

# GENERAL INFORMATION FOR ESTATE CLAIMS



Department of the Treasury

COMMONWEALTH OF VIRGINIA

Division of Unclaimed Property

When a relative has passed away, it's likely that some of their money may have become Unclaimed Property and is waiting for the owner's heirs to claim. It's important to know that your relative didn't do anything wrong - often times, people are owed money without knowing or having any reason to suspect it.

Unclaimed property is turned over to the Virginia Department of the Treasury when the holder of that property (i.e. company, agency, bank, brokerage, etc.) is unable to return the property to its rightful owner. The holder of the property is required to attempt to contact the owner through due diligence prior to turning the property over to the Treasury. When the owner is deceased, contact is not possible, meaning there is a great likelihood that the Treasury may receive property that surviving family members are not aware of. It's also possible that the holder of the property may have failed to contact the original owner while they were living and the property may have been turned over.

## Who can claim the money?

### If the deceased owner was a resident of Virginia:

The person qualified/appointed as the Executor, Administrator, or Personal Representative by the court is authorized to claim any money for an estate.

- 1) This person would have received a Letter of Qualification from the court or would need to obtain one.
- 2) If the claimant is unsure if an Executor or Administrator was assigned, they would need to check with the circuit court in the county/city where the deceased owner lived.
- 3) If an Executor, Administrator, or Personal Representative was assigned and that person has passed away or no longer wishes to serve in that capacity, someone else would need to go to the circuit court to qualify.
- 4) The Certificate of Qualification that is submitted with the claim needs to be current, showing the date and the court's seal. The claimant would contact the circuit court for further information.

In the instance where there was no court appointed Executor or Administrator, the heir would contact the court to determine if the heir would need to submit a Virginia Small Estate Affidavit. The Small Estate Act Affidavit can be obtained from a circuit court. This document needs to be completed based on the instructions. All heirs must sign the form before a notary for it to be valid.

## How do I file?

In order to file a claim, you'll need to provide the following:

- 1) **Certificate of Qualification or Small Estate Affidavit:** see explanation in the previous section to determine which would need to be submitted.
- 2) **Photo Identification:** a copy of a photo ID that includes a signature (ex: driver's license, military ID card, passport, etc.) of the person that is filing the claim is required.
- 3) **Proof of the Estate's Federal Tax ID number:** if the estate was probated through the court, it may have been assigned a FEIN number due to the size of the estate. If so, proof of that number would need to be submitted. If the estate did not require a FEIN this step can be excluded.
- 4) **Property Owner's Death Certificate:** a copy is required.
- 5) **Property Owner's Obituary:** a copy is required if the owner died without a will. If the property owner died with a will, proof the will was probated is required.
- 6) **Proof of the Owner's Reported Address:** if the property that is being claimed did not contain a social security number when it was reported to the Treasury then proof of association with the address reported with the property is needed. This can be a copy of an old bill, tax form, DMV record, credit report, etc., if it is not on the death certificate.

**All of the documentation should be submitted with a signed and dated claim form. Many of the estate claims are complex and require at least 60 days for review and processing. A representative will be in touch if there are any questions or any further information is needed.**

If the deceased owner was **not a resident** of Virginia, the claimant would contact the Probate Court in the state/county where the deceased lived to determine if an estate was filed. If no estate was filed, the court will advise if someone needs to qualify as an administrator of the estate or if the court has provisions for collection on a small estate.



## How will it be paid?

**Estate claims are not paid to individuals - they will be paid out in the name of the estate.**

**Some banks require an estate account be opened in order to deposit or cash such checks.**

**If a check is refused, the Virginia Department of the Treasury has an on-going agreement with Wells Fargo, which will cash such checks without opening an estate account.**

**The bank will require the holder of the check to supply a copy of the same documentation that was used to establish the claim.**

*It is important to note that the Virginia Department of the Treasury does not act as a court authority and will not make a determination as to who is the rightful heir to any unclaimed property. Furthermore, it is the claimant's responsibility to distribute the property in accordance with the estate.*