

# Small Estate Application Guidelines

[N.C.G.S. 28A-25-1, 25-1.1, 25-3(a)(2)]

For Decedents Dying On or Before December 31<sup>st</sup> 2011

**THIS APPLICATION MAY BE COMPLETED ONLINE USING**



(bit.ly/guideandfile)

To access **GUIDE & FILE**, click the logo above (if viewing this document online) or scan the QR code using your smartphone's iPhone camera (IOS) or Google Lens app (Android).



Select the "Probate: Handling a Small Estate" interview to begin.

## OTHER ONLINE RESOURCES

- General Information about the [Estate Administration Process](#) (bit.ly/estatesinfo)
- Estates Division YouTube [Video Tutorials](#) (bit.ly/estatesvideo)
- Estates Division Appointment Calendar ([Click here](#) to view availability and reserve an appointment.) (bit.ly/estatescalendar)

## **NOTE: This application cannot be used when:**

- The net combined value of personal property in the deceased person's name exceeds the values noted below
- When **less than 30 days** have passed since the time of the decedent's death
- NOTE: If the decedent's real property is to be sold within 2 years from the date of death, small estate administration *may not* be appropriate.

## **Affidavit for Collection of Personal Property of the Decedent is available for the following situations...**

- The decedent died between October 1, 2009 and December 31, 2011, the applicant is the surviving spouse and sole heir, and the value of the decedent's personal property does not exceed \$30,000
- The decedent died between October 1, 2009 and December 31, 2011, The applicant is an heir, executor, devisee, or creditor, and the value of the decedent's personal property does not exceed \$20,000
- The decedent died prior to October 1, 2009, the applicant is the surviving spouse and sole heir, and the value of the decedent's personal property does not exceed \$20,000
- The decedent died prior to October 1, 2009, the applicant is an heir, executor, devisee, or creditor, and the value of the decedent's personal property does not exceed \$10,000

## **⊕ITEMS REQUIRED FOR FILING...**

1. Affidavit for Collection of Personal Property of Decedent (AOC-E-203A)\*
2. Family History Affidavit\*
3. Original Will, if one exists
4. Death Certificate
5. If you are not a North Carolina resident, Resident Process Agent form (AOC-E-500) appointing a resident process agent to provide a North Carolina point of contact for Court service.
6. Court Filing Fee \$120 (Acceptable forms of payment: If e-filing or paying in person – Debit or Credit Card; If mailing in – Certified check or money order payable to "Clerk of Superior Court.") **PERSONAL CHECKS ARE NOT ACCEPTED**

\*This document must be signed in the presence of a notary.

## **EXPLANATION OF TERMS:**

- **Decedent:** The individual who passed away.
- **Applicant or Affiant:** Someone who is applying for the position of collector by affidavit.
- **Intestate:** The decedent died without leaving a will.
- **Testate:** The decedent died leaving a Last Will & Testament.
- **Beneficiary/Devisee/Heir:** A person who inherits or is entitled by law or by the terms of the Will to inherit the estate of another.
- **Resident Process Agent:** The North Carolina resident selected by the out-of-state applicant to accept mail and other service of process regarding estate matters.

## **Completed applications may be filed during normal business hours at:**

Mecklenburg County Courthouse, 3<sup>rd</sup> Floor – Estates Division, 832 E. 4<sup>th</sup> Street, Charlotte NC 28202

## **You may also mail completed filings to:**

Clerk of Superior Court, Estates Division, PO Box 37971, Charlotte NC 28237

Estates Phone Number: 704-686-0460 Estates E-Mail: [mecklenburg.estates@nccourts.org](mailto:mecklenburg.estates@nccourts.org)

File in Mecklenburg County ONLY IF the decedent was a Mecklenburg County resident on the date of death.