

## How to File Required Documents for Probate Cases Through the Missouri eFiling System

Pursuant to Court Operating Rule 27.01, the following items are required filings on **new** Probate court cases. Please reference instructions on [How to eFile a New Case in the Circuit Court](#) or [How to eFile on an Existing Case in the Circuit Court](#) for eFiling procedures.

### DECEDENT ESTATE

**NOTE:** If there is a Will, the **Original** Will must be filed with Probate (RSMo 473.043) before Letters will be granted. Please enter a Note to Clerk to indicate when the Will was mailed or filed at the court.

#### Admitting Will

1. Petition to admit Will.
2. Copy of Will.
3. Copy of Death Certificate.

Party Information – Decedent

Case Category	Case Type	Document Category	Document Type
Decedent Estates	<b>INITIATING DOCUMENT</b>		
	Will Admitted or Rejected	Petition to/for	Admit Will
	<b>ADDITIONAL FILING DOCUMENTS</b>		
	<i>(Required)</i>	Filing - Other/Miscellaneous	Last Will and Testament
	<i>(Required)</i>	Certificate of	Death

**Full Estate with Will**

NOTE: If there is a Will, the **Original** Will must be filed with Probate (RSMo 473.043) before Letters will be granted. Please enter a Note to Clerk to indicate when the Will was mailed or filed at the court.

1. Affidavit as To Death and Application for Probate of Will.
2. Application for Letters Testamentary (person named in will)
- or**
3. Application for Letters of Administration with Will Annexed (person not named in Will).
4. Copy of Death Certificate.

If the Will does not provide for Independent or waiver of bond, all persons receiving must consent to the personal representative serving or Application will be set for hearing. All persons receiving can waive bond. All persons receiving can consent to Independent Administration.

5. Waiver of Bond.
6. Consent to Independent administration.
7. Inventory if available at the time of Filing.
8. Copy of Will.
9. Sworn Affidavit as stated below.

Party Information - All persons named by name in the Will must be entered with name, address, telephone number, date of birth and social security number. If you cannot get this information for any reason, you must do a SWORN affidavit as to the reason you cannot get info.

Case Category	Case Type	Document Category	Document Type
Decedent Estates	<b>INITIATING DOCUMENT</b>		
	Supervised Administration-With Will	Affidavit for/in/of	Death and Apportionment
		Application for Letters of	Testamentary Administration with Will Annexed
	Independent Administration-With Will	Affidavit for/in/of	Death and Apportionment
		Application for Letters of	Testamentary Administration with Will Annexed
	<b>ADDITIONAL FILING DOCUMENTS</b>		
	<i>(Required)</i>	Certificate of	Death
	<i>(See Instructions above)</i>	Waiver of	Bond
	<i>(See Instructions above)</i>	Consent by/for/to	Independent Administration
	<i>(As Appropriate)</i>	Inventory and/or Appraisal	Inventory and Appraisal (other)
	<i>(Required)</i>	Filing - Other/Miscellaneous	Last Will and Testament
	<i>(See Instructions above)</i>	Affidavit for/in/of	Affidavit (other)

## Full Estate without Will

### 1. Application for Letters of Administration.

All persons receiving must consent to the personal representative serving or Application will be set for hearing. All persons receiving can waive bond. All persons receiving can consent to Independent Administration.

#### 1. Consent to Appointment.

#### 2. Bond

- a. Waiver of Bond,
- b. In the amount of personal property,
- Or
- c. \$1,000.00 Bond if the value of personal property is unknown.

#### 3. Consent to Independent administration.

#### 4. Death Certificate (copy).

#### 6. Inventory and Appraisal if complete by initial filing.

Party Information - all persons must be entered with name, address, telephone number, date of birth and social security number. . If you cannot get this information for any reason, you must do a SWORN affidavit as to the reason you cannot get info.

