

Virginia Small Estate Worksheet (2026)

Total the personal probate estate, run the \$75,000 and \$35,000 tests, and list all known successors before anyone signs

Virginia's Small Estate Act (Va. Code 64.2-600 to 64.2-603) lets all known successors collect a decedent's small assets by affidavit when the entire personal probate estate is worth \$75,000 or less on the date of death. The Act covers personal property only, not real estate. Full guide: clearlegaltips.com/virginia-small-estate-affidavit/

Part 1: Basic facts

Decedent's full name: _____

Date of death: _____

Day 60 after death (earliest use date): _____

Will probated? (date and clerk's office, or "no will"): _____

Personal representative applied for anywhere? (the affidavit says none): _____

Part 2: Personal probate assets (values on the date of death)

List the decedent's personal property and its value on the date of death. Mark any single asset worth \$35,000 or less: under 64.2-602 its holder may pay a successor after 60 days without an affidavit, but the statute does not require it to.

Asset (bank, brokerage, vehicle, refund, etc.)	Holder / institution	Value on date of death	\$35,000 or less?
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Total personal probate estate (\$): _____

Total \$75,000 or less? (if no, see the guide): _____

Part 3: Assets you are not counting (ask the circuit court clerk if unsure)

Real estate (outside the Act): _____

Joint accounts, accounts with a named beneficiary, retirement accounts, trust property (the Act does not say; ask the clerk): _____

Part 4: Successors (all known successors make the affidavit)

Name	Address	Basis (spouse / will / no will / other)	Notarized?
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Designated successor(s) (collect on behalf of all successors; one or more): _____

The designated successor has a fiduciary duty to safeguard the assets and promptly pay or deliver them. For a successor who is incapacitated or under a legal disability, 64.2-601(B) lets the designated successor pay the successor directly or apply the asset for the successor's benefit, pay a conservator (or a guardian if none), a Uniform Transfers to Minors Act custodian or custodial trustee, an adult with care or custody (only if none of those is known), or manage a separate fund the successor can withdraw.

Part 5: Distribution record

Date	Asset collected	Amount	Paid to	Receipt kept?
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

INSTRUCTIONS FOR USE

Figures checked against Va. Code 64.2-600 to 64.2-603 on law.lis.virginia.gov in October 2026 (\$75,000 limit and \$35,000 rule since July 1, 2025, 2025 Acts c. 148). Since July 1, 2026 (2026 Acts c. 40) the affidavit must be on a form prepared by the Office of the Executive Secretary of the Supreme Court of Virginia: Form CC-1685, rev. 07/26. This worksheet is a planning aid, not that form. General information, not legal advice. Laws change; consult a licensed Virginia attorney about your situation. Guide: clearlegaltips.com/virginia-small-estate-affidavit/