Your State at a Glance — 2026 Edition

The state-by-state estate planning tables from Get Your Affairs in Order, *with statutory citations. Refreshed with every yearly edition — this copy: mid-2026.*

Estate planning books love to say "check your state's rules" — and then never tell you what they are. This appendix does. For all fifty states and the District of Columbia, the tables below answer the four questions that actually change what you do:

1. **The small-estate shortcut.** Below a certain dollar amount, your heirs can often skip formal probate entirely — usually with a simple sworn form called a *small estate affidavit*, sometimes with a faster court procedure. The limit is different in every state, and it is the single most useful number in this appendix. If your estate (or one you're helping settle) falls under it, Chapter 8's probate planning gets dramatically easier.
2. **Witnesses.** How many people must watch you sign your will.
3. **Handwritten wills.** Whether your state accepts a *holographic* will — one written entirely in your own hand, with no witnesses. (Even where it's legal, treat it as an emergency backup, not a plan.)
4. **Marital property system.** Whether your state is *common law* or *community property* — which decides what "yours" even means when one spouse dies, and matters long before anyone reads a will.

A note on notaries, because this is the most persistent myth in estate planning: **in fifty of these fifty-one jurisdictions, a will does not need a notary to be valid.** The notary usually appears only for the optional *self-proving affidavit* — a page attached to the will that lets it enter probate without tracking down the witnesses years later. It's worth doing, and your attorney or online service will include it. The exceptions worth knowing: in **Louisiana**, the standard (notarial) will is signed before a notary by design; in **Colorado** and **North Dakota**, a notary can stand in *instead of* the two witnesses; and in **California**, **Illinois**, and **Indiana**, a will can be self-proving with no notary at all.

How to read the tables. Dollar figures are current as of mid-2026 — and this is exactly where generic guides go stale. Several states adjust these limits every year by inflation (marked *indexed*), and 2025 alone saw Alabama, Arizona, California, Illinois, Nevada, South Carolina, Utah, Virginia, and the District of Columbia change theirs. This appendix is part of this book's yearly refresh, so the edition you're holding reflects the latest published figures at press time. Most affidavit procedures also carry a short waiting period after death (typically 10 to 45 days) and most cover personal property only — bank accounts, vehicles, belongings — not real estate, unless the table says otherwise. Statutory citations for every figure are included in the free companion pack, if you or your attorney want to look anything up.

> **One rule before you rely on a number:** these tables tell you which questions to ask and roughly where your state stands. They are a map, not legal advice. Limits change, and the details (what counts toward the limit, who may sign the affidavit) live in the statutes. Confirm the current figure before acting — it takes one search of your state's court website.

The tables: Alabama to Illinois

State	The small-estate shortcut	Witnesses	Handwritten will?	Property system
Alabama	About $47,000 — the sum of three statutory family allowances (system rewritten Oct 2025), personal property only	2	No	Common law
Alaska	$50,000 personal property, plus up to $100,000 in vehicles	2	Yes	Common law (community property by opt-in agreement)
Arizona	$200,000 personal / $300,000 home equity (raised Sept 2025)	2	Yes	Community property
Arkansas	$100,000, 45-day wait	2	Yes, with extra proof at probate	Common law
California	$208,850 (deaths from Apr 2025; $239,700 from Apr 2026) plus a home petition up to $750,000	2	Yes	Community property
Colorado	$88,000 for deaths in 2026 ($86,000 for 2025), adjusted yearly	2 — or a notary instead	Yes	Common law
Connecticut	$40,000, filed through probate court	2	No	Common law
Delaware	$30,000	2	No	Common law
Florida	No affidavit; summary administration up to $75,000	2, strict signing rules	No	Common law
Georgia	No dollar limit — court process when there is no will and all heirs agree; bank accounts to $15,000 by affidavit	2, age 14 or older	No	Common law
Hawaii	$100,000, vehicles not counted	2	Yes	Common law
Idaho	$100,000	2	Yes	Community property
Illinois	$150,000 (deaths from Aug 15, 2025)	2	No	Common law

The tables: Indiana to Montana

State	The small-estate shortcut	Witnesses	Handwritten will?	Property system
Indiana	$100,000, 45-day wait	2	No	Common law
Iowa	$50,000 by affidavit; court process up to $200,000	2, age 16 or older	No	Common law
Kansas	$75,000, notarized affidavit	2	No	Common law
Kentucky	Court order, tied to the $30,000 family exemption	2	Yes	Common law
Louisiana	$125,000	Notary plus 2 witnesses	Yes	Community property, with forced heirship
Maine	$40,000 base, indexed yearly	2	Yes	Common law
Maryland	$50,000; $100,000 if the spouse inherits everything	2	Military only	Common law

