

Affidavit to Establish Title of Distributee to Property in Testate Estate Less than \$40,000.00 ---- ("The Small Estate Affidavit")

Please read carefully the following information, checklist of requirements, and instructions, and complete the forms provided for filing a Small Estate Affidavit. **You may file this affidavit with an attorney or without an attorney** ("pro se") if you feel comfortable doing so. Clerks can generally assist you with these forms, but **Clerks may not give legal advice** nor answer personalized or specific legal questions. If everything has been filed and approved by the Judge, a Certificate of Clerk will be issued. **That Certificate entitles the affiant** (the person(s) signing and filling out the affidavit) **to pay creditors of the estate, and then distribute the estate to the distributees.**

Checklist of necessary filings:

- Confidential Case Filing Information Sheet** (attached)
 - Affidavit to Establish Title of Distributee to Property in Estate of Less than \$40,000.00** (attached)
 - Consent(s) and Motion to Waive Bond** - Signed by all heirs per the will (attached)
 - Or a corporate surety bond in the amount of the estate may be required by the Court.
 - *Contact the clerk for more information.*
 - Appendix A** - Summary of Assets of Decedent (attached)
 - Appendix B** - List of All Heirs per the will (attached)
 - Appendix C** - List of all Creditors (attached)
 - Statement as to Death, Delivery of Will, and Application for Probate** (attached)
 - Redaction Certification** - Signed by filer (attached)
-
- Death Certificate.** *If a death certificate is delayed pending autopsy, or some other reason, please speak to a clerk about this.*
 - Paid Funeral Bill.** This can be filed after the case has started, but must be filed prior to issuance of the certificate of clerk.
 - Obituary.** *If an obituary was not run or is pending publication, please speak to a clerk about this.* This can be filed after the case has started, but must be filed prior to issuance of the certificate of clerk.
 - Original Last Will and Testament** and any **original Codicils** to the Will.
 - The filing fee is \$70.50** (small estate) and **\$35.00** (application to probate will), **in total \$105.50.** *If this is a financial hardship, you can ask a clerk for a form to request that the filing fee(s) be waived. If the fee is not ordered waived, the required filing fee is still \$105.50 before the case can be started.*
-
- If the value of the estate that needs to go through probate is between \$15,000 and \$40,000, there will be an **additional publication fee. Publication for two weeks is required on estates above \$15,000.** We will send the required notice to the publisher and use your deposit to pay them once they send us proof that the notice has been published.
 - Columbia Missourian: \$50.00.
 - Other: call for their price.

NOTE: We DO NOT accept personal checks or business checks. We do accept cash, money order, cashier's checks, credit or debit card.

Checklist of filings that may need to be filed:

- If decedent owned **vehicle**/mobile home/boat/trailer/etc.
 - Certificate of title
 - Verification of value (some people file the Kelley Blue Book valuation)
 - Proof of a car loan/mortgage (if applicable)
- If there are **checks** in decedent's name or entitled to decedent's estate.
 - Copy of the Check, front and back.
- If decedent owned **bank account(s)**, 401(k), brokerage, IRA, etc.
 - Proof of value if possible/Verification of Balances (form is on website)
 - Account number if possible.
 - Recent Bank Statement if possible.
 - If applicable, number of stocks and fair market value of the stock.
- If there are **debts/loans**/mortgages/encumbrances.
 - Proof of debts i.e. a mortgage statement or bill
- If decedent owned a **safety deposit box**.
 - An inventory of the safe deposit box must be filed with the court.
 - If the depository will not release information about what is inside of it, a petition to open and inventory safety deposit box form can be filled out.
 - That Petition has a **separate filing fee of 70.50**.
- If decedent owned **real property**.
 - Deed to the property must be filed
 - A full legal description must be provided.
 - An appraisal must be filed. *Speak to a clerk for more information.*
- If an heir to the estate has died.
 - A death certificate for them may be required.
 - More information about their heirs may be required.

Instructions – Continued:

1. The Small Estate Affidavit must be notarized or signed in front of a Probate Clerk.
2. If you do not have access to a copy machine, a clerk can assist you in making copies of your documents.
3. If a bond is ordered or a surety bond is filed, two years after the Certificate of Clerk is issued, the bond will be discharged. If you do not receive an order discharging the bond, please contact our office.
4. Please list all property that is in the deceased person's name only. If you discover more assets after the case has closed, you may have to reopen the estate and pay another filing fee (70.50) and possibly pay the publication fee as well. If the estate is still open, you may need to amend your paperwork.
5. Some of these forms and some of your filings may be publicly accessible on the internet. For the attached Small Estate Affidavit and Appendices, there will be a note indicating whether it is going to be a public document or not. Please review redaction information before filing.
6. You may file additional paperwork if you would like to. The court may ask for more information, or additional documents or amended filings in addition to the above filings, after the case has started.

IN THE 13TH JUDICIAL CIRCUIT, _____ COUNTY, MISSOURI
AFFIDAVIT TO ESTABLISH TITLE OF DISTRIBUTEE TO PROPERTY IN ESTATE HAVING
LESS THAN \$40,000.00 - TESTATE (with will)

IN THE ESTATE OF _____ ESTATE NO. _____

The undersigned, a person designated under the will of the decedent presented for probate within the limitation periods specified in Section 473.050, RSMo., being first duly sworn states that _____, deceased, whose domicile and last residence address was

_____ in the
Address City State ZIP

County of Boone, State of Missouri, died on _____ date; 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 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 debts, 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, affiant must attach Appendix C to the Affidavit a list of creditors, along with the amount owed 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.

