

CIRCUIT COURT PROBATE DIVISION

Checklist of Requirements to File an Affidavit for Collection of Small Estate

Case Category – Probate Decedent Estates

Case Type – Small Estate Affidavit – With Will

Small Estate Affidavit – Without Will

NOTE: Unless specifically stated, all documents to be filed with the court (designated in bold italics) shall be submitted as a separate document – not an attachment.

- 1. Party Information for all parties including spouse, heirs and legatees entered with full social security numbers, birth dates, and date of death.
- 2. Copy of **Death Certificate**. (*Document Category – Certificate of*)
- 3. **Affidavit for Collection of Small Estate** form. It cannot be filed until 30 days after date of death. (*Document Category – Affidavit for/in/of – Establish Title of Distributee/Establish Title of Distributee with Will.*)
- 4. If there is a will:
 - Delivery of the **Will** (*Document Category – Filing – Other/Miscellaneous*)
 - Application for Probate of Will** (*Document Category – Affidavit for/in/of – Death and Application for Probate of Will*)
- 5. Limited to a net value of \$40,000.00 or less after liens; mortgages; and expenses.
 - Itemized list of debts
 - Documentation to support the debts – see No. 6 below.
 - Separate affidavit from affiant*** stating they agree to pay any and all claims before making distribution of remaining assets if assets total more than \$40,000.00 before debts applied/deducted.
**(Document Category – Affidavit for/in/of – Affidavit (other) – Document Description – Affidavit of Affiant)*
- 6. **Supporting Documentation*** – copies of documentation of assets with current values may be submitted as 1 document but must be a separate document from the application:
 - Bank Accounts: Bank name; account numbers (do not need to know what type of account); current balance
 - Stocks and bonds – Stock certificate numbers; number of shares, names of companies, classes of stock, and current fair market value; indicate whether shares are listed on a securities exchange, sold over the counter or closely held.
 - Brokerage Accounts – must list account number, list stocks and bonds contained in account, or attach brokerage statement detailing investments.
 - Vehicles - vehicle description listing year, name of manufacturer, model, and vehicle identification number and current value;
 - Insurance policies - insurance company name and policy number, face/cash value;
 - Safe Deposit Boxes - safe deposit box number, bank name and inventory of assets;
 - Jewelry or coins – appraisal

- Real Estate - full legal description as it appears on the deed including book and page numbers, and street addressees of real estate and a current appraisal and/or county tax assessment and mortgage information if any.
**(Document Category – Settlement/Statement/Report – Verification of Assets)*

- 7. Intestate small estates (without will):
 - Only list the heirs-at-law

- 8. Testate small estates (with will):
 - Only list legatees that are to receive specific items listed on affidavit.

- 9. **Bond:**

- Intestate - **Small Estate corporate surety bond** in the amount of the value of personal property. *(Document Category – Filing – Other/Miscellaneous – Surety Bond)*
- Small Estate Bond requires Acknowledgment of Principal; Acknowledgment of Surety; and Power of Attorney for Attorney in Fact to be attached.
- Testate – Bond not required if the affiant is the personal representative named in the will and the will allows the personal representative to serve without bond. If not, then same bond requirements as an intestate small estate.
- Bond waived – a **Motion to Waive Bond** * may be filed: **(Document Category – Motion to/for)*
 - If the affidavit is on file and it has been more than a year since date of death **or**
 - The affidavit is filed after the expiration of 1 year from the date of death **and**
 - Consents*** from all adult competent beneficiaries are attached **and**
**(Document Category – Consent by/for/to)*
 - Missouri HealthNet Waiver** is filed. *(Document Category – Filing – Other/Miscellaneous)*
 - If assets total less than \$3,000.00 no motion or consents are necessary.
 - Any exceptions will be decided by the Commissioner on a case by case basis.

- 10. Signature of the affiant must be acknowledged by a notary public.

- 11. Publication:

- Required when value of assets are more than \$15,000.00.
- Designate your choice of newspaper on Affidavit for Collection of Small Estate form.
- Wavier of publication – assets are over \$15,000.00 and it has been more than 1 year from date of death.
 - Motion to Waive Publication** *signed by affiant and/or attorney. **(Document Category – Motion to/for – Motion (Other)*
 - Missouri HealthNet Waiver** is filed. *(Document Category – Filing – Other/Miscellaneous)*

- 12. Filing fee:

- No Publication:
 - Without Will - \$72.00 which includes 1 certified copy of small estate.
 - With Will - \$107.00 which includes 1 certified copy of small estate.