

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
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TO FILE AN AFFIDAVIT FOR SMALL ESTATE – TESTATE (WITH A WILL) \$50,000 or less Personal Property, \$100,000 or less Real 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, AND the real property assets (homes, land, oil and gas rights) are under \$100,000**, the executor named in the Will can file the Small Estate Affidavit **30** days after death if no other probate has been opened. ****If the real estate is being sold within the first year of death, 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) Complete section 6 for real property, with the property description from the property tax ticket if available, county where located, assessed value, and amount it would sell for at the time of death.
- 4) Sign the Small Estate Affidavit in front of a notary **30** 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.
- 5) 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.

**SMALL ESTATE AFFIDAVIT
TESTATE (WITH A WILL)**

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.

****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 plus one extra Certificate = \$26.50.

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 4:30pm.

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 _____

DOD: _____

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: _____

f. Name: _____

Address: _____

Relationship to Decedent: _____

