

KING WILLIAM CIRCUIT COURT
351 COURTHOUSE LANE, SUITE 130
KING WILLIAM, VA 23086
PHONE: 804-769-4901
FAX: 804-769-4991

KAREN H. WALLACE, CHIEF MASTER DEPUTY CLERK

PLEASE CALL KAREN WALLACE, IN THE PROBATE DIVISION, AT 804-769-4901 OR E-MAIL KHWALLACE@VACOURTS.GOV TO SCHEDULE AN APPOINTMENT TO BECOME THE ADMINISTRATOR (IF NO WILL) OR EXECUTOR (IF NAMED IN THE WILL). **NOTE: YOU MAY NOT NEED ALL THE FORMS IN THIS PACKET.**

THE LISTS BELOW ARE THE ITEMS THAT ARE NEEDED PRIOR TO YOUR APPOINTMENT

IF THE DECEDANT LEFT NO WILL (ADMINISTRATOR)

- ORIGINAL DEATH CERTIFICATE WITH A SEAL
- COMPLETED GENERAL INFORMATION SHEET (ENCLOSED)
- LIST OF HEIRS WORKSHEET - THE HEIRS AT LAW ARE DETERMINED BY KINSHIP TO THE DECEDENT AND ARE SET BY VIRGINIA LAW. (VA CODE 64.2-200) SEE ATTACHED PAGES B-18 THROUGH B-20. HEIRS ARE THE PERSONS WHO WOULD INHERIT AN ESTATE IF A PERSON DIED WITHOUT A WILL, WHILE BENEFICIARIES ARE THOSE NAMED BY WILL TO RECEIVE AN ESTATE. (ENCLOSED)
- COMPLETE ESTATE ASSET WORKSHEET OF DECEDENT (ENCLOSED)
- WAIVER OF QUALIFICATION (FORM CC-1608) SIGNED AND NOTARIZED (IF NEEDED)
- FORM OF PAYMENT FOR THE PROBATE TAXES (CASH, CHECK OR CREDIT/DEBIT CARD- 4% CONVENIENCE FEE CHARGED FOR CARDS) – **THIS MUST BE PAID AT THE TIME OF YOUR QUALIFICATION APPOINTMENT**

IF THE PERSON DIED WITH A WILL (EXECUTOR)

- BRING THE ORIGINAL WILL AND AN ORIGINAL DEATH CERTIFICATE
- PERSON NAMED AS EXECUTOR IN THE WILL SHOULD APPEAR
- COMPLETED GENERAL INFORMATION SHEET (ENCLOSED)
- LIST OF HEIRS WORKSHEET - THE HEIRS AT LAW ARE DETERMINED BY KINSHIP TO THE DECEDENT AND ARE SET BY VIRGINIA LAW. (VA CODE 64.2-200) SEE ATTACHED PAGES B-18 THROUGH B-20. HEIRS ARE THE PERSONS WHO WOULD INHERIT AN ESTATE IF A PERSON DIED WITHOUT A WILL, WHILE BENEFICIARIES ARE THOSE NAMED BY WILL TO RECEIVE AN ESTATE. (ENCLOSED)
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YOU WILL ALSO NEED THE APPROXIMATE DOLLAR VALUE OF THE ASSETS SOLELY OWNED BY THE DECEDENT FOR PERSONAL PROPERTY (STOCKS, BONDS, BANK ACCOUNTS, AUTOMOBILE, ETC) AND ANY REAL PROPERTY OWNED BY THE DECEDENT LOCATED IN THE STATE OF VIRGINIA AS WELL AS ANY PROPERTY OWNED OUTSIDE OF THE STATE OF VIRGINIA. PLEASE USE THE ASSET WORKSHEET TO ENTER ALL OF THE ASSET INFORMATION.

IF THE ESTATE IS OVER \$35,000 AND THERE IS NO WILL, THE ADMINISTRATOR WILL HAVE TO BE BONDED BY AN INSURANCE COMPANY. WE USE THRIFT INSURANCE COMPANY IN WEST POINT, VA – AGENT- JACK LAWSON- (804) 843-3500, BUT YOU CAN USE YOUR OWN.