THE UNDERSIGNED SWEARS THAT THE MATTERS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT ACCORDING TO THE UNDERSIGNED'S BEST KNOWLEDGE AND BELIEF, SUBJECT TO PENALTY FOR MAKING A FALSE AFFIDAVIT OR DECLARATION.

1. Select one that applies.

The decedent left a last will and testament dated _____ and said will was admitted into probate on _____.

IN THE 13TH CIRCUIT COURT OF _____ COUNTY, MISSOURI - PROBATE DIVISION

IN THE ESTATE OF _____

ESTATE NUMBER: _____

CONSENT AND 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 the filing of a bond by the affiant.

Name (printed): _____ Signature: _____

Complete Address: _____

Relationship: _____

Name (printed): _____ Signature: _____

Complete Address: _____

Relationship: _____

Name (printed): _____ Signature: _____

Complete Address: _____

Relationship: _____

Name (printed): _____ Signature: _____

Complete Address: _____

Relationship: _____

Appendix A - continued

- Please list all real property of the decedent

Real Property of Decedent

Address	Full Legal Description	Value

- Please complete below. You may have to file verification of any debts of the decedent that are listed below.

Sum value of Personal Property:	
Sum Value of Real Property:	
Deduction of any loans/debts/liens/mortgages/encumbrances:	
Value of the estate, less any deductions as listed above:	

To the best of Affiant's knowledge, subject to the penalties of making a false affidavit or declaration, Affiant swears that the estate value, all of its assets described above, is less than \$40,000.00 and/or \$15,000.00

Affiant swears that verification of value cannot be provided for _____ asset(s) as described in Appendix A, and swears that the total estate value is less than \$40,000.00 and/or \$15,000.00, and will provide receipts for those assets after distribution occurs.

APPENDIX B

INSTRUCTIONS

PLEASE LIST ALL HEIRS/LEGATEES/DEVISEES PER THE WILL:

Full names, addresses, dates of birth or death (if applicable) **must be filled out.** ONLY IF they are a minor does their date of birth need to be listed.

Name: _____ If Minor: DOB _____

Address: _____ Deceased
_____ DOD _____

Article of the will: _____

If there was a codicil, any changes in heirs/ devisees per the codicil must be indicated.

Name: _____ If Minor: DOB _____

Address: _____ Deceased
_____ DOD _____

Article of the will: _____

If there are more heirs than can be listed, please fill out an additional sheet.

If a trust was listed as an heir, **you may be required to file additional documents.**

Name: _____ If Minor: DOB _____

Address: _____ Deceased
_____ DOD _____

Article of the will: _____

If an heir's address, DOB, DOD, etc, are unknown, you may indicate that. But, **you may be required to amend your affidavit if it is incomplete**, before the certificate of clerk will be issued.

Name: _____ If Minor: DOB _____

Address: _____ Deceased
_____ DOD _____

Article of the will: _____

If an heir has passed, **you may be required to provide more information** about if they had any living heirs, and if there was an estate opened for them.

The above persons listed in Appendix B have a right to the decedent's property as listed in Appendix

A because: _____.

Affiant can by law file the small estate affidavit because:

- they are listed in the will in article _____ as the personal representative/executor.
- _____ per RSMo _____.
- they are listed in the will as a distributee.
- the will has been admitted to probate.

Affiant has listed ALL heirs of the estate.

AFTER paying all valid creditors of the estate, Affiant will distribute the remaining assets per the law to ALL the heirs/legatees/devisees as listed in Appendix B.

Contact the clerk or visit the probate office for assistance with this form.

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 13TH CIRCUIT COURT OF _____ 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.

<u>Witness</u>	<u>Address</u>	<u>Telephone</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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.



Words ▾

1st search term

And ▾

2nd search term



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.



Words ▾

1st search term

And ▾

2nd search term



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.

Contact



IN THE _____ JUDICIAL CIRCUIT, _____ COUNTY, MISSOURI

Name:	Case Number:
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Redaction Certification

The filer certifies that all documents in this submission for filing with the court comply with all redaction requirements of Rules 19.10, 55.025, or 84.015.

COR 2.02

The responsibility for redacting confidential information rests solely with the counsel, parties, or any other person filing the document. Courts will not review each case document to ensure compliance and will not refuse to accept or file a document on that basis.

On and after the Expanded Remote Access Implementation Date: July 1, 2023

- All redactions shall be done in a manner that makes it clear that information has been redacted. If necessary to reference the redacted information in a redacted document, filers shall use generic descriptors.
- When a filer redacts information from a document offered for filing in any court, the filer also must file a confidential redacted information filing sheet that either:
 - has the unredacted version of the document attached; or
 - sets out the information redacted from the document with an explanation referencing where the information was redacted from in the document or the generic descriptors used in the document to reference the redacted information.
- All filers shall affirmatively certify compliance with the redaction requirements in Rules 19.10, 55.025, and 84.015 when a document is filed. This certification shall be accomplished through an automated process implemented in the electronic filing system for its authorized users or, for filers who are not authorized users of the electronic filing system, by a paper form attached to the document or on the document itself.
- When a motion is filed alleging a document filed with the court contains insufficiently redacted confidential information, the clerk shall raise the document's security level to a confidential setting. The court shall dispose of the motion within 30 days. If the court determines the document is sufficiently redacted, the clerk shall reset the document's security level to allow for proper public access.

I HAVE READ AND UNDERSTAND THE ABOVE.

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