

**AFFIDAVIT TO ESTABLISH TITLE OF DISTRIBUTE
LESS THAN \$40,000.00**
(Small Decedent's Estates)

Please read the following instructions and complete the forms we have provided for filing an Affidavit to Establish Title of Distributee (Small Decedent's Estate) and/or Affidavit as to Death & Application for Probate of Will.

We cannot give you legal advice,
So you may wish to consult an attorney if you have questions.

THE ORDER (CERTIFICATE OF CLERK) CANNOT BE
SIGNED UNTIL 30 DAYS FROM THE DATE OF DEATH

Note:

The applicant must be the person named in the Will as the Personal Representative or an heir of the estate.

Filing Fees:

Affidavit to Establish Title (Small Estate)	\$70.00
Application to Probate Last Will and Testament	\$35.00
Publication fee for assets totaling \$15,000 to \$40,000 (<u>additional fee</u>)	
Columbia Tribune	\$70.00
Columbia Missourian	\$50.00

WE DO NOT ACCEPT PERSONAL CHECKS OR BUSINESS CHECKS OTHER THAN LAW FIRM CHECKS. CASH, MONEY ORDER OR CASHIER'S CHECKS ARE ACCEPTED. PLEASE MAKE PAYABLE TO THE PROBATE DIVISION.

1. Complete the Affidavit to Establish Title of Distributees to Property of Decedent.
2. Last Will and Testament **must be filed within one year from the date of death** and it must be the **original Will**. Complete the Affidavit as to Death and Application for Probate of Will form.
3. A Death Certificate is required.
4. A Confidential Case Filing Information Sheet must be completed and attached to the forms. All heirs must be listed on the Information Sheet along with their dates of birth and their last four digits of their social security numbers. (**This is required**)
5. A Missouri Healthnet Release form must be completed to determine if the deceased was or was not a Missouri Healthnet Participant.
6. A copy of the funeral bill is required and proof of payment of the funeral bill.

7. We will check with the Collector of Revenue's Office to see if they will be filing a Claim Against the Estate.

8. **Examples of Assets in deceased name only that should be listed on the affidavit:**

- Vehicles, Trailers, Mobile Homes, Etc.: List the year, make, vehicle identification number and value for each one listed.
- Bank Accounts, Savings Accounts, Etc.: Name of bank, type of account, account numbers and balance in the account as of the date of death.
- Stocks, Bonds, CD's, Etc.: Name of companies, certificate numbers, number of shares and value of each as of the date of death.
- Paychecks, Refund Checks, Etc.: Name of the company or the person that the check is from, check number and the amount of the check.

9. **Verification of Property:** You will need to provide the Court with verification of the property that is in the deceased person's name only. If you do not have access to a copy machine, you may bring the titles, certificates, etc. to our office and we will make the copies.

10. **Bond:** You will be required to file a surety bond to cover the amount of the personal property that is listed in this estate.

If you wish to request that the bond be waived, you will need to write a letter that is notarized or signed before a Probate Clerk, to the Court requesting that the bond be waived. The request will be shown to the Judge and the Judge will rule on it. This matter might be set for hearing.

NOTE: The Bond will be discharged two years from the date that the Certificate of Clerk is issued. If you do not receive an order discharging the bond, please contact the Probate Office.

PLEASE NOTE: BE SURE TO LIST EVERYTHING THAT IS IN THE DECEASED PERSON'S NAME ONLY. ONCE THE ORDER HAS BEEN SIGNED AND ISSUED, THE ESTATE WILL BE CLOSED. IF YOU DISCOVER SOMETHING LATER THAT IS IN THE DECEASED PERSON'S NAME ONLY, YOU WILL HAVE TO RE-OPEN THE ESTATE AND PAY ANOTHER FILING FEE OF \$70.00.

**Boone County Probate Division
705 East Walnut
Columbia, MO 65201
573-886-4090
Fax: 573-886-4095**

Web page for probate forms: <http://www.courts.mo.gov/hosted/circuit13/forms/forms.htm>

CIRCUIT COURT OF BOONE COUNTY, MISSOURI
PROBATE DIVISION

Estate No. _____

IN THE ESTATE OF _____, Deceased.

**AFFIDAVIT TO ESTABLISH TITLE OF DISTRIBUTE TO
PROPERTY IN ESTATE HAVING LESS THAN \$40,000.00**

The undersigned _____, a person having knowledge of the facts hereinafter stated, being first duly sworn, states:

Decedent's date of birth was _____, and died on _____.

Decedent resided at _____.

*(Decedent left a Will, which was duly admitted, to Probate by this Court on _____.)

