Updated July 22, 2021

AFFIDAVIT TO ESTABLISH TITLE OF DISTRIBUTEE
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 SMALL ESTATE AFFIDAVIT CANNOT BE FILED UNTIL 30 DAYS AFTER DEATH PURSUANT TO RSM0. 473.097

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)	$70.50
Application to Probate Last Will and Testament	$35.00
Publication fee for assets totaling $15,000 to $40,000 (additional fee)	

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 copy of the funeral bill is required and proof of payment of the funeral bill.

6. 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.

7. 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.

8. 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. PLEASE NOTE: All heirs of the estate must consent to the waiver of the bond.

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 $70.50.

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/circuitl 3/forms/fonns.htm

CIRCUIT COURT OF BOONE COUNTY, MISSOURI
PROBATE DIVISION

AFFIDAVIT TO ESTABLISH TITLE OF DISTRIBUTEE TO PROPERTY IN ESTATE HAVING LESS THAN $40,000.00

In the Estate of:

Estate No._____

_____

The undersigned, (check one)

☐ a person designated under the will of the decedent presented for probate within the limitation periods specified in Section 473.050, RSMo.;

☐ a distributee entitled to receive property of the decedent, being first duly sworn states that:

_____, (Date of Birth:_____) whose domicile and last residence address was
Deceased

_____, in the County of Boone, State of Missouri
Address City State Zip

died on the _____ day of _____, _____; 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 shall be limited to the value of the property received.

Attached hereto as Appendix A is an itemized description and valuation of all 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 I Appendix A attached hereto.

The value of the entire estate, less debits, liens and encumbrances, does not exceed the amount of forty thousand dollars (if decedent's date of death is less than one year prior to filing the Affidavit and decedent's debts are used to reduce the value of the decedent's assets for forty thousand dollars, petitioner must attach to the Affidavit a list of creditors along with the amount owned to each creditor).

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

Publication of Notice to Creditors is required on estates with assets $15,000 to $40,000.00.

Newspaper for Publication_____

☐ That decedent has left no will.

☐ That decedent left a will dated the _____ day of _____, _____.

SURETY BOND

☐ A bond in the amount of $_____, with corporate surety has been filed with and approved by the court.

☐ Waiver of bond signed by all distributees is attached by separate motion.

Subscribed and sworn before me on:

_____

_____
Affiant (Printed Name)

_____
Notary Public

_____
Affiant Signature

My commission expires:

_____
Street Address

_____

_____
City, State, Zip

_____
Division Clerk **Date**

_____
Telephone

ATTORNEY FOR AFFIANT_____ **BAR#**_____

ADDRESS:_____

CITY, STATE, ZIP_____

TELEPHONE_____

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI

PROBATE DIVISION

In the Estate of:

Estate No._____

_____

MOTION TO WAIVE BOND

We, the undersigned entitled to administer the estate of _____, deceased, consent to _____ serving as the affiant in filing the Affidavit to Establish Title of Distributee To Property in Estate Having Less Than $40,000.00 and hereby move that the Court dispense with filing of a bond by _____.

SIGNATURE	RELATIONSHIP TO DECEASED	COMPLETE ADDRESS

APPENDIX A

REAL PROPERTY (Give legal description and street address)	VALUE (Less liens and encumbrances)	PERSONS HAVING POSSESSION (Give name and address)
	$	
	$	

PERSONAL PROPERTY (Include account numbers when applicable)	VALUE (Less liens and encumbrances)	PERSONS HAVING POSSESSION (Give name and address)
	$	
	$	
	$	
	$	
	$	
	$	
	$	
	$	
	$	
	$	

APPENDIX B

NAME	RELATIONSHIP	BIRTH DATE	COMPLETE ADDRESS
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, Trustess. IF PREDECEASED, PLEASE INDICATE	**(Thru whom)**	**(If under 18)**	

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

If decedent's date of death is less than one year at the time of filing this affidavit, list all known creditors.

CREDITOR	ADDRESS	AMOUNT OWED
		$
		$
		$
		$
		$
		$
		$
		$
		$
		$
		$
		$
		$
		$
		$
		$
		$
		$

Will is Not in Effect Until Admitted (Sections 473.073, 473.087 and 474.320, RSMo)

A will is not valid for the purpose of proving title to, or the right to the possession of real or personal property included in the will until the will has been admitted to probate

Every will shall be:

- In writing;
- Signed by the testator (a person who dies leaving a will), or by some other person, at the direction, of the testator and in his/her presence; and
- Shall be sworn to by two or more competent witnesses signing their names to the will in the presence of the testator.