State	The small-estate shortcut	Witnesses	Handwritten will?	Property system
Massachusetts	$25,000 plus one vehicle	2	No	Common law
Michigan	About $53,000, indexed yearly (base more than tripled in 2024)	2	Yes	Common law
Minnesota	$75,000	2	No	Common law
Mississippi	$75,000	2	Yes	Common law
Missouri	$40,000, and it can include real estate	2	No	Common law
Montana	$100,000 (doubled in 2023)	2	Yes	Common law

The Louisiana page. If you live in Louisiana, most estate planning books quietly fail you — this state runs on civil law, not the common law the other forty-nine share. Three things to know. First, the standard will here is the *notarial testament*: signed before a notary **and** two witnesses, on every page. Louisiana is the only state where the notary is part of the will itself. (The fully handwritten *olographic* will is also valid — dated and signed in your own hand.) Second, **forced heirship**: children age 23 or younger, and children of any age with a permanent disability, are entitled to a protected share of your estate. You cannot simply will everything away from them — unique in America. Third, Louisiana is a community property state, so half of what was built during the marriage already belongs to your spouse. If one chapter of this book deserves a local attorney's hour, it's this one — bring the worksheets; the thinking transfers even where the vocabulary doesn't.

The tables: Nebraska to Rhode Island

State	The small-estate shortcut	Witnesses	Handwritten will?	Property system
Nebraska	$100,000 personal / $50,000 real estate	2	Yes, date included by hand	Common law
Nevada	$150,000 for spouses (raised Oct 2025) / $25,000 for others; summary administration to $500,000	2	Yes, dated	Community property
New Hampshire	No dollar limit — simplified waiver only in narrow family situations	2	No	Common law
New Jersey	$50,000 spouse / $20,000 others — only when there is no will	2	Yes	Common law
New Mexico	$50,000, plus the family home to a spouse up to $500,000	2, strict signing rules	No	Community property
New York	$50,000, real estate excluded	2, within 30 days	Military and sailors only	Common law
North Carolina	$20,000; $30,000 if the spouse is sole heir	2	Yes, with extra proof at probate	Common law
North Dakota	$100,000 (doubled in 2023)	2 — or a notary instead	Yes	Common law

State	The small-estate shortcut	Witnesses	Handwritten will?	Property system
Ohio	$35,000 by court release; $100,000 when all goes to the spouse	2	No	Common law
Oklahoma	$50,000 by affidavit; summary administration to $200,000	2	Yes, dated	Common law
Oregon	$75,000 personal plus $200,000 real estate	2	No	Common law
Pennsylvania	$50,000 by court petition, no real estate	None required for a signed will	Yes, in effect	Common law
Rhode Island	$15,000 — the lowest in the nation	2	No	Common law

The tables: South Carolina to Wyoming, plus D.C.

State	The small-estate shortcut	Witnesses	Handwritten will?	Property system
South Carolina	$45,000 (raised May 2025)	2	No	Common law
South Dakota	$100,000	2	Yes	Common law (community property trust by opt-in)
Tennessee	$50,000	2	Yes, with extra proof at probate	Common law (community property trust by opt-in)
Texas	$75,000, homestead not counted; plus the muniment-of-title shortcut	2, age 14 or older	Yes	Community property
Utah	$100,000 (water shares excluded since 2025)	2	Yes	Common law
Vermont	Simplified court process up to $45,000	2	No	Common law
Virginia	$75,000 (raised July 2025)	2	Yes, with extra proof at probate	Common law
Washington	$100,000	2	No	Community property
West Virginia	$50,000 personal, with a $100,000 cap counting real estate	2	Yes	Common law
Wisconsin	$50,000, and it can include real estate	2	No	Community property ("marital property")
Wyoming	$200,000, including real estate through summary distribution	2	Yes	Common law
District of Columbia	$80,000 (doubled March 2025)	2	No	Common law

If you live in a community property state: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin treat most property acquired during marriage as owned half-and-half — automatically. Alaska, South Dakota, and Tennessee let couples opt in through a special agreement or trust. This changes the math in Chapters 3 and 4: your will only controls *your* half, and the tax treatment at the first death is different (often favorably so). If you're married and live in one of these states, say so in your first sentence to any attorney or online service — it reroutes half the advice.

If your state has no affidavit shortcut: Florida, Georgia, Kentucky, New Hampshire, Ohio, Pennsylvania, and Vermont route small estates through a simplified *court* process instead of a signed form — and in New Jersey the affidavit only exists when there is no will. The strategy in Chapter 8 doesn't change: keep probate assets lean with beneficiary designations and POD/TOD registrations, and the court version of "small" gets just as easy.

