

AFFIDAVIT TO ESTABLISH TITLE OF DISTRIBUTEES OF DECEDENT LESS THAN \$40,000.00 "SMALL ESTATE"

****THIS FORM CANNOT BE FILED UNTIL 30 DAYS AFTER THE DATE OF DEATH****

This procedure is used to transfer a decedent's real and personal property, having a value of forty thousand dollars (\$40,000.00) or less, to the lawfully entitled persons intestate, without the appointment of a personal representative. If the value of the property is more than fifteen thousand (\$15,000.00), the clerk must publish a notice to creditors in the newspaper.

PUBLICATION

When the value of the property listed in the affidavit is more than fifteen thousand dollars (\$15,000.00), but does not exceed forty thousand dollars (\$40,000.00), the clerk shall cause to publish in the newspaper of general circulation, 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 (2) consecutive weeks. Proof of publication of notice pursuant to this section shall be filed no later than ten (10) days after completion of the publication. The notice, which indicates that claims are barred one (1) year after death of decedent, shall be substantially in the form found in Section 473.097 RSMo. All publication fees must be pre-paid by Applicant prior to the Court entering an Order.

WHO MAY FILE FOR DISTRIBUTION OF ASSETS WITHOUT LETTERS

The affidavit 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 specified period pursuant to Section 473.050 RSMo, otherwise by any distributee entitled to receive property of the decedent any time after (30) days after the decedent's death.

Beginning July 1, 2023, if you file a document(s) in a Missouri Court, you will be required to certify you have complied with the redaction requirements. This will be required by Missouri Court Rules. SEE LIST ON REVERSE SIDE OF THIS PAGE FOR LIST OF EXAMPLES of what must be redacted for privacy issues and pursuant to laws of this State.

ALL ATTACHED DOCUMENTS MUST BE COMPLETED IN THEIR ENTIRETY.

<p><u>Filing MUST include:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Redaction Certificate, if something needs redacting, make a copy & redact as the Court requires both copies OF ALL FORMS CONTAINING PERSONAL INFORMATION (unredacted & redacted). <input type="checkbox"/> Confidential Case Filing Information Sheet <input type="checkbox"/> Affidavit, must be notarized or signed in front of Probate Clerk <input type="checkbox"/> Death certificate <input type="checkbox"/> Copy of paid funeral bill showing -0- balance <input type="checkbox"/> Documentation of assets needing probated (Credits, Bank Accounts, Checks, Titles, Real Estate, Insurance Policies, Stocks/Bonds, etc.) <input type="checkbox"/> MO HealthNet Release from MO HealthNet <input type="checkbox"/> Bond (Depending on Asset Totals) 	<p><u>Filing Fees:</u></p> <p style="text-align: right;">Filing Fee \$ 68.50</p> <p><u>Payable to: Ray County Circuit Court</u></p> <p style="text-align: center;">Probate Division 100 W Main St., Ste 22 Richmond MO 64085</p> <p style="font-size: small;">If you need to probate a Will, you must get an attorney as the Court does not have paperwork for this.</p>
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<p>If you need to file a small estate with a Will, you need the assistance of a licensed attorney.</p>	<p style="text-align: center;"><u>PARTY TYPE CODES</u></p> <p>Party Type Code: DEC (Decedent) Party Type Code: AFF (Affiant is person filing) Party Type Code: HEIR (Person(s) legally entitled to Assets) (i.e.) children, siblings, parents, etc.</p>
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PLEASE BE AWARE THAT THE COURT CLERKS IN THE CIVIL/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(S).

If you have any questions, please contact Probate Division at 816.776.2335.

*******MO HealthNet Information*******

MO HealthNet Release formerly Medicaid Release (**Section 473.398(6) RSMo**)

Before any probate estate may be closed that involves a decedent who was enrolled in MO HealthNet at the time of death, the court must receive a release from MO HealthNet that all costs due have been satisfied or waived by MO HealthNet.

The personal representative shall file with the clerk a release from MO HealthNet showing satisfaction of all benefits, premiums or other costs due from the estate under law.

**** PLEASE EMAIL/FAX/MAIL THE ATTACHED FORM TO THE ADDRESS BELOW TO HAVE COMPLETED.**

DEPARTMENT OF SOCIAL SERVICES
MO HEALTHNET DIVISION
ATTN: COST RECOVERY UNIT
PO BOX 6500
JEFFERSON CITY MO 65102-6500
PH #573.751.2005
FX #573.526.1162
EMAIL: MHD.COSTRECOVERY@dss.mo.gov
Web site: www.dss.mo.gov/mhd

***The Missouri rules list some examples of confidential information that may need to be redacted. These examples include, but are not limited to:**

Social Security numbers	Financial institution account numbers/passwords
Driver's license numbers	Credit/Debit card numbers or passwords
State identification numbers	Personal identification numbers (PIN)
Taxpayer identification numbers	Names, addresses and contact information of: ○ Informants ○ Victims ○ Witnesses, or ○ Persons protected under restraining or protection orders
Passport numbers	
Dates of birth	
Names of individuals known to be minors	
Case numbers of confidential records	
Case numbers for expunged records	
Case numbers for sealed records	

The rules also advise caution when filing documents that include:

Medical records
Employment history
Financial records
Proprietary information
Trade secrets

***** 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, and 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 ¶ 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.
- In ¶ 11, mark through any incorrect statement.

