date before you sign.
- ☐ Have every known successor sign. The form's instructions say each successor's signature must be notarized.
- ☐ Present the signed affidavit to each bank, broker or other holder and ask what else it wants to see. For a single asset of \$35,000 or less, ask whether the holder will pay without an affidavit under 64.2-602.

After collecting

- ☐ Keep collected funds apart from your own money and record every receipt and payment.
- ☐ Pay or deliver each successor's share promptly. For a successor who is incapacitated or under a legal disability, use a 64.2-601(B) option.

Holder log (one row per bank, broker or other holder)

Date the affidavit was notarized: _____

Where the signed original is kept: _____

Holder / institution	Date presented	What else it asked for	Paid or delivered (date, amount)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Holder / institution	Date presented	What else it asked for	Paid or delivered (date, amount)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Holder that refused, if any (see 64.2-603): _____

Date each successor was paid and receipt kept: _____

INSTRUCTIONS FOR USE

Rules verified in October 2026 against Va. Code 64.2-600 to 64.2-603 (law.lis.virginia.gov), 2026 Acts c. 40 and Form CC-1685 with its instructions (courts.state.va.us). General information, not legal advice; laws change. Consult a licensed Virginia attorney about your situation. Companion guide: clearlegaltips.com/virginia-small-estate-affidavit/