



Office of the Fiduciary Supervisor

Kanawha County Commission

P.O. Box 3627, Charleston, WV 25336

(304) 357-0125

Step 3: The Short Form Settlement

Dear Personal Representative,

Date: _____ **RE: Estate of:** _____

The deadline for claims to be filed against the Estate has expired, and no claims have been received in this office. As the Fiduciary for this Estate, you may now proceed toward closing the Estate by completing the enclosed *Short Form Settlement* report. Either **type or print legibly in ink**, the requested information. Please, read the following instructions **very carefully** in order to understand how to complete this form.

Instructions:

1. **Section 1-5:** This is where you will fill out your name, as Fiduciary, on the first blank line. The second blank, is for the name of the decedent's Estate. Please, type or print.
 - A "Release" for the West Virginia Inheritance and Transfer taxes – This will only be received if it applied to this estate. Otherwise, please, ignore.
 - All other points listed, are self-explanatory.
2. **Section 6:** Allocation of Distribution.
 - If the distribution for the Estate is being made through a Will, write the following: **"According to the provisions of the Will of Record."**
 - If the decedent died without a Will, the property must be distributed as follows:
 - *Surviving spouse and no children*, or *Surviving spouse and children* or *Spouse and decedent only*:
100% to Surviving Spouse.
 - *Surviving spouse with children born prior to the current marriage and has children with the decedent*:
60% to Surviving Spouse and;
40% to Descendants of Decedent.
 - *Surviving spouse and children of decedent not with surviving spouse*:
50% to Surviving Spouse and
50% to Descendants of Decedent.
3. **Section 7a & 7b:** If 7a applies to this Estate, then initial next to it, and cross out 7b. If you will not be distributing according to 7a, then on the lines under 7b, explain how distribution is to be made. If a beneficiary is taking personal property because they have

paid debts or claims from personal funds, then state “distribution being made in lieu of cash for advancements to the Estate by (name of person),” under 7b.

- **The Personal Representative**, also called Fiduciary, Executor, Administrator, etc., **must sign** this settlement report and have their **signature acknowledged** before a Notary Public. **The Notary must use their seal for every signature.**

4. Waiver and Application Section: Please, read carefully. This section **must** be signed by **each beneficiary** (including the personal representative if that person is also a beneficiary) and **each signature must be acknowledged before a Notary Public.**

- If you are unsure of who the beneficiaries are, refer to the Affidavit of Heirs that was given to you upon your Appointment (a copy can be purchased out of the Kanawha County Clerk’s Record Room: 304-357-0240).
- If there is only one beneficiary, he/she must sign the waiver. If another person is signing as Power of Attorney for a beneficiary, then a certified copy of the Power of Attorney must be included with the Short Form and Waiver.
- **Make sure the Notary Public uses their seal for each and every signature.**
- Our office must have all **original signatures** in order to accept the Short Form Settlement.

After completing each of the steps outlined above, please, do the following:

1. **Return** the Short Form and Waiver to this office, either by mail or in person, with **one original and two copies.**
2. **Enclose** a **check made payable to the Kanawha County Fiduciary Fund**, in the amount of **\$21.00 for the first four pages** (page one begins after instructions) of this Short Form. **For any additional pages, you must contact our office for the correct filing fee.** Any forms received with the incorrect filing fee are subject to be returned for the correct amount; this follows for incorrectly notarized signatures as well. Make sure the Notary uses their seal/stamp for each and every signature.

**The recording fee must be paid by check, cash or money order.
Debit/credit cards will not be accepted.**

Note: If you are unable to obtain all of the beneficiaries’ signatures, or there are any outstanding debts or claims, you must close with our Long Form Settlement, which requires a full accounting of the estate and proof of payment for debts/claims. If a Long Form is needed, please notify our office and we will send the form to you.

After returning the Short Form and Waiver, distribution can be made and all assets, except real estate, must be transferred out of the decedent’s name to the beneficiaries prior to the Estate closing (closing date will be given upon return).

Thank you for your co-operation,
Office of the Fiduciary Supervisor
Enclosure

In the County Commission of Kanawha County, West Virginia

Short Form Settlement:

In the Matter of: _____,

Social Security #: _____, deceased

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to-wit:

_____, being first duly sworn, deposes and
(Fiduciary)
says that:

1. I am the duly appointed and acting personal representative of the Estate of _____, deceased.
2. A “Release” for the West Virginia Inheritance and Transfer taxes **has been** filed with the Clerk of the County Commission of Kanawha County, WV. (if applicable)
3. More than ninety (90) days have elapsed since the filing of notice required by WVC 44-3A-4, (newspaper publication for claims in an Estate).
4. The time for filing claims against this Estate has expired.
5. No known and unpaid claims exist against this Estate.
6. The allocation to which each distribute and beneficiary is entitled in the distribution of this Estate is as follows:

Cross out the section that **does not** apply and **initial**:

_____ **(7a):** All property to which each distribute is entitled has been, or upon approval of this settlement, will be delivered to said distribute and beneficiary in conformity with the above allocation.

_____ **(7b):** Although, each distribute and beneficiary is entitled to the above distribution, each distribute and beneficiary has agreed to a different allocation, as follows:

Signature of Personal Representative (Exec. /Admin.)

Taken, subscribed and sworn to before the undersigned authority by **(name of Exec. / Admin., not the Notary)** _____,
in the county aforesaid this _____ day of _____, 20___.

My commission expires, _____.

(Notary Public)

In the County Commission of Kanawha County, West Virginia, in the Matter of _____, Social Security #: _____, deceased.

Waiver and Application for Short Form Settlement

Pursuant to the requirements set forth in Section 4, Article 3A, Chapter 44, of the West Virginia Code as amended, we, the distributees and beneficiaries of the above-referenced estate, hereby make application for the acceptance of the attached short form settlement of this estate, thereby waiving any and all rights we may have to inspect, approve, affirm, or object to a complete and comprehensive statement of settlement of this estate as otherwise set forth in Article 3A, Chapter 44 of the West Virginia Code as amended.

(Signature of Beneficiary)

State of _____, County of _____, to-wit:

The foregoing Waiver and Application for Short Form Settlement was acknowledged before me this _____ day of _____, 20____, by _____ **(Name of Beneficiary)**.

My Commission expires, _____.

(Notary Public)