

STATE OF VERMONT
VERMONT SUPREME COURT
OCTOBER TERM, 2025

**Order Promulgating Emergency Amendment to Rule 80.3(g)
of the Vermont Rules of Probate Procedure**

Pursuant to the Vermont Constitution, Chapter II, § 37, and 12 V.S.A. § 1, it is hereby ordered:

1. That Rule 80.3(g) of the Vermont Rules of Probate Procedure be amended to read as follows (deleted matter struck through; new matter underlined):

RULE 80.3. SMALL ESTATES

(g) **Affidavit Procedure.** In lieu of filing the petition required in (a)(1), when an estate consists solely of one or more assets that may pass in accordance with the terms of the will, if any, or the law of descent and survivor’s rights, an interested person, upon paying the entry fee for a small estate, may file an affidavit accompanied by a death certificate and the will, if any, and attesting to the matters set forth in (a)~~(4)~~(5) and ~~(5)~~(6) and that notice has been given to, or consent obtained from, any other interested persons. If the court finds that the facts attested to are determined to its satisfaction, the court may order the asset or assets distributed in accordance with the terms of the will, if any, or the laws of descent and survivor’s rights.

Reporter’s Notes—2026 Amendment

Rule 80.3(g) is amended to correct cross references from paragraphs (a)(4) and (5) to (a)(5) and (6).

2. That this rule is prescribed and promulgated **effective January 1, 2026**. The Reporter’s Notes are advisory.

3. That the Court finds that this emergency amendment must be promulgated without resort to the notice and comment procedures set forth in Administrative Order No. 11, to properly update the cross references in the rule and alleviate any confusion.

4. That the Court Administrator is directed to send this rule as amended out for comment pursuant to Administrative Order No. 11, with comments to be made to the Advisory Committee on the Rules of Probate Procedure. The Advisory Committee is directed to review any comments received and advise the Court whether the amendment should be revised or be made permanent.

5. That the Chief Justice is authorized to report this rule to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this 6th day of October, 2025.



Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice