Offices of the
Ray County Circuit Court
100 West Main Street, Suite 22
Richmond, Missouri 64085

Lori J. Baskins
Associate Circuit Judge

Divisions:
Civil
Criminal
Traffic
Probate

MEMORANDUM

To: Members of the Public

The Probate Law of the State of Missouri requires that no fiduciary (a personal representative, administrator, executor, guardian, conservator, trustee, attorney in fact or other surrogate) may appear in court or file pleadings in their fiduciary capacity without representation by an attorney licensed in the State of Missouri.

The Probate Law of the State of Missouri also prohibits the Judge, commissioner, or any employee of the Probate division from giving legal advice to members of the public in connection with any proposed or pending probate matter the law also prohibits probate personnel from referring members of the public to a specific attorney.

There is no provision in the law which authorizes the court to appoint legal counsel for any person simply because of indigence.

In order to assist you in securing legal assistance:

If you qualify because of indigence, you may contact the volunteer Attorney Project, Legal Aid of Western Missouri, P.O. Box 396, Warrensburg, MO 64067 or (660) 747-7101.

If you can afford to retain an attorney, but do not know an attorney, you may contact the Lawyer Referral Service: (816) 221-9472 or consult the local phone book.

Telephone: (816) 776-2335 or (816) 776-3319; Fax: (816) 776-2185;
Email: Lori.Baskins@courts.mo.gov

AFFIDAVIT TO ESTABLISH TITLE OF DISTRIBUTEES OF DECEDENT LESS THAN $ 40,000.00

Required to file:

_____ Filing Information Sheet
_____ Court costs of $ 71.50
_____ Completed Affidavit ***
_____ Copy of Death Certificate
_____ Copy of Paid Funeral Bill
_____ Copy of documentation of assets *
_____ Missouri Healthnet Release
_____ Bond equal to value of property **
_____ Value of property more than $15,000.00 requires publication.

* Assets may include:
- Motor vehicles, boats, motors, trailers;
- Stocks and bonds, mutual funds;
- Bank accounts and certificates of deposits, treasury notes;
- Checks (social security, welfare, travelers, refund, insurance and payroll);
- Insurance policies (on life of decedent with no named or living beneficiary or policy owned by decedent with the decedent named as beneficiary);
- Real estate;
- Safe deposit box contents (can only transfer by Affidavit if box contains property showing no ownership, such as loose coins or jewelry or property in decedent's name alone);

** Bond will be required for the value of the property unless waived by the Court.

*** The Affidavit must be fully completed, and your signature represents your sworn statement that every statement in the Affidavit is true. Pay special attention to:

- In ¶ 2, only one of (A) or (B) will be true; mark through the untrue statement.
- In ¶ 3, only one of "have been" and "will be" will be true; mark through the untrue statement.
- In ¶ 4, be specific, and include identifying information (including VINs, account numbers, etc.).

- In ¶ 5, an address of real estate is insufficient. You must set out the address AND the entire legal description from the records of the RECORDER OF DEEDS.
- In ¶ 11, mark through any incorrect statement.
- **Paragraphs 6 and 7 require particular attention**. You must provide the name and address of every beneficiary under the Last Will and Testament (if any) and of every "heir", which is defined in RSMO § 474.010 (attached). At a minimum, this includes a surviving spouse (or a statement that there is none); all children, living or dead; all heirs of pre-deceased children; and information which clearly indicates that there are no heirs not listed.

PLEASE BE AWARE THAT THE COURT CLERKS IN THE CIVIL AND PROBATE DIVISIONS ARE NOT ATTORNEYS AND THEREFORE CANNOT OFFER LEGAL ADVICE AND CAN ONLY ANSWER QUESTIONS REGARDING PROCEDURAL MATTERS. ANY LEGAL QUESTIONS CAN BE DIRECTED TO AN ATTORNEY BEFORE PROCEEDING.

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 >

use this link to bookmark section 474.010

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

Tables and Forms **Sections with Definitions** **Old**

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

MOGA

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RAY COUNTY PROBATE COURT PARTY INFORMATION SHEET

INSTRUCTIONS:

1. **You must provide the following information about yourself and the other parties.**
2. **Type or neatly print in black ink.**

Type of Estate: _____

Decedent – Party # 1

Party Type: Deceased

NAME: _____,

DOB: _____; DOD: _____; SS# (required)_____;