When the will and evidence that the will is valid is filed with the court, if the court finds that the testator is dead and that the will was completed according to the law, and that the will was not previously revoked, the will shall be admitted to probate as the last will of the testator.

When an application for letters is filed, the court shall determine whether the deceased died testate (with a valid will) or intestate (there is no valid will) and grant the appropriate letters or may deny the application. See section 202.01, Application for Letters for additional information.

Requirements for Admission of Will (Section 473.050, RSMo)

Before a will can go into effect, it must be presented and admitted to the probate court.

Presenting a will means either:

- The delivery of the decedent's will to the probate court with venue; or
- The delivery of a verified statement to the court stating the reason the will is not available (e.g whether it has been lost, destroyed, suppressed, etc) and stating the known provisions of the will, and one of the following:
    - The delivery of a verified statement to the court stating the reason the will is not an affidavit requesting the admission of the will to probate in conjunction with an Affidavit of Small Estate (per Section 473.097, RSMo);
    - A petition requesting the will be admitted to probate; or
    - An authenticated copy of the order admitting the will to probate in any state, territory or district of the U.S. other than Missouri.

Admitting to probate means that the will has been proven to be valid and the court shall administer the estate according to the terms of the will.

No proof shall be taken of any will or a certificate of probate issued unless the will has been presented within the following timeframes:

- In cases where notice has previously been given of the granting of letters on the estate (per Section 473.033, RSMo), less than six months has past since the date of the first publication of the notice of the granting of letters or it has been less than 30 days since the beginning of an action to establish or contest the validity of the will (per Section 473.083, RSMo), whichever occurred last ;

IN THE CIRCUIT COURT OF BOONE COUNTY, MISSOURI
PROBATE DIVISION

No._____

Matter of _____, Deceased.

STATEMENT AS TO DEATH, DELIVERY OF PURPORTED WILL AND, APPLICATION FOR PROBATE OR REJECTION

Applicant states that _____, age _____, who resided at _____ _____, died on the _____ day of _____, 20_____ and that said decedent left an instrument in writing, as *his - *her purported Will dated the _____ day of _____, 20_____, which is hereby delivered to the Probate Division of the Circuit Court in accordance with Section 473.043 RSMo.

Witness	Address	Telephone

Applicant requests that an order be entered either admitting said instrument to probate as the Last Will and Testament of said decedent or rejecting same from probate.

THE STATEMENTS AND REPRESENTATIONS IN THIS DOCUMENT ARE MADE UNDER OATH AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THEY ARE MADE SUBJECT TO THE PENALTIES OF MAKING A FALSE AFFIDAVIT OR DECLARATION.

Date_____

Applicant's Signature_____

Address_____

_____

Phone_____

Attorney Register No. _____

*strike if inapplicable

CONFIDENTIAL CASE FILING INFORMATION SHEET – PROBATE
13TH JUDICIAL CIRCUIT, BOONE COUNTY, MISSOURI

INSTRUCTIONS:

✓ Complete this form for all parties known at the time of filing. Place a check in the box next to the appropriate Case Type and Party Type. If additional space is needed, complete additional Confidential Case Filing Information Sheets.

NOTE: Name; addresses; DOB; and Social Security Number should be listed for all parties on the case including heirs and interested parties if reasonably available. The **full** Social Security Number (SSN) is ***required*** pursuant to Missouri Supreme Court Operating Rule 4.07 for each party in the case that is reasonably available. 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: _____ ☐ Estate of ☐ In the Matter of ☐ Plaintiff v. Defendant ☐ Petitioner v. Respondent

Name(s): _____

Case Type: ***WILLS*** - ☐ P7 - Will Filed During Lifetime; ☐ P9 - Will Filed Only – Deceased; ☐ PK - Will Admitted or Rejected.

REFUSALS: ☐ - PE - Refusal of Letters – Creditor; ☐ PF – Refusal of Letters – Spouse; ☐ PG – Refusal of Letters – Minor;

SMALL ESTATES: ☐ PH – Small Estate Affidavit with Will; ☐ PI – Small Estate Affidavit without Will;

FULL ADMINISTRATION: ☐ PC - Independent Administration with Will; ☐ PD – Independent Administration without Will; ☐ PA - Supervised Administration with Will; ☐ PB – Supervised Administration without Will;

OTHER DECEDENT: ☐ PJ - Determination of Heirs; ☐ PX - Required Administration;

GUARDIAN/CONSERVATOR – ADULT: ☐ PR – Guardianship – Adult; ☐ PT – Limited Guardianship – Adult; ☐ PN – Conservatorship – Adult; ☐ PP- Limited Conservatorship – Adult; ☐ PU – Guardian/Conservator – Adult; ☐ PW – Limited Guardian/Conservator – Adult;