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

(Sec. 473.097 RSMo 1993)

STATE OF MISSOURI)
County of Ray) ss.
)

IN THE CIRCUIT COURT OF RAY 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 _____ Address in the County of _____, State of Missouri, being first duly sworn, depose and state:

1. One _____, who resided at, _____ Address in _____ City, _____ County, Missouri, died on _____, 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

(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 appraisal 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):

	<u>VALUE</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

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

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

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

Name/Address	Relationship	Property

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

_____ There are no heirs that are not listed.

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 have 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.
OR The Probate Court has by order dispensed with the filing of a bond by the distributees.

Affiant

Address

City State Zip

Telephone

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

(Seal)

Notary Public

Notary Commission Expires: _____

OR

By _____

Court Clerk

Probate Court of Ray County, Missouri



Confidential Case Filing Information Sheet – Probate

Filing Date: _____	County/City of St. Louis: _____
Style of Case: (i.e. In the Estate of; In the Matter of; Petitioner v. Respondent.) _____	<input type="checkbox"/> The unredacted document is attached to this filing sheet in place of listing the redacted information identifiers below.
Case Type Code: _____	Case Type Description: _____
Party Type Code: <u>DEC</u> Party Type Description: <u>Decedent</u> Name (if a person): (Last) _____ (First) _____ (Middle) _____ Organization (if non-person): _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Telephone Number: _____ Email Address: _____ DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____ Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____	
Party Type Code: <u>APP</u> Party Type Description: <u>Applicant</u> Name (if a person): (Last) _____ (First) _____ (Middle) _____ Organization (if non-person): _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Telephone Number: _____ Email Address: _____ DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____ Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____	
Party Type Code: <u>HEIR</u> Party Type Description: <u>Heir</u> Name (if a person): (Last) _____ (First) _____ (Middle) _____ Organization (if non-person): _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Telephone Number: _____ Email Address: _____ DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____ Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____	
Party Type Code: <u>HEIR</u> Party Type Description: <u>Heir</u> Name (if a person): (Last) _____ (First) _____ (Middle) _____ Organization (if non-person): _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Telephone Number: _____ Email Address: _____ DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____ Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____	

Party Type Code: <u>HEIR</u> Party Type Description: <u>Heir</u> Name (if a person): (Last) _____ (First) _____ (Middle) _____ Organization (if non-person): _____ Address: _____ City: _____ State: _____ Zip: _____ Contact Telephone Number: _____ Email Address: _____ DOB/DOD: _____ Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female SSN: _____ Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____
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Party Type Code: HEIR Party Type Description: Heir
 Name (if a person): (Last) _____ (First) _____ (Middle) _____
 Organization (if non-person): _____
 Address: _____
 City: _____ State: _____ Zip: _____ Contact Telephone Number: _____
 Email Address: _____
 DOB/DOD: _____ Gender: Male Female SSN: _____
 Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____

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 City: _____ State: _____ Zip: _____ Contact Telephone Number: _____
 Email Address: _____
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 Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____

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 Organization (if non-person): _____
 Address: _____
 City: _____ State: _____ Zip: _____ Contact Telephone Number: _____
 Email Address: _____
 DOB/DOD: _____ Gender: Male Female SSN: _____
 Attorney Name (if represented by counsel): _____ Bar ID: _____ Party Type Code: _____

Instructions

- ✓ Complete this form for all parties known at the time of filing. Provide the most appropriate Case Type and Party Type codes and descriptions. (Found on the Case Types List and Party Types List at www.courts.mo.gov on the Court Forms/Filing Information page.)
- ✓ If additional space is needed, complete additional Confidential Case Filing Information Sheets.

NOTE: The **full** Social Security Number (SSN) is **required** pursuant to Missouri Supreme Court Operating Rule 4.07 for each party in the case, such as plaintiff, defendant, decedent, or ward/protectee, and is reasonably available. Name and addresses should be listed for all other parties (i.e. heirs, interested parties) on the case and if reasonably available include DOB and social security number. 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.



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 <input type="checkbox"/> YES <input type="checkbox"/> NO Name: _____			
7. CHILDREN UNDER AGE 21 <input type="checkbox"/> YES <input type="checkbox"/> NO		8. IS THERE A BLIND OR DISABLED DEPENDENT <input type="checkbox"/> YES <input type="checkbox"/> 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
<p>FAX: (573) 526-1162</p> <p>Mail: Department of Social Services MO HealthNet Division ATTN: Cost Recovery Unit PO Box 6500 Jefferson City, MO 65102-6500</p> <p>TELEPHONE: (573) 751-2005</p> <p>EMAIL: MHD.COSTRECOVERY@dss.mo.gov</p>			
FOR MO HEALTHNET DIVISION USE ONLY			
<input type="checkbox"/> Decedent was a MO HealthNet Participant. Case will be reviewed to determine if referral to be made to Attorney General Office for filing claim.			
<input type="checkbox"/> Decedent was not a MO HealthNet Participant. Waiver issued on: _____			
MO HEALTHNET DIVISION SIGNATURE			DATE



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

Lori J. Baskins
Associate Circuit Judge

Divisions:
Civil
Criminal
Traffic
Probate
Municipal

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 an 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

Revisor of Statutes

Publications Constitution _

State of Missouri

About

Help / FAQ



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 > 

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



Over 13,919,400 page views.

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