IF THE ESTATE IS OVER \$35,000 AND THE EXECUTOR LIVES OUTSIDE OF VIRGINIA, THEY WILL NEED TO BE BONDED BY AN INSURANCE AGENT. WE USE THRIFT INSURANCE COMPANY IN WEST POINT, VA - AGENT- JACK LAWSON- (804) 843-3500, BUT YOU CAN USE YOUR OWN.

GENERAL INFORMATION SHEET

Name of person making request _____

Home Address _____

City _____ State _____ Zip Code _____

Mailing Address (if different) _____

City _____ State _____ Zip Code _____

Phone #'s Home _____ Work _____ Cell _____

E-Mail _____

Name of assisting attorney (if any) _____

Attorney's Mailing Address _____

City _____ State _____ Zip Code _____

Phone Number _____ E-Mail _____

Please check whichever applies to the reason an appointment is being requested:

- Appointment as Executor of Will
- Appointment as Administrator, c.t.a. (of will)
- Appointment as Administrator of estate (if there is **no** will)
- Appointment as Curator
- Probate of Will (without Qualifications)
- Other

Decedent's (Person who is deceased) Full Name _____

Decedent's Resident Address at time of death _____

City _____ State _____ Zip Code _____

If the above is a nursing home, please provide the previous residence address:

City _____ State _____ Zip Code _____

Date of Birth _____ Date of Death _____ Place of Death _____

Decedent died with a will or without a will

Date of will _____ (Date of Codicils, if any) _____

Full name(s) of Executor(s) named in will _____

At the time of death the decedent was Married Single Divorced Widowed

Estate Asset Worksheet

INSTRUCTIONS: INCLUDE ASSETS IN DECEDENT'S NAME ONLY

Do not list assets held jointly with survivorship rights or assets payable to a named beneficiary. Do not deduct debts owed.

| ASSET | VALUE AS OF DATE OF DEATH |
|---|---------------------------|
| CARS, TRUCKS, BOATS, TRAILERS, ETC. | \$ |
| CHECKING ACCOUNTS | \$ |
| SAVINGS ACCOUNTS | \$ |
| STOCKS | \$ |
| BONDS | \$ |
| INVESTMENT ACCOUNTS | \$ |
| SAVINGS BONDS | \$ |
| MUTUAL FUNDS | \$ |
| MONEY MARKET ACCOUNTS | \$ |
| CERTIFICATE OF DEPOSIT | \$ |
| LIFE INSURANCE PAYABLE TO THE ESTATE | \$ |
| BUSINESS OWNED BY THE DECEDENT | \$ |
| PERSONAL ITEMS | \$ |
| HOUSEHOLD FURNISHINGS | \$ |
| NOTES RECEIVABLE | \$ |
| ACCOUNTS RECEIVABLE | \$ |
| PENSION INCOME | \$ |
| ANNUITIES | \$ |
| TRUST INCOME | \$ |
| OTHER SECURITIES | \$ |
| MISCELLANEOUS CASH | \$ |
| CHECKS MADE PAYABLE TO "THE ESTATE OF" | \$ |
| | |
| SUBTOTAL - PERSONAL PROPERTY | \$ |
| | |
| REAL ESTATE IN KING WILLIAM COUNTY | \$ |
| If yes, is this property owned with any other person? | YES OR NO (CIRCLE ONE) |
| REAL ESTATE ELSEWHERE IN VIRGINIA | \$ |
| | |
| SUBTOTAL - REAL PROPERTY | \$ |
| | |
| GRAND TOTAL OF ESTATE | \$ |
| Did the decedent own real estate outside of VA? | YES OR NO (CIRCLE ONE) |

Code of Virginia
 Title 64.2. Wills, Trusts, and Fiduciaries
 Chapter 2. Descent and Distribution

§ 64.2-200. Course of descents generally; right of Commonwealth if no other heir.

