

IN RE: THE ESTATE OF _____
DOD: _____

**WEST VIRGINIA AFFIDAVIT FOR SMALL SUM, ASSET, OR PROPERTY
(NOT MORE THAN \$5,000)**

STATE OF WEST VIRGINIA,

COUNTY OF HARRISON, to-wit:

I, _____, being related to the Decedent identified below and being entitled to a small sum, asset, or property of the Decedent pursuant to the provisions of West Virginia Code § 44-1-28, 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 _____.

The Decedent was domiciled in the State of West Virginia. A certified death certificate is attached hereto.

3. More than 120 days have elapsed since the Decedent's date of death, and there has been no qualification or application for the appointment of a personal representative for the Decedent in any jurisdiction, including by any affidavit of Small Estate filed in the Decedent's County of residence in West Virginia.

4. I am related to the decedent as _____
(state relationship).

5. The small sum, asset, or property of the Decedent is described as follows:

(IMPORTANT: The small sum, asset, or property CANNOT exceed \$5,000. It can be wages, salary, pension payments or money allowed for burial expenses to a decedent owed by an employer, a bank account, a savings institution account, a credit union account, a certificate of deposit, a brokerage account, stock, a mutual fund, a security, a bond, a note, a promissory note, an obligation, an instrument evidencing a debt, indebtedness owed to the decedent, proceeds of life insurance payable to the estate, a deposit, a refund, a tax refund, an overpayment, a chose in action, or an item of tangible personal property including a motor vehicle.)

6. **CHECK IF APPLICABLE** At the date of death, the Decedent left _____ as his/her Surviving Spouse who is entitled to the small sum, asset, or property.

OR

CHECK IF APPLICABLE At the date of death, the Decedent did NOT leave any surviving spouse and the Decedent left as his/her distributees in accordance with the laws of intestate descent and distribution of the State of West Virginia the following person or persons who is/are entitled to the small sum, asset, or property:

- a. Name: _____
Address: _____
Relationship to Decedent: _____
Share or percentage: _____

b. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

c. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

d. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

e. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

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

7. The above person or persons is/are justly entitled to the above described small sum, asset, or property under the provisions of West Virginia Code § 44-1-28.

Witness my hand and seal this ____ day of _____, 2021.

Signature of Affiant

Taken, subscribed, and sworn to before me the undersigned authority by _____, this ____ day of _____, 2021.

{seal}

My Commission expires: _____

Notary Public

NOTE TO THE "PERSON" TO WHOM THIS AFFIDAVIT IS TENDERED: West Virginia Code § 44-1-28(d) provides that "Payment in accordance with this section is in full discharge and a quittance to all persons whomsoever on account of the property to the same extent as if that person dealt with the personal representative of the decedent. That person is not required to see the application of the asset or proceeds or to inquire into the truth of any statement in the affidavit."