#### 8. Sworn Affidavit as stated above.

Case Category	Case Type	Document Category	Document Type
Decedent Estates	<b>INITIATING DOCUMENT</b>		
	Supervised Administration-Without Will	Application for Letters of	Administration
	Independent Administration-Without Will	Application for Letters of	Administration
	<b>ADDITIONAL FILING DOCUMENTS</b>		
	<i>(See Instructions above)</i>	Consent by/for/to	Consent (other)
	<i>(See Instructions above)</i>	Waiver of	Bond
	<i>(See Instructions above)</i>	Consent by/for/to	Independent Administration
	<i>(Required)</i>	Certificate of	Death
	<i>(As Appropriate)</i>	Inventory and/or Appraisal	Inventory and Appraisal (other)
	<i>(See Instructions above)</i>	Affidavit for/in/of	Affidavit (other)

## Refusals

### Spouse

1. Application of Spouse for Refusal of Letters.
2. Copy of Death Certificate.

Party Information - on Decedent, Spouse, and Attorney

### Minor

1. Application for Refusal of Letters for Minor Children (application must include facility and address where funds will be restricted).
2. Copy of Death Certificate.

Party Information - on Decedent, Petitioner, and Minor Children

**Creditor** (only done up to the amount paid on funeral bill)

1. Application of Creditor for Refusal of Letters.
  - a. Attachment - Receipt from funeral home showing who paid and how much.
2. Copy of Death Certificate.

Party Information - on Decedent, Creditor and Attorney

All persons must be entered with name, address, telephone number, date of birth and social security number. . If you cannot get this information for any reason, you must do a SWORN affidavit as to the reason you cannot get info.

3. Sworn Affidavit as stated above.

<b>Case Category</b>	<b>Case Type</b>	<b>Document Category</b>	<b>Document Type</b>
Decedent Estates	<b>INITIATING DOCUMENT</b>		
	Refusal of Letters - <b>Spousal</b>	Application for Letters of	Refusal - Spousal
	Refusal of Letters - <b>Minor</b>	Application for Letters of	Refusal - Minor
	Refusal of Letters - <b>Creditor</b>	Application for Letters of	Refusal - Creditor
	<b>ADDITIONAL FILING DOCUMENTS</b>		
	<i>(Required)</i>	Certificate of	Death
	<i>(See Instructions above)</i>	Affidavit for/in/of	Affidavit (other)

**Small Estate Affidavits**

If there is a Will, the **Original** Will must be filed with Probate (RSMo 473.043) before Letters will be granted. Please enter a Note to Clerk to indicate when the Will was mailed or filed at the court.

1. Affidavit As to Death and Application for Probate of Will (if there is a Will).
2. Small Estate Affidavit to Establish Title of Distributee.
4. Copy of Death Certificate.

NOTE: Memorandum Appointing Designee and Waiving Bond must be signed by all people receiving.

If you cannot get Memorandum then you need a Small Estate Bond for amount of filing.

4. Memorandum appointing designee and waiving bond or a Small Estate Bond.
5. MO HealthNet Release - this must have been sent and returned to you before filing Small Estate.
6. Copy of Will.

Party Information - on Deceased, Petitioner, Attorney, and anyone receiving must be entered with name, address, telephone number, date of birth and social security number. If you cannot get this information for any reason, you must do a SWORN affidavit as to the reason you cannot get info.

7. Sworn Affidavit as stated above.

Case Category	Case Type	Document Category	Document Type
Decedent Estates	<b>INITIATING DOCUMENT</b>		
	Small Estate With Will	Affidavit for/in/of	Death and Apportionment
			Establish Title of Distributee with Will
	Small Estate Without Will	Affidavit for/in/of	Death and Apportionment
			Establish Title of Distributee
	<b>ADDITIONAL FILING DOCUMENTS</b>		
	<i>(Required)</i>	Certificate of	Death
	<i>(See Instructions above)</i>	Filing - Other/Miscellaneous	Memorandum
	<i>(See Instructions above)</i>	Filing - Other/Miscellaneous	Mo HealthNet Release
	<i>(See Instructions above)</i>	Filing - Other/Miscellaneous	Last Will and Testament
<i>(See Instructions above)</i>	Affidavit for/in/of	Affidavit (other)	

**Determination of Heirship**

- 1. Petition for Determination of Heirship
- 2. Copy of Death Certificate

Party Information - on all persons involved.

