SMALL ESTATE AFFIDAVIT

Note: many states require their own small estate form or a court filing. Check your state's rules before you use this blank. If your state has an official form, use that form instead.

I, _____ (the "Affiant"), of _____, being first sworn, state as follows.

I am the decedent's (check one): [ ] surviving spouse; [ ] child; [ ] _____ (other relationship) and an heir; [ ] beneficiary named in the decedent's will.

1. THE DECEDENT

_____ (the "decedent") died on _____. At the time of death the decedent was domiciled at _____, in _____ County, State of _____.

The decedent (check one): [ ] did not leave a will; [ ] left a will dated _____, a copy of which is attached.

2. STATEMENTS REQUIRED BY LAW

At least _____ days (the waiting period set by state law) have passed since the decedent's death.

No application or petition for the appointment of a personal representative of the decedent's estate is pending or has been granted in any jurisdiction.

The value of the decedent's property subject to this affidavit, figured as state law requires, is $_____, which does not exceed the limit set by _____ (state statute): $_____.

I am entitled to payment or delivery of the property described in this affidavit [ ] for myself only; [ ] for myself and for the other successors listed below, who have agreed that I collect it for all of us.

3. HEIRS AND SUCCESSORS

To the best of my knowledge, the persons entitled to the decedent's property, with their relationship to the decedent, their addresses and their shares, are:

1. _____

2. _____

3. _____

4. _____

4. PROPERTY TO BE COLLECTED

The decedent owned the following property. Each value is the fair market value on the date of death.

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1. Description: _____ Held by: _____ Value: $_____

2. Description: _____ Held by: _____ Value: $_____

3. Description: _____ Held by: _____ Value: $_____

Real property: this affidavit does not transfer any interest in real property unless state law allows it and the property is described here: _____.

5. DEBTS OF THE DECEDENT

(Check one): [ ] All known debts of the decedent, including funeral and burial expenses and the costs of the last illness, have been paid. [ ] Some known debts remain unpaid. I will pay them from the property I collect, in the order of priority set by law, before anything is distributed to the heirs.

Debts paid so far: _____

6. DUTIES OF THE AFFIANT

I will use the property I receive first to pay the decedent's debts, and then pay or deliver what remains to the persons entitled to it. I understand that I am answerable and accountable for this property to any personal representative of the decedent's estate who may later be appointed, and to any other person with a superior right to it.

7. REQUEST TO HOLDERS

I ask each person, bank, company or agency holding property described in this affidavit to pay or deliver it to me on receiving this affidavit and a certified copy of the decedent's death certificate, which is attached.

8. OATH

I declare under penalty of perjury under the laws of the State of _____ that the statements in this affidavit are true and correct.

Date signed: _____ City, county and state where signed: _____

SIGNATURES

Affiant

Signature: _____ Date: _____

Printed Name: _____

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NOTARY JURAT

State of _____ County of _____

Subscribed and sworn to (or affirmed) before me on _____ by _____, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Notary Public: _____ Printed name: _____ My commission expires: _____ (Seal)

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