



## Executive Summary

This memorandum examines probate laws across the CSG South region, focusing on how states use simplified probate procedures and creditor claim periods to reduce the time associated with estate administration. While probate cases typically take between 9 and 24 months to resolve, factors such as contested wills, intestacy (dying without a will), and complex assets can extend timelines. States have adopted various streamlined procedures. The memorandum also compares mandatory creditor claim periods, which range from 60 days in West Virginia to 8 months in South Carolina.

## Research Methods

Review of state statutes via official code. Review of probate processes via publicly available data.

## Findings and Analysis

In the United States, it takes an average of 9 to 24 months to resolve a case, but timelines vary by state due to differences in procedural and administrative requirements.<sup>i</sup> In addition to the basic timeline outlined in each state, other factors can prolong the probate process. For instance, challenges to an individual's will can delay the case. Approximately 3% of wills are contested, which can extend the process by 2 to 3 times the average, often stretching past 24 months, and dying without a valid will (being intestate) can result in <sup>ii</sup>.<sup>iii</sup>

Furthermore, there are assets within an estate that can elongate the process. Real estate transactions in probate take about 6-12 months, with delays if repairs are needed or market conditions slow sales. Companies and partnership shares require business valuations and operating agreement reviews, often extending probate by 6 months or more. Both types of ownership transfers often require accounting and attorney evaluation before moving forward<sup>iv</sup>.

One of the most common methods states have employed to shorten the probate process is by simplifying it through small estate affidavits and summary administrations. Small estate affidavits allow the transfer of property to beneficiaries when the total size of an estate is below the statutory maximum, which varies by state. Similarly, summary administrations are a streamlined probate process that allows heirs to take control of assets quickly and cost-effectively; however, as with small estate affidavits, the estate's total value must be below a certain threshold. A lower threshold limits eligibility, potentially leading to more probate cases if individuals do not have property in a living trust.

Another factor in the length of a probate case is the mandatory creditor's claims period. This is a statutorily required period where creditors may come forward and raise a debt claim against a deceased person's estate. Time periods vary by jurisdiction but can range anywhere from 60 days to 8 months in the CSG South Region. When considering adjustments to this period, policymakers often balance the time and resource requirements of the court, estate executor, and interested parties with creditors' rights and administrative requirements to ensure fairness.

Table 1 below compares simplified probate procedures and creditor claim periods across the CSG South Region. It looks at the type of simplified processes available, the estate value threshold, and the mandatory waiting period before applying for a simplified process. It also outlines the statutory requirements for mandatory creditors' claim periods in relation to when the estate's executor files notice to creditors.



Table 1. Comparison of Simplified Probate Processes, Value Thresholds, Waiting Periods, and Creditor Claim Period by State

State	Type of Simplified Probate Process	Value Threshold	Waiting Period Before Filing for Simplified Probate Process	Creditor Claim Period
Alabama <sup>v, vi, vii</sup>	Small Estate Affidavit / Summary Distribution	\$47,000	30 days after death	Later of 6 months after grant of letters or 5 months after first publication of notice to creditors
Arkansas <sup>viii, ix</sup>	Small Estate Affidavit	<\$100,000 (subject to exclusions)	45 days after death	6 months after second publication of notice
Florida <sup>x, xi</sup>	Summary Administration	\$150,000	None specified	Later of 3 months after first publication of notice to creditors or 30 days after direct service
Georgia <sup>xii, xiii</sup>	Limited Small Estate Affidavit (financial institutions only) OR "No Administration Necessary" in highly specific cases	\$15,000	90 days after death (for "No Administration Necessary")	3 months after the first publication of notice to creditors
Kentucky <sup>xiv, xv, xvi</sup>	Small Estate Administration	Assets do not exceed surviving spouse exemption and certain preferred claims	None specified	6 months after appointment of personal representative (or 2 years if none appointed)
Louisiana <sup>xvii, xviii, xix</sup>	Small Succession Procedure	\$125,000	For Real Estate: 90 days	3 months after first publication of notice to creditors
Mississippi <sup>xx, xxi</sup>	Small Estate Affidavit	\$50,000	30 days after death	90 days after publication of notice to creditors
Missouri <sup>xxii, xxiii</sup>	Small Estate Affidavit	\$40,000	30 days after death	6 months after first publication of notice to creditors or 2 months after mailed notice, whichever is later
North Carolina <sup>xxiv, xxv, xxvi</sup>	Collection by Affidavit; Summary Administration for Surviving Spouse	\$20,000 (\$30,000 for surviving spouse as sole heir)	30 days after death	At least 3 months from first publication of notice to creditors