Anyone receiving must be entered with name, address, telephone number, date of birth and social security number. If you cannot get this information for any reason, you must do a SWORN affidavit as to the reason you cannot get info.

- 3. Sworn Affidavit as stated above.

<b>Case Category</b>	<b>Case Type</b>	<b>Document Category</b>	<b>Document Type</b>
Decedent Estates	<b>INITIATING DOCUMENT</b>		
	Determination of Heirship	Petition To/For	Determination of Heirship
	<b>ADDITIONAL FILING DOCUMENTS</b>		
	<i>(Required)</i>	Certificate of	Death
	<i>(See Instructions above)</i>	Affidavit for/in/of	Affidavit (other)

## Incapacitated/Disabled

### Adult Guardianship and/or Conservatorships

1. Application for Appointment of Guardian and/or Conservator.
2. Interrogatories must be filed **prior to hearing**.

NOTE: It is the Attorney's responsibility to have the Respondent served prior to hearing.

Party Information - on Respondent, Petitioner, Attorney and all parties on Exhibit B  
 All parties must be entered with name, address, telephone number, date of birth and social security number. If you cannot get this information for any reason, you must do a SWORN affidavit as to the reason you cannot get info.

3. Sworn Affidavit as stated above.

Case Category	Case Type	Document Category	Document Type
Incapacitated/ Disabled	<b>INITIATING DOCUMENT</b>		
	Guardianship and Conservatorship - Adult	Application for Letters of	Guardian ship and Conservatorship
			Co-Guardianship and Co-Conservator ship
	Guardianship and Conservatorship - Adult - Limited	Application for Letters of	Guardianship and Conservator ship - Limited
	Conservatorship - Adult	Application for Letters of	Conservator ship
			Co-Conservator ship
	Conservatorship – Adult - Limited	Application for Letters of	Conservatorship - Limited
	Guardianship – Adult	Application for Letters of	Guardianship
			Co-Guardianship
	Guardianship – Adult - Standby	Petition to/for	Standby Guardian
	Guardianship - Adult - Limited	Application for Letters of	Guardianship - Limited
	<b>ADDITIONAL FILING DOCUMENTS</b>		
(See Instructions	Filing -	Interrogatories	

	<i>above)</i>	Other/Miscellaneous	

## Minor Guardianship and/or Conservatorships

**NOTE: You must file a separate case for each Minor Child. In Note to Clerk mark each case as 1 of \_\_, 2 of \_\_, etc so the cases can be related.**

1. Application for Appointment of Guardian of the Person and/or Conservator of the Estate of Minor (If Conservator is being appointed, a facility name and address must be on the application as to where funds will be placed in a restricted account).

a. Attachments - Copy of State Birth Certificate.

2. Consent to Appointment by Mother and Father.

3. Waiver of Service

a. Guardian - by Mother and Father, if consenting.

b. Conservatorships by non-acting Mother or Father, if consenting.

The Summons is prepared by court. It is the Attorney's responsibility to serve non-consenting Mothers and Fathers at least 30 days prior to hearing date.

Party Information - on Minor, Petitioner(s), Attorney, Mother and Father

All parties must be entered with name, address, telephone number, date of birth and social security number. If you cannot get this information for any reason, you must do a SWORN affidavit as to the reason you cannot get info.

4. Sworn Affidavit as stated above.

Case Category	Case Type	Document Category	Document Type
Incapacitated/ Disabled	<b>INITIATING DOCUMENT</b>		
	Guardianship and Conservatorship - Minor	Application for Letters of	Guardian ship and Conservatorship
			Co-Guardianship and Co-Conservator ship
	Guardianship and Conservatorship - Minor - Limited (475.060 RSMo)	Application for Letters of	Guardianship and Conservator ship - Limited
	Conservatorship - Minor	Application for Letters of	Conservator ship
			Co-Conservator ship
	Guardianship - Minor	Application for Letters of	Guardianship Co-Guardianship
	Guardianship – Minor - Standby (475.046 RSMo)	Petition to/for	Standby Guardian
Guardianship - Minor - Limited (475.060 RSMo)	Application for Letters of	Guardianship - Limited	