A. The real estate of any decedent not effectively disposed of by will descends and passes by intestate succession in the following course:

1. To the surviving spouse of the decedent, unless the decedent is survived by children or their descendants, one or more of whom are not children or their descendants of the surviving spouse, in which case, two-thirds of the estate descends and passes to the decedent's children and their descendants, and one-third of the estate descends and passes to the surviving spouse.

2. If there is no surviving spouse, then the estate descends and passes to the decedent's children and their descendants.

3. If there is none of the foregoing, then to the decedent's parents, or to the surviving parent.

4. If there is none of the foregoing, then to the decedent's siblings, and their descendants.

5. If there is none of the foregoing, then one-half of the estate descends and passes to the kindred of one of the decedent's parents and one-half descends and passes to the kindred of the other of the decedent's parents in the following course:

a. To the decedent's grandparents, or to the surviving grandparent.

b. If there is none of the foregoing, then to the decedent's uncles and aunts, and their descendants.

c. If there is none of the foregoing, then to the decedent's great-grandparents.

d. If there is none of the foregoing, then to the siblings of the decedent's grandparents, and their descendants.

e. And so on, in other cases, without end, passing to the nearest lineal ancestors, and the descendants of such ancestors.

B. If there are no surviving kindred of one of the decedent's parents, the whole estate descends and passes to the surviving kindred of the other of the decedent's parents. If there are no kindred of either parent, the whole estate descends and passes to the kindred of the decedent's most recent spouse, if any, provided that the decedent and the spouse were married at the time of the spouse's death, as if such spouse had died intestate and entitled to the estate.

C. If there is no other heir of a decedent's real estate, such real estate is subject to escheat to the Commonwealth in accordance with Chapter 24 (§ 55.1-2400 et seq.) of Title 55.1.

Code 1950, § 64-1; 1956, c. 109; 1968, c. 656, § 64.1-1; 1977, c. 474; 1982, c. 304; 1985, c. 189; 1990, c. 831; 2012, c. 614; 2020, c. 900.

Statutory Courses of Descent

Code Reference: Code of Virginia §64.2-200.

- Current Version in effect since 1990:
 - **First.** To the surviving spouse, unless the intestate is survived by children or their descendants, who are not children or descendants of the surviving spouse. Two-thirds of the estate passes to all the intestate's children and their descendants, and the remaining one-third passes in fee to the surviving spouse. (dower and curtesy is abolished effective January 1, 1991)
 - **Second.** If no surviving spouse, to the intestate's children and their descendants.
 - **Third.** If none, to father and mother, or the survivor.
 - **Fourth.** If none, to brothers and sisters, and their descendants.
 - **Fifth.** If none, an equal share to the paternal and maternal kindred [in the following courses numbered Sixth through Eleventh].

- Version in Effect between 1982 and 1990:

First. To the surviving spouse. If the intestate is survived by children or descendants of a prior marriage, the estate passes to (all) of the intestate's children and their descendants, subject to the dower or curtesy interest of the surviving spouse provided by VCA § 64.1-19 (a fee simple interest in one-third of the intestate's estate).

Balance of the Code section is same as current version.

- Version in Effect between 1956 and 1982:

- **First.** To the children of the decedent and their descendants.
- **Second.** If no children or descendants, to the surviving spouse.

Balance of the Code section is same as current version. (dower and curtesy becomes a fee simple interest in 1977, previously a life estate).

- Version in Effect between 1923 and 1956:

Prior to the 1956 amendment, the surviving spouse was ranked fourth in line, and was preceded by (1) children, (2) mother and father and (3) brothers and sisters.

Balance of the Code section is same as current version.

- Version in Effect between 1922 and 1923:

From 1922 to 1923, the provision for uncles and aunts were not in the statute.

- Version in Effect prior to 1922:

Prior to 1922, the course of descent following the failure of survival of living issue was (1) to the father, then (2) the mother, brothers and sisters and their descendants. The position of the surviving spouse was tenth instead of fourth (as it was from 1922 to 1956). The grandfather was preferred over the grandmother, and the grandmother shared with aunts and uncles on the same side.

Source of Information: Parham, A Virginia Title Examiner's Manual, Michie Co. 1973.