*(No Will has been presented for Probate.)

Attached hereto as Appendix C listing all debts, unpaid taxes, claims or demands against the decedent or his estate on the property, transfers involved, have been or will be paid except that any liability by the Affiant's for the payment of unpaid claims shall be limited to the value of the property received.

Attached hereto as Appendix A is an itemized description and valuation of all of the property of said decedent, together with the names and addresses of the persons having possession of the same (including registrars or transfer agents of all corporate shares and bonds.)

Attached hereto as Appendix B are the names, addresses and relationship to the decedent of the persons entitled to and who will receive the property, and who are entitled at the present time to take a defeasible interest in said property, and the facts establishing their right to the real and personal property described in Appendix A attached hereto.

The value of the entire estate, less debits, liens and, encumbrances, does not exceed the amount of forty thousand dollars.

Thirty days have elapsed since the death of the decedent and no application for letters or for administration or for refusal of letters under Section 473.090 RSMo, is pending or has been granted.

***Assets \$15,000 - \$40,000 require notice to creditors.**

Newspaper for Publication: _____

*strike if inapplicable

(A bond in the amount of \$ _____, with corporate surety has been filed with and approved by the Court.)

APPENDIX A

REAL PROPERTY

(give legal description and street address, valuation, less liens and encumbrances.)

PERSONS HAVING POSSESSION

(give name and address)

\$

PERSONAL PROPERTY

(value less liens and encumbrances)

APPENDIX B

NAME Heirs or Legatee's Include Spouse, Children, (court will need to know if there is/is not a surviving spouse or minor children) Parents, Lineal Descendants, Guardians/Conservators, Trustees	RELATIONSHIP (thru whom)	BIRTH DATE (if under 18)	ADDRESS Complete
<u>IF PREDECEASED, PLEASE INDICATE</u>			

DISTRIBUTEES

NAME	RELATIONSHIP	COMPLETE ADDRESS

The facts establishing the foregoing named persons' right to decedent's real and personal property as prescribed by Section 473.097 RSMo are as follows:

APPENDIX C

To Whom Owed	Address	\$ Amount
--------------	---------	-----------

Estate Recovery

One significant outcome of the 2007 legislative session was the passage of Senate Bill 577. This bill changed the Missouri Medicaid program to MO HealthNet. The legislation also provided for an additional tool for the MO HealthNet Estate Recovery program.

The legislation added a new section to RSMo 473.398 that starting August 28, 2007, any open estate may not be closed with respect to a decedent who, at the time of death, was enrolled in MO HealthNet until a release of the Estate Recovery Claim by MO HealthNet is obtained.

In order to obtain a release either as a result of payment of an Estate Recovery Claim or if the decedent was not enrolled in the MO HealthNet, the following must be completed:

- MO HealthNet Division will make available an Estate Notice MO HealthNet report form  to be completed by the representing attorney at the time the estate is opened. This form may also be obtained by calling MO HealthNet at (573) 751-2005.
- When the form is completed, the representing attorney will send it to MO HealthNet Division via fax (573)526-1162 or mail to the Cost Recovery Unit, P.O. Box 6500, Jefferson City, MO 65102-6500.
- The form will be completed further by the MO HealthNet Division and returned to the representing attorney by fax or mail advising if a claim will be asserted or waived.
- A MO HealthNet Division release letter will follow when the decedent is determined not to be a MO HealthNet participant or after payment of an Estate Recovery claim if they are a MO HealthNet participant.

If you have any questions about Estate Recovery, please contact the MO HealthNet Division, Cost Recovery Unit at (573) 751-2005.



MISSOURI DEPARTMENT OF SOCIAL SERVICES
MO HEALTHNET DIVISION
ESTATE NOTICE

1. DECEDENT NAME		2. MO HEALTHNET PARTICIPANT NUMBER (IF KNOWN)	
3. DATE OF BIRTH	4. DATE OF DEATH	5. SOCIAL SECURITY NUMBER	
6. SURVIVING SPOUSE <input type="checkbox"/> YES <input type="checkbox"/> NO Name: _____			
7. CHILDREN UNDER AGE 21 IN HOME <input type="checkbox"/> YES <input type="checkbox"/> NO		8. IS THERE A BLIND OR DISABLED DEPENDENT IN THE HOME <input type="checkbox"/> YES <input type="checkbox"/> NO	
9. COUNTY OF ESTATE FILING	10. DATE ESTATE FILED	11. BALANCE OF ASSETS	
12. ATTORNEY NAME			
13. STREET ADDRESS, CITY, STATE, ZIP CODE			
14. TELEPHONE NUMBER		15. FAX NUMBER	
16. EXECUTOR, PERSONAL REPRESENTATIVE, OR CONSERVATOR NAME			
17. STREET ADDRESS, CITY, STATE, ZIP CODE			
18. SIGNATURE OF ATTORNEY			19. DATE
FAX: (573) 526-1162 Mail: Department of Social Services MO HealthNet Division ATTN: Cost Recovery Unit PO Box 6500 Jefferson City, MO 65102-6500 TELEPHONE: (573) 751-2005			
FOR MO HEALTHNET DIVISION USE ONLY			
<input type="checkbox"/> Decedent was a MO HealthNet Participant. Case will be reviewed to determine if referral to be made to Attorney General Office for filing claim.			
<input type="checkbox"/> Decedent was not a MO HealthNet Participant. Waiver issued on: _____			
MO HEALTHNET DIVISION SIGNATURE			DATE