	<b>ADDITIONAL FILING DOCUMENTS</b>		
	<i>(See Instructions above)</i>	Consent by/for/to	Natural Parent
	<i>(If Appropriate)</i>	Waiver of	Service
	<i>(If Appropriate)</i>	Waiver of	Bond

**Dispensing With Conservatorship** (minor receiving funds less than \$10,000)

1. Petition to Dispense with Conservatorship (Petition must include facility name and address where funds will be placed in a restricted account).

a. Attachment - Copy of Birth Certificate

Party Information - on Minor, Petitioner and Attorney

All parties must be entered with name, address, telephone number, date of birth and social security number. If you cannot get this information for any reason, you must do a SWORN affidavit as to the reason you cannot get info.

2. Sworn Affidavit as stated above.

Case Category	Case Type	Document Category	Document Type
Incapacitated/ Disabled	<b>INITIATING DOCUMENT</b>		
	Dispense With Conservator-Minor	Petition To/For	Petition (other)
	<b>ADDITIONAL FILING DOCUMENTS</b>		

# TRUSTS

**1. Petition for reason filing**

If the Trust has not previously been registered and a Successor Trustee needs to be assigned, use the Successor Trustee Case Type. Otherwise file the Petition for Successor Trustee on an Existing Case using the Trust Registration case ID.

Party Information - on all persons involved.

All parties must be entered with name, address, telephone number, date of birth and social security number. If you cannot get this information for any reason, you must do a SWORN affidavit as to the reason you cannot get info.

**2. Sworn Affidavit as stated above.**

<b>Case Category</b>	<b>Case Type</b>	<b>Document Category</b>	<b>Document Type</b>
Trusts	<b>INITIATING DOCUMENT</b>		
	Trust Registration	Petition To/For	Petition (other)
	Trust - Miscellaneous	Petition To/For	Petition (other)
	Successor Trustee	Petition To/For	Petition (other)
	<b>ADDITIONAL FILING DOCUMENTS</b>		
	<i>(Required)</i>	Application to/for	Registration of Trust
	<i>(If appropriate)</i>	Certificate of	Death

## MISCELLANEOUS PROBATE

### Sexual Predator 632.480 RSMo

1. Petition from the Attorney General.
  - a. Attachment - Assessment from the Attorney General.
  - b. Attachment - A copy of the assessment of the multidisciplinary team.

### Any other Miscellaneous Probate Matters

1. Petition.

Case Category	Case Type	Document Category	Document Type
Probate Miscellaneous	<b>INITIATING DOCUMENT</b>		
	Sexual Predator (632.480 RSMo)	Petition To/For	Petition (other)
	Removal of Firearm Disqualification Probate Miscellaneous- Non Case	Petition To/For	Petition (other)
	Miscellaneous Probate- Other	Petition To/For	Petition (other)
<b>NO ADDITIONAL FILING DOCUMENTS</b>			

## FILE ON EXISTING CASE

### Successor Letters on Respondent or Minor

1. Application for Appointment of Successor Letters of Guardianship or Conservatorship
2. Consent of Guardian and/or Conservator if not Petitioner
3. Consent of New person serving as Guardian and/or Conservator if not Petitioner

If Guardians and/or Conservators do not consent to Successor Letters, the attorney must serve those 30 days prior to hearing date by courts summons.

Party Information - on all persons involved.

Case Category	Case Type	Document Category	Document Type
Trusts	<b>INITIATING DOCUMENT</b>		
	Successor Trustee	Application for Letters of	Successor
	<b>ADDITIONAL FILING DOCUMENTS</b>		
	<i>(See Instructions above)</i>	Consent by/for/to	Consent
	<i>(See Instructions above)</i>	Consent by/for/to	Serve

### **NOTE:**

Inventories are due 30 days after Letters are issued

Annual Settlements are due on the Anniversary date Letters were issued

Final Settlements on Deceased estates are due six months and 10 days from first publication

Final Settlements on Respondent or Minor cases are due 40 days after the notice is sent

Statement of Accounts are due 1 year from the date Letters are issued

Annual Reviews and Status Reports are due on the Anniversary date of issuance of Letters