

*****These forms are not a substitute for legal advice.*****

By law, no member of the Law Library staff may give any patron legal advice.

Accordingly, staff may not interpret legal materials for patrons, advise them as to how the law might apply to their particular situation, or assist them in preparing and filling out legal forms of any kind. Staff can provide patrons legal assistance by directing them to topical print materials, sections, and subject headings that might be helpful in answering a particular question.

SMALL ESTATE AFFIDAVIT

This form packet contains these documents:

1. Small Estate Affidavit
2. Affidavit of Disinterested Person (2)
3. Order

Steps to Follow:

1. **Prepare the [Small Estate Affidavit](#).** When preparing these forms, the “Decedent” is the person who is deceased. It is perfectly all right to hand-write on the forms.
2. **Each Distributee must sign the Affidavit in front of a Notary Public.** DO NOT sign the Affidavit UNTIL you are in front of the Notary.
3. **You will need TWO disinterested people to sign [Affidavits of Disinterested Person](#).** A disinterested person is anyone who is not less than 18 years of age, is not related to the decedent, and is not a party to or interested in the outcome of this suit.
4. **Make at least two additional copies of each Affidavit to take with you when you file.**
5. **File the Small Estate Affidavit and both Affidavits of Disinterested Person** with the Clerk of the Probate Court in the Rains County Clerks office, located at 220 W. Quitman St, Suite B Emory, TX., 75440. Give the Clerk the [Order](#) for the judge to sign.

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Case No. _____

In the Estate of

_____,

[Decedent's name]

Deceased

In the Probate Court

Rains County, Texas

SMALL ESTATE AFFIDAVIT

TO THE HONORABLE JUDGE OF THIS COURT:

_____ [name of 1st applicant], who resides at:

[address], _____ [city], _____ [state] _____
[zip code]

And

_____ [name of 2nd applicant], who resides at:

[address], _____ [city], _____ [state] _____
[zip code]

And

_____ [name of 3rd applicant], who resides at:

[address], _____ [city], _____ [state] _____
[zip code]

And

_____ [name of 4th applicant], who resides at:

[address], _____ [city], _____ [state] _____
[zip code]

as Applicant(s)/Distributee(s), furnish the following information to the Court concerning the death and heirship of _____ [decedent's name]:

1. He/she died on _____ [date of passing] in _____ [city], _____ [county], _____ [state] at the age of _____ [age] years.
2. His/her last 4 of SSN was _____ [last 4 of Social Security no.].
3. He/she was domiciled and had a fixed place of residence in this county at:

Name of 1st Applicant: _____
Address: _____
Share of Estate: _____
Relationship: _____ Age: _____

Name of 2nd Applicant: _____
Address: _____
Share of Estate: _____
Relationship: _____ Age: _____

Name of 3rd Applicant: _____
Address: _____
Share of Estate: _____
Relationship: _____ Age: _____

Name of 4th Applicant: _____
Address: _____
Share of Estate: _____
Relationship: _____ Age: _____

Applicant(s)/Distributee(s) affirm that the facts contained in this Affidavit are true.

Applicant(s)/Distributee(s) pray that this Affidavit and Application be filed in the Small Estate Records; that the same be approved by the Court; and that the Clerk issue certified copies thereof in order to allow Applicant(s)/Distributee(s) to receive or to take custody or possession of the property of the estate, or to have evidences of such money, property, or other rights of the estate as are found to exist transferred to them as heirs or assignees.

[Signature of 1st Applicant]

[Typed or printed name]

STATE OF TEXAS
COUNTY OF RAINS

Sworn to and Subscribed before me on _____ [date], by
_____ [name of 1st Applicant].

[Signature of Notary Public]

[Typed or printed name]

Notary Public in and for the State of Texas

My commission expires: _____
4

[Signature of 2nd Applicant]

[Typed or printed name]

STATE OF TEXAS
COUNTY OF COLLIN

Sworn to and Subscribed before me on _____ [date], by
_____ [name of 2nd Applicant].

[Signature of Notary Public]

[Typed or printed name]
Notary Public in and for the State of Texas
My commission expires: _____

[Signature of 3rd Applicant]

[Typed or printed name]

STATE OF TEXAS
COUNTY OF RAINS

Sworn to and Subscribed before me on _____ [date], by
_____ [name of 3rd Applicant].

[Signature
of Notary Public]

[Typed or
printed name]
Notary Public in and for the State of Texas
My commission expires: _____

[Signature of 4th Applicant]

[Typed or printed name]

STATE OF TEXAS
COUNTY OF RAINS

Sworn to and Subscribed before me on _____ [date], by
_____ [name of 4th Applicant].

[Signature of Notary Public]

[Typed or printed name]

Notary Public in and for the State of Texas
My commission expires: _____

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Case No. _____

In the Estate of

_____,

[Decedent's name]

Deceased

In the Probate Court

Rains County, Texas

AFFIDAVIT OF FIRST DISINTERESTED PERSON

“I have no interest in the estate of _____ [decedent's name].

“I am not related to him/her under the laws of descent and distribution of the State of Texas.

“I have personal knowledge of the facts contained in the foregoing Affidavit. The facts contained in the foregoing Affidavit are true.”

[Signature of 1st Disinterested Person]

[Typed or printed name]

[Address & telephone no.]

STATE OF TEXAS
COUNTY OF RAINS

Sworn to and Subscribed before me on _____ [date] by

_____ [name of 1st Disinterested Person].

[Signature of Notary Public]

[Typed or printed name]

Notary Public in and for the State of Texas
My commission expires: _____

Case No. _____

In the Estate of

_____,

[Decedent's name]

Deceased

In the Probate Court

Rains County, Texas

AFFIDAVIT OF SECOND DISINTERESTED PERSON

“I have no interest in the estate of _____ [decedent's name].

“I am not related to him/her under the laws of descent and distribution of the State of Texas.

“I have personal knowledge of the facts contained in the foregoing Affidavit. The facts contained in the foregoing Affidavit are true.”

[Signature of 2nd Disinterested Person]

[Typed or printed name]

[Address & telephone no.]

STATE OF TEXAS
COUNTY OF RAINS

Sworn to and Subscribed before me on _____ [date] by

[name of 2nd Disinterested Person].

[Signature of Notary Public]

[Typed or printed name]

Notary Public in and for the State of Texas
My commission expires: _____

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Case No. _____

In the Estate of

_____,

[Decedent's name]

Deceased

In the Probate Court

Rains County, Texas

ORDER

On this day, the Court considered the Affidavit of the Distributees of this estate, and the Affidavits of the two disinterested persons in support thereof, and the court finds the above Affidavits comply with the terms and provisions of the Texas Estates Code, that this Court has jurisdiction and venue, that this Estate qualifies under the provisions of the Estates Code as a Small Estate, and this Affidavit should be approved.

IT IS ORDERED by the Court that the foregoing Affidavit be and the same is hereby APPROVED, and shall forthwith be recorded in the Small Estates Records of this County, and the Clerk of this Court shall issue certified copies thereof to all persons entitled thereto to allow Applicant(s)/Distributee(s) to receive or to take custody or possession of the property of the estate, or to have evidences of such money, property, or other rights of the estate as are found to exist transferred to them as heirs or assignees.

SIGNED on _____ [date].

JUDGE PRESIDING