GUARDIAN/CONSERVATOR – MINOR: PS – Guardianship – Minor; ☐ PL – Limited Guardianship – Minor; ☐ PO – Conservatorship – Minor; PV – Guardian/Conservator – Minor; ☐ PY – Limited Guardian/Conservator – Minor;

MISCELLANEOUS ADULT/MINOR: ☐ G1 – Registration Foreign Order Guardian/Conservator – Adult; ☐ G2 – Registration Foreign Order Guardian/Conservator – Minor;

TRUSTS: ☐ P3 – Successor Trustee; ☐ P4 – Trust Registration; ☐ P5 – Trust Litigation;

OTHER MISCELLANEOUS: ☐ P6 – Sexual Predator; ☐ PZ – Probate Miscellaneous – Other

Party Type Code: ☐ Decedent; ☐ Minor; ☐ Respondent; ☐ Petitioner; ☐ Plaintiff; ☐ Defendant; ☐ Natural Mother; ☐ Natural Father; ☐ Spouse; ☐ Creditor; ☐ Heir; ☐ Devisee; ☐ Interested Party; ☐ Depositor; ☐ Designated Resident Agent; ☐ Trustee; ☐ Successor Trustee; ☐ Settlor; ☐ Grantor; ☐ Trustor

Name (if a person): (Last) _____ (First) _____ (Middle) _____

Organization (if non-person): _____

Address: _____

City: _____ State: _____ Zip: _____ Contact Telephone Number: _____

DOB _____ DOD: _____ Gender: ☐ Male ☐ Female SSN: _____

Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____

Party Type Code: ☐ Decedent; ☐ Minor; ☐ Respondent; ☐ Petitioner; ☐ Plaintiff; ☐ Defendant; ☐ Natural Mother; ☐ Natural Father; ☐ Spouse; ☐ Creditor; ☐ Heir; ☐ Devisee; ☐ Interested Party; ☐ Depositor; ☐ Designated Resident Agent; ☐ Trustee; ☐ Successor Trustee; ☐ Settlor; ☐ Grantor; ☐ Trustor

Name (if a person): (Last) _____ (First) _____ (Middle) _____

Organization (if non-person): _____

Address: _____

City: _____ State: _____ Zip: _____ Contact Telephone Number: _____

DOB _____ DOD: _____ Gender: ☐ Male ☐ Female SSN: _____

Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____

Party Type Code: ☐ Decedent; ☐ Minor; ☐ Respondent; ☐ Petitioner; ☐ Plaintiff; ☐ Defendant; ☐ Natural Mother; ☐ Natural Father; ☐ Spouse; ☐ Creditor; ☐ Heir; ☐ Devisee; ☐ Interested Party; ☐ Depositor; ☐ Designated Resident Agent; ☐ Trustee; ☐ Successor Trustee; ☐ Settlor; ☐ Grantor; ☐ Trustor

Name (if a person): (Last) _____ (First) _____ (Middle) _____

Organization (if non-person): _____

Address: _____

City: _____ State: _____ Zip: _____ Contact Telephone Number: _____

DOB _____ DOD: _____ Gender: ☐ Male ☐ Female SSN: _____

Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____

Party Type Code: ☐ Decedent; ☐ Minor; ☐ Respondent; ☐ Petitioner; ☐ Plaintiff; ☐ Defendant; ☐ Natural Mother; ☐ Natural Father; ☐ Spouse; ☐ Creditor; ☐ Heir; ☐ Devisee; ☐ Interested Party; ☐ Depositor; ☐ Designated Resident Agent; ☐ Trustee; ☐ Successor Trustee; ☐ Settlor; ☐ Grantor; ☐ Trustor

Name (if a person): (Last) _____ (First) _____ (Middle) _____

Organization (if non-person): _____

Address: _____

City: _____ State: _____ Zip: _____ Contact Telephone Number: _____

DOB _____ DOD: _____ Gender: ☐ Male ☐ Female SSN: _____

Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____

Party Type Code: ☐ Decedent; ☐ Minor; ☐ Respondent; ☐ Petitioner; ☐ Plaintiff; ☐ Defendant; ☐ Natural Mother; ☐ Natural Father; ☐ Spouse; ☐ Creditor; ☐ Heir; ☐ Devisee; ☐ Interested Party; ☐ Depositor; ☐ Designated Resident Agent; ☐ Trustee; ☐ Successor Trustee; ☐ Settlor; ☐ Grantor; ☐ Trustor