CONFIDENTIAL CASE FILING INFORMATION SHEET – PROBATE

INSTRUCTIONS:

- ✓ Complete this form for all parties known at the time of filing. Provide the most appropriate Case Type and Party Type codes and descriptions. (Found on the Case Types List and Party Types List at www.courts.mo.gov on the Court Forms/Filing Information page.)
- ✓ If additional space is needed, complete additional Confidential Case Filing Information Sheets.

NOTE: The full Social Security Number (SSN) is *required* pursuant to Missouri Supreme Court Operating Rule 4.07 for each party in the case, such as plaintiff, defendant, decedent, or ward/protectee, and is reasonably available. Name and addresses should be listed for all other parties (i.e. heirs, interested parties) on the case and if reasonably available include DOB and social security number. This is a confidential document. This information is needed to open a case in the court's case management system. While cases deemed public under Missouri statutes can be accessed through Case.net, the day and month of birth, SSN, and confidential addresses are NOT provided to the public through Case.net.

Filing Date: _____ County/City of St. Louis: _____

Style of Case: _____
 (i.e., In the Estate of; In the Matter of; Petitioner v. Respondent.)

Case Type Code: _____ Case Type Description: _____

Party Type Code: _____ Party Type Description: _____ Name (if a person): (Last) _____ (First) _____ (Middle) _____ Organization (if non-person): _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Telephone Number: _____ DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____ Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____
Party Type Code: _____ Party Type Description: _____ Name (if a person): (Last) _____ (First) _____ (Middle) _____ Organization (if non-person): _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Telephone Number: _____ DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____ Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____
Party Type Code: _____ Party Type Description: _____ Name (if a person): (Last) _____ (First) _____ (Middle) _____ Organization (if non-person): _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Telephone Number: _____ DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____ Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____

Submitted by: _____ Bar ID (required if attorney): _____

Address (if not shown above): _____

City: _____ State: _____ Zip: _____

Phone: _____ Email Address: _____

***IMPORTANT:** It is the parties' responsibility to keep the court informed of any change of address or employment.*

CONFIDENTIAL CASE FILING INFORMATION SHEET – PROBATE

INSTRUCTIONS:

- ✓ Complete this form for all parties known at the time of filing. Provide the most appropriate Case Type and Party Type codes and descriptions. (Found on the Case Types List and Party Types List at www.courts.mo.gov on the Court Forms/Filing Information page.)
- ✓ If additional space is needed, complete additional Confidential Case Filing Information Sheets.

NOTE: The full Social Security Number (SSN) is *required* pursuant to Missouri Supreme Court Operating Rule 4.07 for each party in the case, such as plaintiff, defendant, decedent, or ward/protectee, and is reasonably available. Name and addresses should be listed for all other parties (i.e. heirs, interested parties) on the case and if reasonably available include DOB and social security number. This is a confidential document. This information is needed to open a case in the court's case management system. While cases deemed public under Missouri statutes can be accessed through Case.net, the day and month of birth, SSN, and confidential addresses are NOT provided to the public through Case.net.

Filing Date: _____ County/City of St. Louis: _____

Style of Case: _____
(i.e., In the Estate of; In the Matter of; Petitioner v. Respondent.)

Case Type Code: _____ Case Type Description: _____

Party Type Code: _____ Party Type Description: _____ Name (if a person): (Last) _____ (First) _____ (Middle) _____ Organization (if non-person): _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Telephone Number: _____ DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____ Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____
Party Type Code: _____ Party Type Description: _____ Name (if a person): (Last) _____ (First) _____ (Middle) _____ Organization (if non-person): _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Telephone Number: _____ DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____ Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____
Party Type Code: _____ Party Type Description: _____ Name (if a person): (Last) _____ (First) _____ (Middle) _____ Organization (if non-person): _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Telephone Number: _____ DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____ Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____

Submitted by: _____ Bar ID (required if attorney): _____

Address (if not shown above): _____

City: _____ State: _____ Zip: _____

Phone: _____ Email Address: _____

IMPORTANT: It is the parties' responsibility to keep the court informed of any change of address or employment.