What changed lately — and why this page earns its keep. In 2025 alone: Arizona more than doubled its limits, Illinois went to $150,000, Nevada raised its spouse and summary limits, South Carolina nearly doubled, Virginia went to $75,000, Utah rewrote what counts, Alabama replaced its formula entirely, California moved to a dated schedule (and added a $750,000 home petition), and the District of Columbia doubled to $80,000. Michigan, Montana, and North Dakota all raised theirs the two years before. Any estate planning book printed with the old numbers is now quietly wrong in twelve states. This appendix is reviewed with every yearly edition of this book — and the companion pack always carries the freshest table between editions.

Statutory citations

For every figure above — so you or your attorney can check the source directly. Small-estate statute first, then the will-formalities statute.

State	Key statutes (small estate · wills)
Alabama	Ala. Code § 43-2-692 (allowance system: §§ 43-8-110 to -116, since Oct 2025) · § 43-8-131
Alaska	AS 13.16.680 · AS 13.12.502
Arizona	A.R.S. § 14-3971 · § 14-2502
Arkansas	Ark. Code § 28-41-101 · § 28-25-103
California	Prob. Code § 13100, §§ 13150 ff. · § 6110
Colorado	C.R.S. § 15-12-1201 · § 15-11-502
Connecticut	C.G.S. § 45a-273 · § 45a-251
Delaware	12 Del. C. § 2306 · § 202
Florida	Fla. Stat. § 735.201 · § 732.502
Georgia	O.C.G.A. §§ 53-2-40 ff., § 7-1-239 · § 53-4-20
Hawaii	HRS § 560:3-1201 · § 560:2-502
Idaho	Idaho Code § 15-3-1201 · § 15-2-502
Illinois	755 ILCS 5/25-1 · 5/4-3

State	Key statutes (small estate · wills)
Indiana	Ind. Code § 29-1-8-1 · § 29-1-5-3
Iowa	Iowa Code § 633.356, ch. 635 · § 633.279
Kansas	K.S.A. § 59-1507b · § 59-606
Kentucky	KRS § 391.030, § 395.455 · § 394.040
Louisiana	La. C.C.P. art. 3421 · La. C.C. arts. 1575–1577
Maine	18-C M.R.S. § 3-1201 · § 2-502
Maryland	Md. Est. & Trusts § 5-601 · § 4-102
Massachusetts	MGL c. 190B § 3-1201 · § 2-502
Michigan	MCL 700.3982, 700.3983 · 700.2502
Minnesota	Minn. Stat. § 524.3-1201 · § 524.2-502
Mississippi	Miss. Code § 91-7-322 · § 91-5-1
Missouri	Mo. Rev. Stat. § 473.097 · § 474.320
Montana	MCA § 72-3-1101 · § 72-2-522
Nebraska	Neb. Rev. Stat. § 30-24,125 · § 30-2327
Nevada	NRS 146.070, 146.080, ch. 145 · NRS 133.040, 133.090
New Hampshire	RSA 553:32 · RSA 551:2
New Jersey	N.J.S.A. 3B:10-3, 3B:10-4 · 3B:3-2
New Mexico	NMSA § 45-3-1201, § 45-3-1205 · § 45-2-502
New York	SCPA § 1301 · EPTL 3-2.1
North Carolina	N.C.G.S. §§ 28A-25-1, -1.1 · §§ 31-3.3, -3.4
North Dakota	N.D.C.C. § 30.1-23-01 · § 30.1-08-02
Ohio	ORC § 2113.03 · § 2107.03
Oklahoma	58 O.S. §§ 393, 245 · 84 O.S. §§ 54–55
Oregon	ORS § 114.510 · § 112.235
Pennsylvania	20 Pa.C.S. § 3102 · § 2502
Rhode Island	R.I. Gen. Laws § 33-24-1 · tit. 33, ch. 5
South Carolina	S.C. Code § 62-3-1201 · § 62-2-502
South Dakota	SDCL § 29A-3-1201 · § 29A-2-502
Tennessee	T.C.A. §§ 30-4-102, -103 · §§ 32-1-104, -105
Texas	Tex. Est. Code § 205.001 · §§ 251.051, .052
Utah	Utah Code § 75-3-1201 · § 75-2-502
Vermont	14 V.S.A. § 1902 · § 5
Virginia	Va. Code §§ 64.2-601, -602 · § 64.2-403

State	Key statutes (small estate · wills)
Washington	RCW 11.62.010 · 11.12.020
West Virginia	W. Va. Code §§ 44-1A-1, -2 · § 41-1-3
Wisconsin	Wis. Stat. § 867.03 · § 853.03
Wyoming	Wyo. Stat. §§ 2-1-201, -205 · §§ 2-6-112, -113
District of Columbia	D.C. Code § 20-351 · § 18-103

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