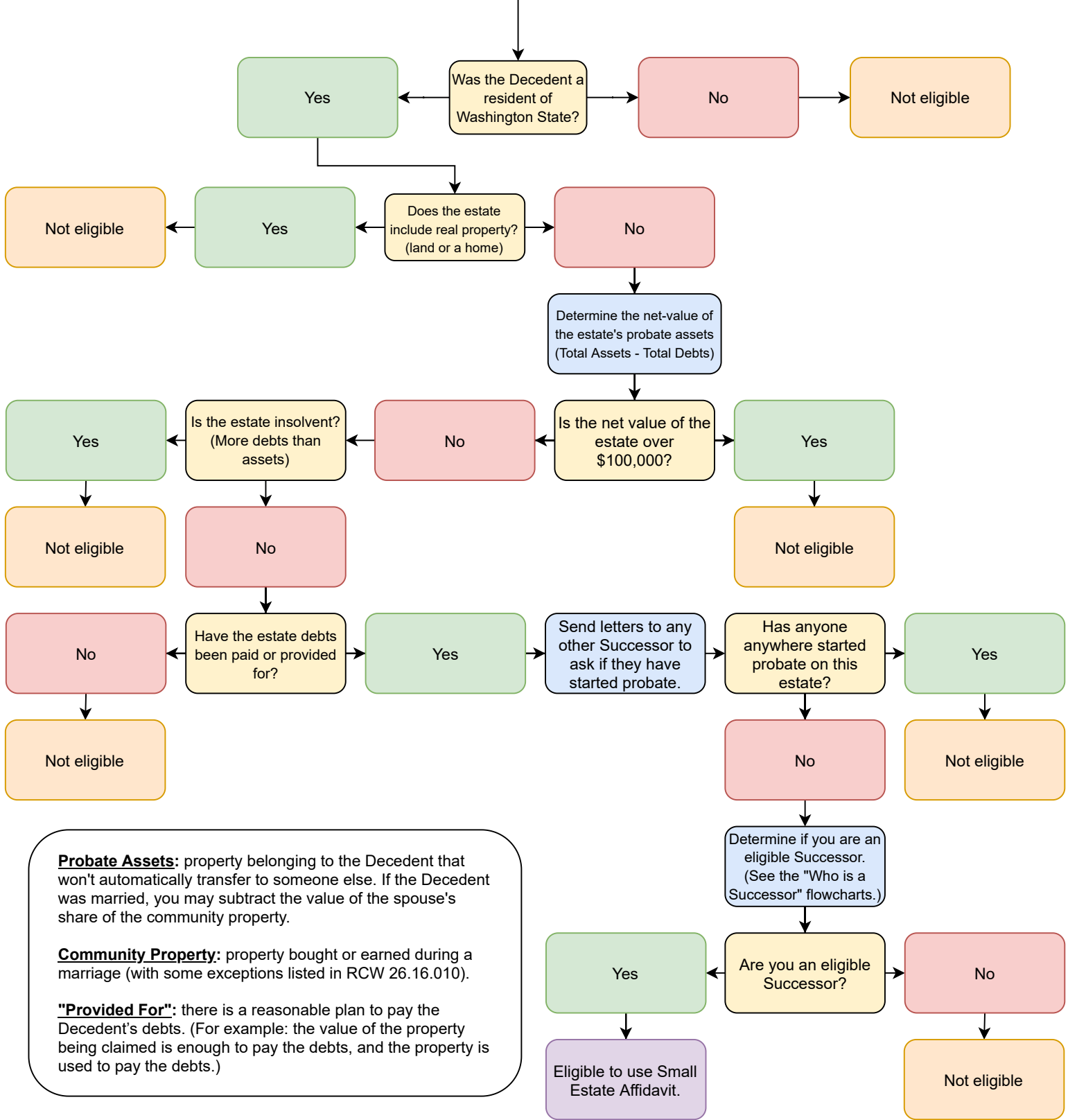


# Small Estate Affidavit Eligibility



**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

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# HOW TO USE THE SMALL ESTATE AFFIDAVIT

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## In Washington State

**These instructions are for informational purposes only and are not legal advice.**

**If you do not understand this information, 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**

- **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.
- **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. The estate includes real estate if the Decedent is named on any deed to land.
- **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 probate assets of the estate are worth more than \$100,000.00, the Small Estate Affidavit cannot be used. (Probate assets are the assets that don't automatically transfer to someone else.)
- **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.
- **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.