Missouri Revised Statutes

Chapter 473

Probate Code--Administration of Decedents' Estates

←473.095

Section 473.097.1

473.100→

August 28, 2014

Small estate--distribution of assets without letters, when--affidavit--procedure--fee.

473.097. 1. Distributees of an estate which consists of personal property or real property or both personal and real property have a defeasible right to the personal property, and are entitled to the real property of such estate, as provided in this section, without awaiting the granting of letters testamentary or of administration, if all of the following conditions are met:

- (1) The value of the entire estate, less liens, debt, and encumbrances, does not exceed forty thousand dollars;
- (2) Thirty days have elapsed since the death of the decedent and no application for letters or for administration or for refusal of letters under section 473.090 is pending or has been granted, or if such refusal has been granted and subsequently revoked;
- (3) A bond, in an amount not less than the value of the personal property, approved by the judge or clerk of the probate division is filed by the person making the required affidavit conditioned upon the payment of the debts of the decedent, including any debts to the state of Missouri, the expenses of funeral and burial and compliance with future orders of the court in relation to the estate of the decedent; and further conditioned that any part of the property to which the distributee is not entitled will be delivered to the persons entitled to the property under the law. Liability of the sureties on the bonds provided for in this section terminates unless proceedings against them are instituted within two years after the bond is filed; except that, the court may dispense with the filing of a bond if it finds that the same is not necessary;
- (4) A fee, in the amount prescribed in subsection 1 of section 483.580, and when required, the publication cost of the notice to creditors are paid or the proof of payment for such publication is provided to the clerk of the probate division.

2. Notwithstanding the limitation periods set out in section 473.050, the affidavit required by this section may be made by the person designated as personal representative under the will of the decedent, if a will has been presented for probate within the limitation periods specified in section 473.050, otherwise by any distributee entitled to receive property of the decedent any time after thirty days after decedent's death, and shall set forth all of the following:

- (1) That the decedent left no will or, if the decedent left a will, that the will was presented for probate within the limitation periods specified in section 473.050;

(2) That all unpaid debts, claims or demands against the decedent or the decedent's estate and all estate taxes due, if any, on the property transfers involved have been or will be paid, except that any liability by the affiant for the payment of unpaid claims or demands shall be limited to the value of the property received;

(3) An itemized description and valuation of property of the decedent. As used in this subdivision, the phrase "property of the decedent" shall not include property which was held by the decedent as a tenant by the entirety or a joint tenant at the time of the decedent's death;

(4) The names and addresses of persons having possession of the property;

(5) The names, addresses and relationship to the decedent of the persons entitled to and who will receive, the specific items of property remaining after payment of claims and debts of the decedent, included in the affidavit;

(6) The facts establishing the right to such specific items of property as prescribed by this section. The certificate of the clerk shall be annexed to or endorsed on the affidavit and shall show the names and addresses of the persons entitled to the described property under the facts stated in the affidavit and shall recite that the will of decedent has been probated or that no will has been presented to the court and that all estate taxes on the property, if any are due, have been paid.

3. A copy of the affidavit and certificate shall be filed in the office of the clerk of the probate division and copies of the affidavit and certificate shall be furnished by the clerk.

4. The distributees mentioned in this section may establish their right to succeed to the real estate of the decedent by filing a copy of the foregoing affidavit and certificate of the clerk in the office of the recorder of deeds of each county where the real property is situated.

5. When the value of the property listed in the affidavit is more than fifteen thousand dollars, the clerk shall cause to be published in a newspaper of general circulation within the county which qualifies under chapter 493 a notice to creditors of the decedent to file their claims in the court or be forever barred. The notice shall be published once a week for two consecutive weeks. Proof of publication of notice pursuant to this section shall be filed not later than ten days after completion of the publication. The notice shall be in substantially the following form:

To all persons interested in the estate of, Decedent:

On the day of, 20..., a small estate affidavit was filed by the distributees for the decedent under section 473.097, RSMo, with the probate division of the circuit court of County, Missouri.

All creditors of the decedent, who died on, 20..., are notified that section 473.444 sets a limitation period that would bar claims one year after the death of the decedent. A creditor may request that this estate be opened for administration.

