Estate Planning for Oyster Ground Leases

Oyster Ground Leases as part of an Estate

Transferable Leases:

- Regular Lease
- Riparian Lease

ALL leases **must** be transferred within 18 months of leaseholders death or the lease will be terminated.

Required documents:

- Probated Will - detailing license recipient
- Small Estate Affidavit
  - VMRC leases MUST be listed on the document
- Executor Statement

**A small estate affidavit can be used if the property value is less than $50,000 and at least 60 days have passed since the decedent's death, see § 64.2-600-605 of the Code of Virginia for additional stipulations.

AND the documents listed below:

- Original Death Certificate
- Signed transfer application(s)
- Application transfer fee

**The executor or administrator of the estate shall sign on behalf of the deceased party (transferor) and the beneficiary of the leases shall sign as the transferee.

Who is eligable to be the recipient of oyster ground leases?

Regular Leases

- Any Virginia resident named in the leaseholder's will and/or any Virginia resident who the legal executor wishes to add to the lease

Riparian Leases

- The name on the riparian lease must match the name on the deed to the upland property associated with it.

*Virginia Corporations may hold oyster ground, provided that VMRC has a Corporation Affidavit on file.

** Oyster ground recipients **may** be asked to provide a residency affidavit.

For more information regarding oyster ground leases, please see the following Virginia Code: § 28.2-613

Contact information for lease transfers:

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