Name (if a person): (Last) _____ (First) _____ (Middle) _____

Organization (if non-person): _____

Address: _____

City: _____ State: _____ Zip: _____ Contact Telephone Number: _____

DOB _____ DOD: _____ Gender: ☐ Male ☐ Female SSN: _____

Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____

Party Type Code: ☐ Decedent; ☐ Minor; ☐ Respondent; ☐ Petitioner; ☐ Plaintiff; ☐ Defendant; ☐ Natural Mother; ☐ Natural Father; ☐ Spouse; ☐ Creditor; ☐ Heir; ☐ Devisee; ☐ Interested Party; ☐ Depositor; ☐ Designated Resident Agent; ☐ Trustee; ☐ Successor Trustee; ☐ Settlor; ☐ Grantor; ☐ Trustor

Name (if a person): (Last) _____ (First) _____ (Middle) _____

Organization (if non-person): _____

Address: _____

City: _____ State: _____ Zip: _____ Contact Telephone Number: _____

DOB _____ DOD: _____ Gender: ☐ Male ☐ Female SSN: _____

Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____

Party Type Code: ☐ Decedent; ☐ Minor; ☐ Respondent; ☐ Petitioner; ☐ Plaintiff; ☐ Defendant; ☐ Natural Mother; ☐ Natural Father; ☐ Spouse; ☐ Creditor; ☐ Heir; ☐ Devisee; ☐ Interested Party; ☐ Depositor; ☐ Designated Resident Agent; ☐ Trustee; ☐ Successor Trustee; ☐ Settlor; ☐ Grantor; ☐ Trustor

Name (if a person): (Last) _____ (First) _____ (Middle) _____

Organization (if non-person): _____

Address: _____

City: _____ State: _____ Zip: _____ Contact Telephone Number: _____

DOB _____ DOD: _____ Gender: ☐ Male ☐ Female SSN: _____

Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____

Party Type Code: ☐ Decedent; ☐ Minor; ☐ Respondent; ☐ Petitioner; ☐ Plaintiff; ☐ Defendant; ☐ Natural Mother; ☐ Natural Father; ☐ Spouse; ☐ Creditor; ☐ Heir; ☐ Devisee; ☐ Interested Party; ☐ Depositor; ☐ Designated Resident Agent; ☐ Trustee; ☐ Successor Trustee; ☐ Settlor; ☐ Grantor; ☐ Trustor

Name (if a person): (Last) _____ (First) _____ (Middle) _____

Organization (if non-person): _____

Address: _____

City: _____ State: _____ Zip: _____ Contact Telephone Number: _____

DOB _____ DOD: _____ Gender: ☐ Male ☐ Female SSN: _____

Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____

Party Type Code: ☐ Decedent; ☐ Minor; ☐ Respondent; ☐ Petitioner; ☐ Plaintiff; ☐ Defendant; ☐ Natural Mother; ☐ Natural Father; ☐ Spouse; ☐ Creditor; ☐ Heir; ☐ Devisee; ☐ Interested Party; ☐ Depositor; ☐ Designated Resident Agent; ☐ Trustee; ☐ Successor Trustee; ☐ Settlor; ☐ Grantor; ☐ Trustor

Name (if a person): (Last) _____ (First) _____ (Middle) _____

Organization (if non-person): _____

Address: _____

City: _____ State: _____ Zip: _____ Contact Telephone Number: _____

DOB _____ DOD: _____ Gender: ☐ Male ☐ 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.

Effective 28 Aug 2002

Title XXXI TRUSTS AND ESTATES OF DECEDENTS AND PERSONS UNDER DISABILITY

Chapter 473

473.097. Small estate — distribution of assets without letters, when — affidavit — procedure — fee. — 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)

< end of effective 28 Aug 2002 >

use this link to bookmark section 473.097

In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website **on the effective date** of such enacted statutory section.

Contact

▶ **Other Information**

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Site errors / suggestions - webmaster@LR.mo.gov

Over 30,698,600 page views.

Effective 23 May 1996, see footnote

Title XXXI TRUSTS AND ESTATES OF DECEDENTS AND PERSONS UNDER DISABILITY

Chapter 474

474.010. General rules of descent. — 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

(1958) Devise of undivided one-half interest in realty to testator's son for life and at his death to his children absolutely but if he should die without issue living, then to other son for life and at his death to other son's "heirs at law", was construed according to statute of descent and distribution in effect when second life tenant died rather than statute in effect at execution of will and testator's death and thus widow of second life tenant took one-half of the undivided one-half interest against contention that testator indicated intent that land go to his descendants. Thomas v. Higginbotham (Mo.), 318 S.W.2d 234.

< end of effective 23 May 1996 >

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In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website **on the effective date** of such enacted statutory section.

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