<b>Oklahoma</b> <sup>xxvii, xxviii, xxix</sup>	Summary Administration; Small Estate Affidavit; Dispensing with Administration	<b>\$200,000</b> (summary administration); <b>\$50,000</b> (affidavit); <b>\$150,000</b> (dispensing with proceedings)	10 days after death	At least 2 months after publication of notice to creditors
<b>South Carolina</b> <sup>xxx, xxxi</sup>	Summary Administration; Small Estate Affidavit	<b>\$25,000</b>	30 days after death	Later of 8 months after publication of notice to creditors or 60 days after direct notice to creditors
<b>Tennessee</b> <sup>xxxii, xxxiii, xxxiv</sup>	Small Estate Affidavit	<b>\$50,000</b>	45 days after death	4 months after first publication of notice to known creditors; up to 12 months for unknown creditors
<b>Texas</b> <sup>xxxv, xxxvi, xxxvii</sup>	Small Estate Affidavit; Limited Summary Procedures	<b>\$75,000</b> (excluding homestead and exempt property)	30 days after death	4 months after publication of notice to creditors
<b>Virginia</b> <sup>xxxviii, xxxix</sup>	Small Estate Affidavit	<b>\$50,000</b>	60 days after death	No formal deadline; generally governed by statutes of limitation
<b>West Virginia</b> <sup>xl, xli, xlii</sup>	Small Estate Administration (two tracks)	<b>\$100,000</b> (traditional); <b>\$50,000 personal property/\$100,000 real property</b> (newer process)	With a will: 30 days after death Without a will: 60 days after death	60 days after first publication of notice to creditors

### Key Take-Aways

Of the CSG South member states, Oklahoma has the highest value threshold (\$200,000) for a simplified probate process, and Georgia has the lowest (\$15,000). Oklahoma and West Virginia have the shortest creditor claim periods, 2 months and 60 days, respectively. South Carolina has the longest formal deadline (8 months), while Virginia has none beyond its creditors' statute of limitations.

<sup>i</sup> Legal, CSF. 2026. "How Long Does Probate Take? State-By-State Timelines for 2026." Catalina Structured Funding. March 18, 2026. <https://www.catalinastructuredfunding.com/blog/how-long-does-probate-take>.

<sup>iii</sup> "How Long Does Probate Take in 2026? Timeline Guide." 2026. Meetalix.com. 2026. <https://www.meetalix.com/resources/how-long-does-probate-take>.

<sup>iv</sup> Ibid.

<sup>v</sup> Phillips, Brad. 2025. "Brad Phillips Law." Brad Phillips Law. September 13, 2025. <https://www.bradphillipslaw.com/blog/how-does-probate-work-in-alabama/>.



<sup>vi</sup> McMichen, Colin. 2025. "Alabama Increases the Limit for the Small Estates Act: What Families Should Know in 2025." Provident Law. September 4, 2025. <https://www.provident.law/post/alabama-increases-the-limit-for-the-small-estates-act-what-families-should-know-in-2025>.

<sup>vii</sup> Alabama Code § 43-2-350

<sup>viii</sup> "Arkansas Law Help: Wills and Estates: Small Estates." 2026. Arlawhelp.org. 2026. <https://a.arlawhelp.org/wills-and-estates/small-estates>.

<sup>ix</sup> "Understanding the Probate Process | Arkansas Estate Guide." 2026. Maumellelaw.com. 2026. <https://www.maumellelaw.com/the-probate-process>.

<sup>x</sup> "DeSantis Signs Probate Reform Legislation." 2026. The Florida Bar. April 30, 2026. <https://www.floridabar.org/the-florida-bar-news/probate-reform-bill-awaits-desantis-decision/>.

