United States of America

State of West Virginia County of Monongalia, ss:

243 High Street Room 123
Morgantown WV 26505-5461

Phone: (304) 291-7230
Fax: (304) 291-7233

TO FILE AN AFFIDAVIT FOR SMALL ESTATE – TESTATE (WITH A WILL)
$50,000 or less in Personal Property WV Code 44-1A-1

If the personal property assets (bank accounts, refunds, checks payable to the estate, vehicles, household goods, etc.) of the decedent are less than $50,000 the executor named in the Will can file the Small Estate Affidavit **31** or more days after death if no other probate has been opened. ****If there are real estate or oil and gas interests in the decedent's name only, full probate is required.**

1) Complete the attached Affidavit with the Decedent's name, date of death, residence address, all beneficiaries listed in the Will, and their last known mailing address (required). List beneficiaries that have already passed away with their name and DECEASED. Also list the specific items or percentage of assets the beneficiaries are to receive **according to the Will**, even if the items have already been distributed or are no longer owned.

2) Complete section 5 for specific personal property assets, including any refunds, bank accounts, checks made payable to the estate, household goods, etc. MUST INCLUDE AMOUNTS.

3) Sign the Small Estate Affidavit in front of a notary **31** or more days from the date of death and submit the original form to our office with a copy of the death certificate and $12 if the Affidavit is 5 pages or less. One Certificate of Authorization is included with the filing fee. Additional Certificates are $2.50 each.

4) To file the Will and the Small Estate Affidavit at the same time, include the **original** Will and an additional $12 filing fee if the Will is 4 pages or less. $1/page more for each additional page. You will receive a copy of the Will with your receipt, our office retains the original by law.

****All submissions must include a death certificate, which will be returned to you.**

We will process the Small Estate Affidavit and Will as quickly as possible, and mail you the Certificate of Authorization, your receipt, and an overview of Small Estate information. The beneficiaries will be notified by mail with a copy of the Small Estate Affidavit, and have 30 days from filing to object. Full probate may be required if there are objections, or if the assets exceed the limits.

Return the original, notarized form, fees, death certificate, and Will by mail (via certified or overnight mail) or they can be dropped off at the front desk in person. Our office hours are Monday – Friday, 8:30am to 4:30pm.

SMALL ESTATE AFFIDAVIT
TESTATE (WITH A WILL)

****You are welcome to drop-off your forms in person, but you may not be able to meet with the probate department without an appointment****

Fee example: 4 page Will, 4 page Small Estate Affidavit one included Certificate = $24.00

Monongalia County Clerk's Office
Attn: Probate Dept.
243 High Street, Room 123
Morgantown, WV 26505

We accept checks, money orders or credit card payments. If you'd like to pay by credit card, please indicate that with your submission and leave a phone number that our staff can reach you at Mon.-Fri. 8:30am to 3:30pm. There is a 2.4% or minimum $1 administrative fee to use a credit or debit card.

If you'd like to make an in-person appointment to speak to someone in the probate department, please:

call 304-291-7230 x 7270

email estates@monongaliacountyclerk.com

or use our online scheduling link at
https://monongaliacountyclerkoffice.as.me/schedule.php?appointmenttype=246126

SMALL ESTATE AFFIDAVIT
TESTATE (WITH A WILL)

IN THE COUNTY COMMISSION OF MONONGALIA COUNTY, WEST VIRGINIA

RE: THE ESTATE OF _____

Date of Death: : _____

STATE OF WEST VIRGINIA,

COUNTY OF MONONGALIA, to-wit:

I, _____, being a Successor of the Decedent identified below, being first duly sworn, upon oath and under penalty of perjury, do depose and say to the best of my knowledge and belief as follows:

1. My name is _____, and my current address is

_____

_____.

2. The Decedent, _____, died on

_____ (date of death), a resident of _____ County, State of West Virginia, with his/her usual residence being

_____

_____.

3. A certified death certificate has been furnished herewith for filing in this County. I am a Successor of the decedent as _____ (state relationship).

TESTACY (WITH A WILL)

4. At the date of death, the Decedent died with an original Last Will and Testament of the Decedent dated _____, without any codicil thereto ( ) or with codicil(s) thereto dated _____ ( ) [Check if applies]. The aforesaid original Last Will and Testament of the decedent, together with any codicil(s), is furnished herewith for recording in this County as permitted by West Virginia Code **§ 44-1A-2**(b). Under the Last Will and Testament of the Decedent, the following person(s) is/are nominated to be the personal representative(s) of the Estate:

a. Name:_____

Address: _____

_____

b. Name:_____

Address: _____

_____

SMALL ESTATE AFFIDAVIT
TESTATE (WITH A WILL)

Pursuant to the provisions of the above referenced Will of the Decedent, the following persons are the named beneficiaries of the estate of the Decedent **Last known mailing address is required **(list any pre-deceased beneficiaries as DECEASED):**

a. Name: _____

Address: _____

_____

Relationship to Decedent: _____

Share or percentage or particular item: _____

b. Name: _____

Address: _____

_____

Relationship to Decedent: _____

Share or percentage or particular item: _____

c. Name: _____

Address: _____

_____

Relationship to Decedent: _____

Share or percentage or particular item: _____

d. Name: _____

Address: _____

_____

Relationship to Decedent: _____

Share or percentage or particular item: _____

e. Name: _____

Address: _____

_____

Relationship to Decedent: _____

Share or percentage or particular item: _____

SMALL ESTATE AFFIDAVIT
TESTATE (WITH A WILL)

f. Name: _____

Address: _____

_____

Relationship to Decedent: _____

Share or percentage or particular item: _____

g. Name: _____

Address: _____

_____

Relationship to Decedent: _____

Share or percentage or particular item: _____

h. Name: _____

Address: _____

_____

Relationship to Decedent: _____

Share or percentage or particular item: _____

i. Name: _____

Address: _____

_____

Relationship to Decedent: _____

Share or percentage or particular item: _____

j. Name: _____

Address: _____

_____

Relationship to Decedent: _____

Share or percentage or particular item: _____

(If more space is needed, attach additional page(s) to affidavit)

SMALL ESTATE AFFIDAVIT
TESTATE (WITH A WILL)

5. The Decedent's entire personal probate estate, as of the date of the Decedent's death, wherever located, consists only of small assets and the aggregate fair market value of the small assets does not exceed $50,000. The small assets of the Decedent are described and itemized as follows:

	Description	Fair Market value
	TOTAL	

7. ( ) [**Check if applies**] If the affiant is a Successor who was nominated as a personal representative or executor under the provisions of the above Will of the Decedent, at least **30** days have elapsed since the Decedent's date of death and no application for the appointment of a personal representative for the Decedent is pending or has been granted in any jurisdiction.

8. The undersigned Affiant will faithfully administer the small assets of the Decedent in accordance with the law and pay or deliver the same to the Successor or Successors so entitled. Witness my hand and seal this ____ day of _____, 20_____.

_____

Signature of Affiant

Contact information of Affiant/Authorized Successor (phone, email):

Taken, subscribed, and sworn to before me the undersigned authority by:

_____(PRINTED NAME OF AFFIANT FROM SIGNATURE LINE ABOVE), this ____ day of _____, 20_____.

_____ _____

Notary Public Signature Commission Expires {SEAL}