Address: _____

City: _____ State: _____ Zip: _____

Applicant – Party # 2

Party Type: Applicant

Last Name: _____, First Name: _____,

Middle Name: _____; Address: _____

City: _____ State: _____ Zip: _____

SSN# (required): _____ Telephone #: _____

Heirs-Party # 3

Party Type: Heir

Last Name: _____, First Name: _____,

Middle Name: _____; Address: _____

City: _____ State: _____ Zip: _____

SSN# (required): _____ Telephone #: _____

Heirs-Party # 4

Party Type: Heir

Last Name: _____, First Name: _____,

Middle Name: _____ Address: _____

City: _____ State: _____ Zip: _____

SSN# (required): _____ Telephone #: _____

Heirs-Party #5

Party Type: Heir

Last Name: _____, First Name: _____,

Middle Name: _____; Address: _____

City: _____ State: _____ Zip: _____

SSN# (required): _____ Telephone #: _____

Heirs-Party #6

Party Type: Heir

Last Name: _____, First Name: _____,

Middle Name: _____; Address: _____

City: _____ State: _____ Zip: _____

SSN# (required): _____ Telephone #: _____

Heirs-Party #7

Party Type: Heir

Last Name: _____, First Name: _____,

Middle Name: _____; Address: _____

City: _____ State: _____ Zip: _____

SSN# (required): _____ Telephone #: _____

Heirs-Party #8

Party Type: Heir

Last Name: _____, First Name: _____,

Middle Name: _____; Address: _____

City: _____ State: _____ Zip: _____

SSN# (required): _____ Telephone #: _____

HENRY M. ADKINS & SON, INC. • CLINTON, MO A-1353

AFFIDAVIT TO ESTABLISH TITLE OF DISTRIBUTEES OF DECEDENT WHERE TOTAL ESTATE IS LESS THAN $40,000.00

(Sec. 473.097 RSMo 1993)

STATE OF MISSOURI,
County of _____ } ss.

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

PROBATE DIVISION

In the Estate of

_____, Estate No. _____ Deceased.

I, _____, a person having knowledge of the facts hereinafter stated, being of lawful age and residing at _____ in the County of _____, State of Missouri, being first duly sworn, depose and state:

1. One _____, who resided at _____
Street Address
in _____, Missouri, died on
City County
_____, domiciled in and a resident of _____ County, Missouri;

2. (A) Said decedent left a last will and testament which was duly admitted to probate by this Court on _____;[1]

(B) The said decedent died intestate;[1]

3. All unpaid debts, including any debts to the State of Missouri, claims, or demands against the said decedent or the estate of said decedent, and all inheritance taxes due, if any, on the property transfers involved (have been) (will be) paid, except that any liability by the affiant for payment of unpaid claims or demands shall be limited to the value of the property received;

4. The following is an itemized description and appraisement of all of the personal property left by the said decedent, together with the names and addresses of the persons having custody and possession of the same (including registrars or transfer agents of all corporate shares and bonds):

VALUE

_____

_____

_____

_____

5. The following is the legal description of and an appraisement of all real estate left by the decedent:

[1] Strike out inapplicable alternative.

6. The names, addresses, and relationship to the decedent of the persons entitled to and who will receive the property are:

7. The facts establishing the right to the property as prescribed by Section 473.097 R.S.Mo. are:

8. The total value of decedent's estate including real and personal property, less liens and encumbrances, does not exceed $40,000.00.

9. No letters testamentary or of administration have been issued or applied for in said estate, nor has any order refusing letters been made in accordance with Section 473.090 RSMo. Nor has an application for such order been filed.

10. More than thirty days have elapsed since the death of the decedent.

11. The distributees have filed in this Probate Court their bond in the form and manner prescribed by law.[1] (The Probate Court has by order dispensed with the filing of a bond by the distributees.)[1]

_____
Affiant

_____
Address Telephone

Subscribed and sworn to before me this _____ day of _____, 20 _____

_____
Notary Public Clerk

(Seal) By_____
Deputy Clerk

Probate Court of _____ County, Mo.

Notary Commission Expires:

_____

1. Strike out inapplicable alternative.

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

☐ YES ☐ NO Name: _____

7. CHILDREN UNDER AGE 21 IN HOME	8. IS THERE A BLIND OR DISABLED DEPENDENT IN THE HOME
☐ YES ☐ NO	☐ YES ☐ 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 OR EMAIL ADDRESS

16. EXECUTOR, PERSONAL REPRESENTATIVE, OR CONSERVATOR NAME

17. STREET ADDRESS, CITY, STATE, ZIP CODE

18. SIGNATURE	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

EMAIL: MHD.COSTRECOVERY@dss.mo.gov

FOR MO HEALTHNET DIVISION USE ONLY

☐ Decedent was a MO HealthNet Participant. Case will be reviewed to determine if referral to be made to Attorney General Office for filing claim.

☐ Decedent was not a MO HealthNet Participant. Waiver issued on: _____

MO HEALTHNET DIVISION SIGNATURE	DATE