Descent and Distribution in Virginia

Va. Code § 64.2-200.

| | 1st | 2nd | 3rd | 4th | 5th | 6th |
|--|----------------------------------|---------------------|----------------------------|---|--|--|
| Effective Date 01/01/1991 | | | | | | |
| No Child by former marriage | Spouse | Children | Parents & Survivor | Brothers & Sisters & Decedents | ½ to Parental Grandparents & Survivor, ½ to Maternal Grandparents & Survivor | ½ to Parental Grandparents & Survivor, ½ to Maternal Grandparents & Survivor |
| Child by former marriage | ½ to spouse ¾ to All Children | N/A | N/A | N/A | N/A | N/A |
| Effective Date 07/01/82 to 01/01/91 | | | | | | |
| No Child by former marriage | Spouse | Children | Parents & Survivor | Brothers & Sisters & Decedents | Same½ to Parental Grandparents & Survivor, ½ to Maternal Grandparents & Survivor | Same½ to Parental Grandparents & Survivor, ½ to Maternal Grandparents & Survivor |
| Child by former marriage | All Children | N/A | N/A | N/A | N/A | N/A |
| Effective Date 07/01/56 to 07/01/82 | | | | | | |
| | Children | Spouse | Parents & Survivor | Brothers & Sisters & Decedents | Same½ to Parental Grandparents & Survivor, ½ to Maternal Grandparents & Survivor | Same½ to Parental Grandparents & Survivor, ½ to Maternal Grandparents & Survivor |
| Effective Date 1922 – 1956 | | | | | | |
| | Children | Parents & Survivors | Brothers & Sisters | Spouse | Same½ to Parental Grandparents & Survivor, ½ to Maternal Grandparents & Survivor | Same½ to Parental Grandparents & Survivor, ½ to Maternal Grandparents & Survivor |
| Effective Date Prior 1922 | | | | | | |
| | Children | Father | Mother, Brothers & Sisters | ½ to Parental Grandfather ½ Maternal Grandfather | Respective Grandmother Aunts & Uncles | Great Grandfather/ Grandfathers |

Note: For practical purposes the spouse came after exhaustion of family, tenth in line of distribution.

Threshold Values of Estate Affecting Qualification

| Description | Value | Reference |
|--|------------|----------------|
| Notice of Probate | \$10,000 | § 64.2-508 |
| Balance of Deceased Ward's Estate | \$25,000 | § 64.2-2026 |
| Waiver of Clerk's Probate Fee | \$5,000 | § 17.1-275A(3) |
| Waiver of Inventory and Accounting | \$35,000 | § 64.2-1302 |
| Waiver of Surety on Bond (Guardian of Minor or Conservator) | \$25,000 | § 64.2-1411 |
| Waiver of Surety on Bond (Personal Representative of an Estate or Committee) | \$35,000 | § 64.2-1411 |
| Waiver of Taxes | \$15,000 | § 58.1-1712 |
| By Order of Court | \$50,000 | § 8.01-606 |
| Out of State Decedent | \$35,000 | § 64.2-609 |
| Small Estate Act (effective 07/01/2025) | \$75,000 | § 64.2-601 |
| Motor Vehicles | No Maximum | § 46.2-634 |
| Boats | No Maximum | § 64.2-606 |

WAIVER OF QUALIFICATION

VA. CODE §§ 64.2-500, 64.2-502

Court File No.

TO THE CLERK:

..... Virginia, Circuit Court

.....
NAME OF DECEDENT DATE OF DEATH

1. I/We, the executor(s) appointed by the decedent's will,
 I refuse the executorship
 I refuse the executorship in favor of the co-executor(s)

SIGNATURE OF EXECUTOR(S)

2. I/We, residual or substantial legatee(s) (persons to whom decedent willed personal property), or
 I/We, distributees of the intestate decedent's estate (relatives under Va. Code § 64.2-201; see also § 64.2-200),
decline to qualify on the estate and request appointment of

.....
NAME AND ADDRESS OF PERSON NOMINATED FOR APPOINTMENT

as administrator, c.t.a. (if decedent left a will) or
 as administrator (if decedent did not leave a will)

| | |
|--|--------------------------|
| SIGNATURE(S), LEGATEE(S)/DISTRIBUTEES(S) | RELATIONSHIP TO DECEDENT |
| _____ | |
| _____ | |
| _____ | |
| _____ | |

City County of State/Commonwealth of

Acknowledged, subscribed and sworn to before me this day of, 20

by
PRINT NAME OF SIGNATORY

.....
 CLERK DEPUTY CLERK
 NOTARY PUBLIC My commission expires
Registration No.

