General Information for Filing an Affidavit for Collection of Small Estate Without Will

Rev. 04-2022

### NOTE: Filing of an Affidavit for Collection of Small Estate cannot be done pro se (without an attorney).

Information that you enter on these forms can be saved on your computer ONLY if you are using Adobe Acrobat Version 8.0 or higher. They can be completed using the FREE Adobe Reader but you will not be able to save the information you enter.

The forms listed below are interactive. You can enter the information on these forms before you print them. If you fill the forms in on your computer, much of the information you enter on one form is automatically transferred to the other forms. For example, when you type a name as petitioner on the “Affidavit for Collection of Small Estate”, that name will appear on any of the other forms where petitioner appears.

The packet contains bookmarks. These bookmarks help you navigate throughout these forms. There are “links” embedded in the forms. These links are usually green, and can take you to a related location in the forms.

The Filing Requirement Checklist is now included in the packet.

E-filing information – the Affidavit for Collection of Small Estate, Affidavit of Debts, if applicable, Death Certificate, Bond, if applicable, any Motions and Consents MUST be filed as separate documents. Multiple consents can be submitted as one (1) pdf document and supporting documentation can be submitted as one (1) pdf document but they must be separate documents from the application.

Table of Contents

You may click on the green underlined text below to take you to each of the forms.

1. Checklist of Requirements to File an Affidavit for Collection of Small Estate Without Will (CCPR153-W)

Used as a guideline for all requirements to file an Affidavit for Collection of Small Estate Without Will

1. Affidavit for Collection of Small Estate (CCPR147-W)

This form must be completed by the affiant and attorney. It should be completed with the requested information as best they can. If there are areas that are not applicable, put N/A. Do not leave any question blank. The affiant’s signature **MUST** be notarized. Publication is only required when the assets are over $15,000.00.

1. Exhibit A – Heirs (CCPR148-W)

Use this form to list all of the heirs of the decedent. It can be filed as part of the Affidavit for Collection of Small Estate.

1. Affidavit on Debts Claimed on Affidavit for Collection of a Small Estate (CCPR150- W)

This form may not be applicable to all situations. It is only needed when the gross value of the assets exceed $40,000.00 without debts. It provides additional expenses that could be used when necessary to bring the net value of the estate below

$40,000.00.

1. Corporate Surety Bond (Small Estate) (CCPR151-W)

Required to cover the value of the personal property. Certain circumstances as set out in the Checklist could allow a Motion to Waive Bond to be entertained.

# CIRCUIT COURT OF ST. LOUIS COUNTY, PROBATE DIVISION

## Checklist of Requirements to File an Affidavit for Collection of Small Estate Without Will

**Case Category – Probate Decedent Estates**

## Case Type – Small Estate Affidavit – Without Will

***NOTE: Local Court Rule 3.2 mandates all electronically filed pleadings must be typewritten. Local Court Rule 72.2 governs specific requirements for electronic filing in the Probate Division. Documents shown in bold italics should be filed as separate documents.***

# COURT FORMS:

1. ***Affidavit for Collection of Small Estate***. *(Document Category – Affidavit for/in/of – Establish Title of Distributee).*
2. Exhibit A – Heirs *–* can be filed as part of Affidavit for Collection of Small Estate
3. ***Affidavit on Debts Claimed on Affidavit for Collection of a Small Estate – if applicable. See instructions.*** *(Document Category – Affidavit for/in/of – Affidavit (other)*
4. C***orporate Surety Bond (Small Estate), if applicable. See instructions.*** *(Document Category*

*– Filing – Other/Miscellaneous – Surety Bond)*

# ADDITIONAL DOCUMENTS:

1. Copy of ***Death Certificate*** to verify date of death and jurisdiction. *(Document Category – Certificate of)*
2. ***Supporting Documentation as set out in instructions.*** *(Document Category – Settlement/Statement/Report – Verification of Assets)*
3. ***Motion to Waive Bond, if applicable. See instructions.*** *(Document Category – Motion to/for)*
4. ***Motion to Waive Publication, if applicable. See instructions.*** *(Document Category – Motion to/for – Motion (Other))*
5. ***Consents to Waive Bond and/or Publication, if applicable. See instructions.*** *(Document Category – Consent by/for/to)*

# INSTRUCTIONS:

1. Party information for all parties must be entered into e-filing system. This includes the decedent, spouse and heirs **with full social security numbers and birth dates**.
2. Fill in all blanks and check boxes on all forms. If not applicable, please indicate by using N/A.
3. It **cannot** be filed until 30 days after date of death.
4. Heirs –

Only list the heirs-at-law

Need name, address and complete lineage.

