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How to Complete Your Illinois Small Estate Affidavit

Small Estate Affidavit ($150,000 and under) (Probate Act, 755 ILCS 5/25-1)

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR DOCUMENT.

About this form. This is Illinois's statutory small estate affidavit. It lets a family member collect a decedent's bank accounts, vehicles, and other **personal property** without opening probate, when the estate is small and has no real estate.

1. **Check that you qualify**
   The decedent's personal property passing by will or without a will is worth **$150,000 or less**, not counting registered vehicles; no probate case is open or planned; and the estate has **no real estate** to transfer.
2. **Complete every paragraph (Pages 1–5)**
   List every asset and vehicle, all unpaid debts by class, the spouse and children, and the heirs or will beneficiaries. Strike the options that do not apply. Attach a death certificate (and a certified copy of any will).
3. **Swear before a notary (last page)**
   The affiant signs under penalty of perjury before a notary. Bring a current, government-issued photo ID. Some courts and banks have their own version of this form, so check first.

After It's Signed

- Give the original or a copy to each bank, company, or the Secretary of State (for vehicles) holding the decedent's property. They must pay or deliver it as the affidavit directs.
- You must pay the listed debts, in class order, before distributing anything to heirs. Signing makes you responsible to anyone harmed by a mistake.
- For deaths on or after January 1, 2027, some special vehicle types (such as RVs and commercial vehicles) will count toward the $150,000 limit.

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Have questions about this document? To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**.

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SMALL ESTATE AFFIDAVIT

($150,000 and under) (755 ILCS 5/25-1)

I,

(Name of affiant)

on oath state:

1. (a) My post office address is:

Post office address

(b) My residence address is:

Residence address

(c) I understand that, if I am an out-of-state resident, I submit myself to the jurisdiction of Illinois courts for all matters related to the preparation and use of this affidavit. My agent for service of process in Illinois is:

Name | Address, city | Phone (if any)

I understand that if no person is named above as my agent for service, or if for any reason, service on the named person cannot be effectuated, the Clerk of the Circuit Court of the county named below is recognized by Illinois law as my agent for service of process:

County

2. The decedent's name is:

Name of decedent

3. The date of decedent's death was (date below), and I have attached a copy of the death certificate hereto.

Date of death

4. The decedent's place of residence immediately before his or her death was:

Place of residence

5. No letters of office are now outstanding on the decedent's estate and no petition for letters is contemplated or pending in Illinois or in any other jurisdiction, to my knowledge.

Affiant's initials: _____

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6. (a) Excluding motor vehicles registered with the Secretary of State, the decedent's entire personal estate passing to any party either by intestacy or under a Will does not exceed $150,000. (Here, list each asset, e.g., cash, stock, and its fair market value.) (Attach additional pages if necessary.)

Name / type of asset — amount or description

(b) Any motor vehicles registered with the Secretary of State in the decedent's entire personal estate passing to any party either by intestacy or under a Will. (Here, list a description of each motor vehicle by make, body type, year, and vehicle identification number.)

Make	Body type	Year	Vehicle identification number
Make	Body type	Year	Vehicle identification number
Make	Body type	Year	Vehicle identification number

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7. (a) All of the decedent’s funeral expenses and other debts have been paid, or

(b) All of the decedent’s known unpaid debts are listed and classified as follows (include the name, post office address and amount):

Class 1: funeral and burial expenses, which include reasonable amounts paid for a burial space, crypt, or niche; a marker on the burial space; and care of the burial space, crypt, or niche; expenses of administration; and statutory custodial claims, as follows:

Class 2: the surviving spouse's award or child's award, if applicable, as follows:

Class 3: debts due the United States, as follows:

Class 4: money due employees of the decedent of not more than $800 for each claimant for services rendered within 4 months prior to the decedent's death and expenses attending the last illness, as follows:

Class 5: money and property received or held in trust by the decedent which cannot be identified or traced, as follows:

Class 6: debts due the State of Illinois and any county, township, city, town, village, or school district located within Illinois, as follows:

Class 7: all other claims, as follows:

(Strike either 7(a) or 7(b).) (Attach additional pages if necessary.)

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7.5 I understand that all valid claims against the decedent's estate described in paragraph 7 must be paid by me from the decedent's estate before any distribution is made to any heir or legatee. I further understand that the decedent's estate should pay all claims in the order set forth above, and if the decedent's estate is insufficient to pay the claims in any one class, the claims in that class shall be paid pro rata.

8. There is no known unpaid claimant or contested claim against the decedent, except as stated in paragraph 7.

9. (a) The names and places of residence of any surviving spouse, minor children and adult dependent* children of the decedent are as follows:

Name and relationship — place of residence — age of minor child

** Note: An adult dependent child is one who is unable to maintain himself or herself and is likely to become a public charge.*

(b) The award allowable to the surviving spouse of a decedent who was an Illinois resident is the amount below ($20,000 plus $10,000 multiplied by the number of minor children and adult dependent children who resided with the surviving spouse at the time of the decedent's death. If any such child did not reside with the surviving spouse at the time of the decedent's death, so indicate):

$

(c) If there is no surviving spouse, the award allowable to the minor children and adult dependent children of a decedent who was an Illinois resident is the amount below ($20,000 plus $10,000 multiplied by the number of minor children and adult dependent children), to be divided among them in equal shares:

$

10. (a) The decedent left no will. The names, places of residence and relationships of the decedent's heirs, and the portion of the estate to which each heir is entitled under the law where decedent died intestate are as follows: (Attach additional pages if necessary.)

Name, relationship, and place of residence — age of minor child — portion of estate

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(b) The decedent left a will, which has been filed with the clerk of an appropriate court. A certified copy of the will on file is attached. To the best of my knowledge and belief the will on file is the decedent's last will and was signed by the decedent and the attesting witnesses as required by law and would be admittable to probate. The names and places of residence of the legatees and the portion of the estate, if any, to which each legatee is entitled are as follows: (Attach additional pages if necessary.)

Name, relationship, and place of residence — age of minor child — portion of estate

(Strike either 10(a) or 10(b).)

(c) Affiant is unaware of any dispute or potential conflict as to the heirship or will of decedent.

10.3 My relationship to the decedent or the decedent's estate is as follows:

Relationship

10.5 I understand that the decedent's estate must be distributed first to satisfy claims against the decedent's estate as set forth in paragraph 7.5 of this affidavit before any distribution is made to any heir or legatee. By signing this affidavit, I agree to indemnify and hold harmless all creditors of the decedent's estate, the decedent's heirs and legatees, and other persons, corporations, or financial institutions relying upon this affidavit who incur any loss because of reliance on this affidavit, up to the amount lost because of any act or omission by me. I further understand that any person, corporation, or financial institution recovering under this indemnification provision shall be entitled to reasonable attorney's fees and the expenses of recovery.

11. After payment by me from the decedent's estate of all debts and expenses listed in paragraph 7, any remaining property described in paragraph 6 of this affidavit should be distributed as follows: (Attach additional pages if necessary.)

Name — specific sum or property to be distributed

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The foregoing statement is made under the penalties of perjury.*

X _____
Affiant

Printed name

NOTARY JURAT

STATE OF ILLINOIS)
COUNTY OF) SS.
)

Signed and sworn before me on

(insert date) by (name of affiant)

X _____
Notary Public

(Notary seal)

Notary's printed name

My commission expires

(Note: A fraudulent statement made under the penalties of perjury is perjury, as defined in Section 32-2 of the Criminal Code of 2012.)

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