VIRGINIA SMALL ESTATE ACT AFFIDAVIT
Va. Code §64.2-600 & 601

Note to the "Person" to whom this Affidavit is delivered: *Any person having possession of a small asset shall pay or deliver the small asset to the designated successor of the decedent upon being presented an affidavit made by all of the known successors. If you do not understand or have questions regarding your legal responsibilities relative to this Affidavit, you should consult an attorney at law. "Person" means any individual, corporation, business trust, fiduciary, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.*

I/WE, the "Successor(s)" _____, after being first duly sworn, depose and state as follows:

1. That _____, the "Decedent", died on the _____ day of _____, 20_____.

2. That at the time of death, the Decedent's estate consisted only of a "Small Asset". *"Small asset" means any indebtedness owed to or any asset belonging or presently distributable to the decedent, other than real property, having a value, on the date of the decedent's death, of no more than \$75,000. A small asset includes any bank account, savings institution account, credit union account, brokerage account, security, deposit, tax refund, overpayment, item of tangible personal property, or an instrument evidencing a debt, obligation, stock, or chose in action. Upon presentation of this affidavit, the designated successor may endorse, or negotiate any small asset that is a check, draft, or other negotiable instrument that is payable to the decedent or the decedent's estate.*

A description of the Small Asset appears below:

Bank Account Savings Institution Account Credit Union Account Brokerage Account Security Deposit Tax Refund Overpayment Tangible Personal Property Instrument Evidencing a Debt (i.e. promissory note) Obligation (i.e. a contract right) Stock Chose in Action (i.e. right to sue) Description of Small Asset (if required by recipient of Affidavit)

3. That the value of Decedent's entire personal probate estate as of the date of the decedent's death, wherever located, does not exceed \$75,000.00.

4. That at least 60 days have elapsed since the Decedent's death.

5. That no application for the appointment of a personal representative is pending or has been granted in any jurisdiction.

6. That the Decedent's will, if any, was duly probated.

7. That the claiming Successor is entitled to payment or delivery of the small asset and the basis upon which such entitlement is claimed appears below (check all that apply):
"Successor" means any person, other than a creditor, who is entitled under the decedent's will or the laws of intestacy to part or all of a small asset.

Surviving Spouse Beneficiary under Will Heir (no Will) Other

If Other, describe relationship to the Decedent: _____

8. The names and addresses of all Successors, to the extent known, are:

(IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL PAGE(S) TO AFFIDAVIT)

9. The name of each successor designated to receive payment or delivery of the small asset on behalf of all successors is/are:

“Designated Successor” means one or more successors who are designated pursuant to subdivision A 7 of § 64.2-601 to receive payment or delivery of the small asset on behalf of all successors.

10. That the Designated Successor shall have a fiduciary duty to safeguard and promptly pay or deliver the small asset as required by the laws of the Commonwealth.

WHEREFORE, the undersigned Successor(s) to the Small Asset of the Decedent, make this Affidavit pursuant to Va. Code § 64.2-601.

(ALL SUCCESSORS MUST SIGN BELOW)

Signature

(IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL PAGE(S) TO AFFIDAVIT)

Commonwealth of Virginia
City/County of _____

The foregoing instrument was subscribed, sworn to and acknowledged before me this ___ day of _____, 20 ____
by _____.

(Name of person signing as Successor)

(Notary Public’s signature)

Notary Seal

Notary registration number: _____

My commission expires: _____

ADD AS MANY NOTARY ACKNOWLEDGEMENTS AS NEEDED



HRIFT
INSURANCE CORPORATION



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