If a spouse and children are heirs, it must state whether the children are mutual with the surviving spouse.

If heir is deceased –

Verify they predeceased with names and addresses of lineal descendants If they survived and are now deceased, provide their estate information.

1. Limited to a net value of $40,000.00 or less after liens; mortgages; and expenses. Include itemized list of liens and mortgages

Only when gross value of assets exceed $40,000.00 without debts, include ***Affidavit on Debts Claimed on Affidavit for Collection of a Small Estate*** regarding additional expenses to be used in cases where the expenses are necessary to bring the net value of the estate below $40,000.00.

Documentation to support the additional expenses – see below.

#### Asset Descriptions:

Bank Accounts - bank name; account numbers (do not need to know what type of account); current balance.

Checks – Name of payor; check number and amount of check.

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, vehicle identification number and current value.

Insurance policies - insurance company name, policy number, and value.

Safe Deposit Boxes - safe deposit box number, bank name and inventory of assets. Jewelry or coins – description and value.

Real Estate - full legal description as it appears on the deed including book and page numbers, and street addresses of real estate with current value as stated on county tax appraisal and mortgage information if any.

#### Bond:

C***orporate Surety Bond (Small Estate)*** in the amount of the value of personal property.

Small Estate Bond requires Acknowledgment of Principal; Acknowledgment of Surety; and Power of Attorney for Attorney in Fact to be attached.

Bond waived – a ***Motion to Waive Bond*** will only be entertained when the following requirements are met:

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 *Notarized Consents*** from all adult competent beneficiaries are attached.

If affiant is the sole heir.

If assets total less than $15,000.00 no motion is necessary.

Any exceptions will be decided by the Commissioner on a case by case basis.

1. Signature of the affiant must be acknowledged by a notary public.
2. 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. If assets are over $15,000.00 and it has been more than 1 year from date of death publication will be waived.

# FILING FEES:

Click hyperlink for most recent fees.

<http://wp.stlcountycourts.com/wp-content/uploads/PDF/Probate/ProbateFees.pdf>

### IN THE PROBATE DIVISION, CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

In the matter of

No.

Decedent

### AFFIDAVIT FOR COLLECTION OF SMALL ESTATE

Comes now , being duly sworn on oath and states that , whose domicile and last

(Deceased Person)

residence address was ,

Address City State Zip Code

St. Louis County, Missouri, died on ; that the entire estate, less liens and encumbrances, does not exceed $40,000.00; that no application for letters testamentary or letters of administration or for refusal of letters is pending or has been granted; that all unpaid debts, claims or demands against 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; and that thirty days have elapsed since the death of the decedent.

The decedent left no will.

The decedent left a will dated the . Said will has been or will be admitted to probate by a **separate** Application for Probate of Will within the limitation periods specified in Section

473.050 RSMo.

Affiant further states that the NAMES, ADDRESSES, and RELATIONSHIPS to the decedent of the persons entitled to the property of the decedent, after payment of any unpaid debts, claims or expenses of this proceeding, and

pursuant to the laws of descent and distribution of the State of Missouri, are listed on the attached Exhibit A – Heirs, or

pursuant to the last will and testament of the decedent are listed on the attached Exhibit B –

Legatees.

Affiant further states that the following is an itemized description and valuation of the property of the decedent, and the names and addresses of the persons having possession thereof:

**NAME AND ADDRESS OF DESCRIPTION OF PROPERTY VALUE PERSON IN POSSESSION**

**TOTAL**

Subscribed and sworn to before me this

day of , .

Affiant’s Signature

(Seal)

Affiant’s Name (Typed) Street Address

Notary Public City State Zip Code

Notary Commission expires:

Telephone No.

Attorney’s Signature

Attorney’s Name (Typed) MBE#

Street Address

Publish Notice of Affidavit in:

Missouri Lawyers Media (St. Louis

Countian) St. Louis County Legal Ledger CCC

City State Zip Code

Telephone and Fax Number E-mail Address

CCPR147-W Rev. 2018 2

**IN THE PROBATE DIVISION, CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI**

In the matter of

Decedent

# EXHIBIT A - HEIRS

No.

