Washington Small Estate Affidavit Checklist (2026)

40 days, 10-day notice, debts, DSHS copy: the steps in RCW 11.62.010

BEFORE YOU START

[ ] Get copies of the death certificate to serve as proof of death.

[ ] Confirm the decedent was a Washington resident on the date of death.

[ ] Confirm no application or petition for a personal representative is pending or has been granted in any jurisdiction.

[ ] Confirm you are a successor under RCW 11.62.005 (will or intestacy taker, a spouse's one-half community interest, DSHS to the extent of its claim, or the state for escheat property).

TOTAL THE ESTATE

[ ] List personal property subject to probate. Set aside nonprobate assets listed in RCW 11.02.005.

[ ] Leave out the surviving spouse's or domestic partner's community property interest.

[ ] Subtract liens and encumbrances. The result must not exceed $100,000.

[ ] Real estate: the affidavit cannot transfer it. Look at a community property agreement, a recorded transfer on death deed, or probate.

DEBTS, NOTICE AND WAITING

[ ] Pay or provide for all debts, including funeral and burial expenses.

[ ] Send written notice to every other successor by personal service or mail, identifying your claim and describing the property.

[ ] Mark the date 10 days after the notice was served or mailed.

[ ] Mark the date 40 days after the death.

[ ] Wait until both dates have passed.

SIGN AND SEND

[ ] Prepare the affidavit with all nine statements in RCW 11.62.010(2). RCW 11.62.010 does not mention a notary, so ask each holder whether it wants one.

[ ] If you claim for other successors, attach their written authority.

[ ] Mail a copy, with the decedent's Social Security number, to DSHS, Office of Financial Recovery, PO Box 9501, Olympia, WA 98507-9501. The statute does not say when to mail it.

[ ] Present the affidavit and proof of death to each holder. A Washington state or local taxing authority's release cannot be required first.

[ ] Vehicles and vessels: ask the Department of Licensing which document it wants. Its form TD-420-041 asks for a notary or a Washington vehicle licensing agent.

AFTER

[ ] Pass along each successor's share. You are answerable and accountable to any personal representative or person with a superior right (RCW 11.62.020).

[ ] If the person received Medicaid long-term care, ask the Office of Financial Recovery before you distribute.

INSTRUCTIONS FOR USE

Steps checked in October 2026 against RCW 11.62.005, 11.62.010 and 11.62.020, RCW 11.04.015, WAC 308-56A-335 and the Department of Licensing form TD-420-041. General information, not legal advice. Guide: clearlegaltips.com/washington-small-estate-affidavit/