



Probate Assets: property belonging to the Decedent that won't automatically transfer to someone else. If the Decedent was married, you may subtract the value of the spouse's share of the community property.

Community Property: property bought or earned during a marriage (with some exceptions listed in RCW 26.16.010).

"Provided For": there is a reasonable plan to pay the Decedent's debts. (For example: the value of the property being claimed is enough to pay the debts, and the property is used to pay the debts.)



King County Law Library

HOW TO USE THE SMALL ESTATE AFFIDAVIT

In Washington State

These instructions are for informational purposes only and do not constitute legal advice. If you do not understand this information, please contact an attorney.

About This Packet:

A Small Estate Affidavit is a legal document that allows a person to claim some types of property after someone has died, without the involvement of the court. This transfer avoids the probate process, which is a court proceeding that is used to gather the assets of a person who has died, settle their debts, and distribute the assets to their heirs. The person who has died is called the Decedent. A person who is receiving the property is called a Successor.

The instructions and forms in this packet will help you do the following things:

- Determine if a Small Estate Affidavit is right for your situation
- Determine who is an eligible Successor
- Complete the paperwork of the Small Estate Affidavit
- Claim property that was transferred to you by a Small Estate Affidavit

To help decide if using the Small Estate Affidavit process of transferring a Decedent's belongings without probate is right for your situation, review the included eligibility flowchart, [Chapter 11.62 of the Revised Code of Washington](#) for information on the Small Estate Affidavit process, and [Title 11 of the Revised Code of Washington](#) for information regarding probate, or contact an attorney.

If, after reviewing the Revised Code of Washington and/or consulting an attorney, you believe the Small Estate Affidavit process is right for you, then you can use this packet to help complete the process.

Forms Included in This Packet:

- A - Notice from Claiming Successor to Other Successor
- B - Authorization to Claim Property on Behalf of Other Successor
- C - Small Estate Affidavit

WARNING

- **DO YOU HAVE ADDITIONAL QUESTIONS?** If you are unsure what your next steps should be or have difficulty understanding the instructions in this packet, contact an attorney for help.
- **DOES THE ESTATE HAVE REAL ESTATE, SUCH AS A HOUSE OR LAND?** If the Decedent's estate includes real estate, the Small Estate Affidavit cannot be used.
- **DOES THE ESTATE HAVE A MOBILE HOME?** If the Decedent's estate includes a mobile home, contact an attorney.
- **IS THE ESTATE WORTH MORE THAN \$100,000.00?** If the estate is worth more than \$100,000.00, the Small Estate Affidavit cannot be used.
- **WAS THE DECEDENT NOT A RESIDENT OF WASHINGTON STATE?** If the Decedent was not a resident of Washington State, the Washington State Small Estate Affidavit cannot be used.
- **ARE ALL DEBTS PAID OR PROVIDED FOR?** If the Decedent's estate has debts, including funeral expenses and Department of Health and Social Services medical costs, they must be paid or provided for.