**SPOUSE:**

Name

Deceased Date of Death

Address:

**CHILDREN:**

Name

Date of Birth

Mutual Yes No

Address

Name

Date of Birth

Mutual

Yes No

Address

Name

Date of Birth

Mutual

Yes No

Address

Name

Date of Birth

Mutual

Yes No

Address

Name

Date of Birth

Mutual

Yes No

Address

Name

Date of Birth

Mutual

Yes No

Address

Name

Date of Birth

Mutual

Yes No

Address

**If decedent had no spouse or children:**

**MOTHER**

Deceased Date of Death

Address

**FATHER** Deceased Date of Death

Address

**SIBLINGS/DECEASED SIBLINGS CHILDREN:**

**\*if there is a pre-deceased sibling, provide their date of death and their lineal descendants**

Name Deceased Date of Death

Address

Name Deceased Date of Death

Address

Name Deceased Date of Death

Address

Name Deceased Date of Death

Address

Name Deceased Date of Death

Address

**If the decedent’s parents pre-deceased and decedent had no siblings or their siblings pre-deceased without issue, provide the names, addresses, and the full blood relationship of any remaining heirs-at-law:**

Name Relationship

Address

Name Relationship

Address

Name Relationship

Address

Name Relationship

Address

Name Relationship

Address

**\*Attach additional sheets if necessary.**

### IN THE PROBATE DIVISION, CIRCUIT COURT

**OF THE COUNTY OF ST. LOUIS, STATE OF MISSOURI**

### In the Estate of

**Estate No.**

# Affidavit on Debts Claimed on Affidavit for Collection of a Small Estate

#### (To be used ONLY when gross value of assets exceed $40,000.00 without debts.)

Comes now , affiant on an Affidavit for Collection of a Small Estate for , deceased, and hereby acknowledges the validity of the debts that affiant has listed on the aforesaid Affidavit for Collection of a Small Estate, and further states that affiant will pay those debts listed, as well as all other unpaid debts, claims, taxes, liens, and encumbrances of the decedent, to the extent of the assets collected and received, prior to the payment or distribution of any of the assets listed on the Affidavit for Collection of a Small Estate to the distributees entitled thereto.

Affiant

Subscribed and sworn to before me this day \_, .

Notary Public

CCPR150-W Rev. 11/2018

Clear All Forms Print Packet Table of Contents

**IN THE PROBATE DIVISION, CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI**

Estate of No.

Bond $

Decedent

# CORPORATE SURETY BOND

### (Small Estate)

as principal(s) and as surety are held and firmly bound to the state of Missouri to the use of all persons interested in the estate and for the

security and benefit of such persons in the sum of $ for the payment of which we bind

ourselves, our heirs, our personal representatives and assigns, jointly and severally.

The condition of the bond is that if

, affiant

for collection of the estate of decedent, shall pay the debts of decedent, including any debts to the state of Missouri, expenses of funeral and burial and comply with future orders of the probate division in relation to the estate of the decedent, and deliver any part of the property of decedent to which affiant is not entitled to the person or persons entitled thereto under the law, then the above bond is void, otherwise to remain in full force. Liability of the surety terminates unless proceedings against it are instituted within two years after this bond is filed.

IN WITNESS WHEREOF, we have hereunto subscribed our names this day of ,

.

Principal’s Signature Principal’s Signature

Street Address Street Address

City State Zip Code City State Zip Code

Approved this day of , .

**JOAN M. GILMER, CIRCUIT CLERK**

Probate Division, Circuit Court Surety

St. Louis County, Missouri

By: By:

Deputy Clerk Attorney in fact

(Surety Seal)

CCPR151-W Rev. 11/2018

**ACKNOWLEDGMENT OF PRINCIPAL**

STATE OF **}**

**}** SS. COUNTY OF **}**

Now on this day of , , personally appeared before me in

the State aforesaid

to me personally known as the person(s) described in and who executed the foregoing bond as principal(s) and acknowledge(s) that he/she executed the same as his/her free act and deed for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I hereto sign my name and affix my seal at office in the state of , this day of , .

(Notary Seal) Notary Commission expires:

Notary Public

**ACKNOWLEDGMENT OF CORPORATE SURETY**

STATE OF **}**

**}** SS. COUNTY OF **}**

Now on this day of , , personally appeared before me in

the state aforesaid , Attorney in fact, to me personally known as the person described in and who executed the foregoing bond on behalf of

(surety)

and acknowledged that he/she executed the same as his/her free act and deed for the uses and purposes therein mentioned. IN TESTIMONY WHEREOF, I hereto sign my name and affix my seal at office in the state of , this day of , .

(Notary Seal)

Notary Public

Notary Commission expires:

CCPR151-W Rev.11/2018