<sup>xi</sup> Florida Statute Section 733.702

<sup>xii</sup> Official Code of Georgia Annotated § 7-1-239

<sup>xiii</sup> "Perigon Legal | Estate Planning & Closings | Atlanta." 2026. Perigonlegal.com. 2026.

<https://www.perigonlegal.com/blogs/georgia-probate-time-limits--deadlines-every-family-should-know>.

<sup>xiv</sup> KY Rev Stat § 395.455

<sup>xv</sup> KY Rev Stat § 396.011

<sup>xvi</sup> KY Rev Stat § 396.015

<sup>xvii</sup> Louisiana Code of Civil Procedure Article 3001, *et seq.*

<sup>xviii</sup> Louisiana Code of Civil Procedure Article 3431, *et seq.*

<sup>xix</sup> Scott, Brad P. 2026. "Understanding the Key Steps in the Probate Process in Louisiana." Scott Law Group — Estate Counsel. April 23, 2026. <https://www.louisianasuccessionattorney.com/library/understanding-the-key-steps-in-the-probate-process-in-louisiana/>.

<sup>xx</sup> Mississippi Code § 91-7-322

<sup>xxi</sup> Morton Elder Law Firm. 2026. "The Hidden Timeline of Probate in Mississippi When There's No Will — What You Must Know!" Mortonelderlaw.com. Morton Elder Law Firm. April 13, 2026. <https://mortonelderlaw.com/the-hidden-timeline-of-probate-in-mississippi-when-theres-no-will-what-you-must-know/>.

<sup>xxii</sup> Missouri Revised Statutes § 473.097, *et seq.*

<sup>xxiii</sup> Missouri Revised Statutes § 473.360.1

<sup>xxiv</sup> North Carolina General Statutes § 28A-25-1, *et seq.*

<sup>xxv</sup> North Carolina General Statutes § 28A-28-1, *et seq.*

<sup>xxvi</sup> North Carolina General Statutes § 28A-14-1a, *et seq.*

<sup>xxvii</sup> Oklahoma Statutes § 58-245, *et seq.*

<sup>xxviii</sup> Oklahoma Statutes § 58-393, *et seq.*

<sup>xxix</sup> Oklahoma Statutes § 58-331

<sup>xxx</sup> South Carolina Code of Laws § 62-3-1201, *et seq.*

<sup>xxxi</sup> "South Carolina Probate: What Is the Creditor Claim Period after Notice, and What Happens When It Ends?" 2026. Branch Estate Planning | Probate and Estate Planning Lawyers. January 6, 2026. <https://branchestateplanning.com/estate-planning/south-carolina-probate-what-is-the-creditor-claim-period-after-notice-and-what-happens-when-it-ends/>.

<sup>xxxii</sup> Tennessee Code § 30-4-101, *et seq.*

<sup>xxxiii</sup> Tennessee Code § 30-2-103

<sup>xxxiv</sup> Centerpoint Group Law Firm. 2025. "Probate Timelines & Deadlines in Tennessee: What Must Be Filed by December?"

Centerpoint Group Law Firm. October 31, 2025. <https://centerpointgrouplaw.com/probate-timelines-deadlines-in-tennessee-what-must-be-filed-by-december/>.

<sup>xxxv</sup> Texas Estates Code § 354.001

<sup>xxxvi</sup> Texas Estates Code § 205.001, *et seq.*

<sup>xxxvii</sup> Reed, Livens. 2024. "How Long Do Creditors Have to Make Claims in Texas Probate Court? | Livens & Reed, PLLC." Livens & Reed - Attorneys at Law. December 2, 2024. <https://www.livensreed.com/blog/2024/12/02/how-long-do-creditors-have-to-make-claims-in-texas-probate-court/>.

<sup>xxxviii</sup> Code of Virginia § 64.2-601, *et seq.*

<sup>xxxix</sup> Code of Virginia § 64.2-550, *et seq.*



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<sup>xi</sup> West Virginia Code § 44-3A-5

<sup>xii</sup> West Virginia Code § 44-1A-1, *et seq.*

<sup>xiii</sup> SwiftProbate. 2026. "Probate in West Virginia: Complete 2026 Guide." Swiftprobate.com. SwiftProbate. February 8, 2026.  
<https://www.swiftprobate.com/probate/west-virginia>.