Receipt of this notice should not be construed by the recipient to indicate that the recipient may possibly have a beneficial interest in the estate. The nature and extent of any person's interest, if any, may possibly be determined from the affidavit on this estate filed in the probate division of the circuit court of County, Missouri.

Date of first publication is, 20...

.....
Clerk of the Probate Division
of the Circuit Court
..... County, Missouri

6. Upon compliance with the procedure required by this section, the personal property and real estate involved shall not thereafter be taken in execution for any debts or claims against the decedent, but such compliance has the same effect in establishing the right of distributees to succeed to the property as if complete administration was had; but nothing in this section affects the right of secured creditors with respect to such property.

7. The affiant shall collect the property of decedent described in the affidavit. The property of decedent shall be liquidated by the affiant to the extent necessary to pay debts of decedent. If the decedent's property is not sufficient to pay such debts, abatement of the shares of the distributees shall occur in accordance with section 473.620. The affiant shall distribute the remaining property to such persons identified in the affidavit as required in subdivision (5) of subsection 2 of this section who are entitled to receive the specific items of personal property, as described in the affidavit, or to have any evidence of such property transferred to such persons. To the extent necessary to facilitate distribution, the affiant may liquidate all or part of decedent's property.

(L. 1955 p. 385 § 54, A.L. 1957 p. 829, A.L. 1967 p. 640, A.L. 1971 S.B. 19, A.L. 1973 S.B. 112, A.L. 1978 H.B. 1634, A.L. 1980 S.B. 637, A.L. 1981 S.B. 117, A.L. 1985 S.B. 35, et al., A.L. 1986 S.B. 787, A.L. 1993 S.B. 88, A.L. 1994 S.B. 701, A.L. 1996 S.B. 494, A.L. 2002 H.B. 1537)

1996

Top

 Missouri General Assembly
Copyright © Missouri Legislature, all rights reserved.

Missouri Revised Statutes

Chapter 474

Probate Code--Intestate Succession and Wills

←474.530

Section 474.010.1

474.015→

August 28, 2014

General rules of descent.

474.010. All property as to which any decedent dies intestate shall descend and be distributed, subject to the payment of claims, as follows:

(1) The surviving spouse shall receive:

(a) The entire intestate estate if there is no surviving issue of the decedent;

(b) The first twenty thousand dollars in value of the intestate estate, plus one-half of the balance of the intestate estate, if there are surviving issue, all of whom are also issue of the surviving spouse;

(c) One-half of the intestate estate if there are surviving issue, one or more of whom are not issue of the surviving spouse;

(2) The part not distributable to the surviving spouse, or the entire intestate property, if there is no surviving spouse, shall descend and be distributed as follows:

(a) To the decedent's children, or their descendants, in equal parts;

(b) If there are no children, or their descendants, then to the decedent's father, mother, brothers and sisters or their descendants in equal parts;

(c) If there are no children, or their descendants, father, mother, brother or sister, or their descendants, then to the grandfathers, grandmothers, uncles and aunts or their descendants in equal parts;

(d) If there are no children or their descendants, father, mother, brother, sister, or their descendants, grandfather, grandmother, uncles, aunts, nor their descendants, then to the great-grandfathers, great-grandmothers, or their descendants, in equal parts; and so on, in other cases without end, passing to the nearest lineal ancestors and their children, or their descendants, in equal parts; provided, however, that collateral relatives, that is, relatives who are neither ancestors nor descendants of the decedent, may not inherit unless they are related to the decedent at least as closely as the ninth degree, the degree of kinship being computed according to the rules of the civil law; that is, by counting upward from the decedent to the nearest common ancestor, and then downward to the relative, the degree of kinship being the sum of these two counts, so that brothers are related in the second degree;

(3) If there is no surviving spouse or kindred of the decedent entitled to inherit, the whole shall go to the kindred of the predeceased spouse who, at the time of the spouse's death, was married to the decedent, in like course as if such predeceased spouse had survived the decedent and then died entitled to the property, and if there is more than one such predeceased spouse, then to go in equal shares to the kindred of each predeceased spouse;

(4) If no person is entitled to inherit as provided in this section the property shall escheat as provided by law.

(RSMo 1939 § 306, A.L. 1955 p. 385 § 236, A.L. 1980 S.B. 637, A.L. 1996 S.B. 494)

Prior revisions: 1929 § 306; 1919 § 303; 1909 § 332

Effective 5-23-96

CROSS REFERENCES:

Adopted child, right to inherit, [453.090](#), [453.170](#)

Escheats, generally, Chap. 470

Estates of suicides to descend as in cases of natural death, Const. Art. I § 30

[Top](#)



Missouri General Assembly

Copyright © Missouri Legislature, all rights reserved.