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 <u>Small Estate Affidavit</u>. 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 <u>Affidavits of Disinterested Person</u>. 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		In the Probate Court
[Decedent's name] Deceased	,	Rains County, Texas
	SMALL ESTATE A	AFFIDAVIT
TO THE HONORABLE JUL	OGE OF THIS COURT	:
		[name of 1 st applicant], who resides at:
[address],[zip code]	[city],	[state]
And		
		[name of 2 nd applicant], who resides at:
[address],[zip code]	[city],	[state]
And		
		[name of 3 rd applicant], who resides at:
[address],[zip code]	[city],	[state]
And		
		[name of 4 th applicant], who resides at:
[address],[zip code]	[city],	[state]
		information to the Court concerning the [decedent's name]:
1. He/she died on	[city],	[state] at the age of [age] years
[county],		[state] at the age of [age] years
2. His/her last 4 of SS	SN was	[last 4 of Social Security no.].

[addr	ress],		[city], Texas		[zip code]
	or the principal part of	f the estate was in		me of death.	
	o application for the a		personal representati	ve of this esta	te is
5. H	e/she died intestate (w	vithout a will).			
6. Tl	hirty (30) days, or mo	re, have elapsed s	ince the death.		
home	he value of the entire a estead and exempt pro s exceed the known li	perty, does not ex	ceed \$75,000.00, ar		_
8. Tl	he known ASSETS ar	nd LIABILITIES	of the estate are as fo	ollows:	
		ASSET	S		
whe	[The assets list should should indicate ther property is exem	whether property	is separate or com	munity,	ty.]
DESCRIPTI	ON		VALUE	ENCUMB	RANCES
		LIABILIT	TIES		
			mplete description of twas community or	•	
CREDITOR			AM	OUNT OF CI	LAIM

				. 1 1	1
	_	ie of the followi Strike through i		-	rk.
9. He/she	_	Strike through t		-	rk. [name o
	was married to	Strike through t	those not s	-	
decedent	was married to	Strike through a o e time of death.	those not s	-	
decedent 9. He/she	was married to 's spouse] at the was never man	Strike through a o e time of death.	those not s	elected.]	[name or
decedent 9. He/she	was married to s spouse] at the was never many was not married.	Strike through a company of time of death.	f death, bu	t was previousl [name of prior ing a check ma	[name of spouse].
decedent 9. He/she 9. He/she	was married to s spouse] at the was never many was not married.	Strike through a competition of death. rried. ed at the time of the following strike through a	f death, bu	t was previousl [name of prior ing a check ma	[name of spouse].

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11. The names and addresses of the Distributees and heirs of the money and property of the estate and their right to receive the assets of the estate is/are:

DISTRIBUTEES

[name(s) of child(ren)].

[The distributee list should include a complete listing of all Distributees, their residence addresses, relationship to the Decedent, and their respective right to receive the money, property, or other rights of the estate as are found to exist. The list should also identify any Distributees who are minors or under a guardianship.]

Address:	
P 1 . 1 . 1 .	Agai
Relationship:	Age:
Name of 2 nd Applicant:	
Share of Estate:	
Relationship:	Age:
N. Card A. 1.	
Share of Estate:	
Relationship:	
Address:	
Share of Estate: Relationship:	A
Relationship:	Age:
Estate Records; that the same be approved by thereof in order to allow Applicant(s)/Distribution	his Affidavit and Application be filed in the Small the Court; and that the Clerk issue certified copies atee(s) to receive or to take custody or possession of s of such money, property, or other rights of the has 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
Sworn to and Subscribed before the on	[name of 1st Applicant].
	[name of 1st Applicant].
	[Signature of Notary Public]
	[Typed or printed name]
	Notary Public in and for the State of Texas
	My commission expires:

	[Signature of 2nd Applicant]
	[Typed or printed name]
STATE OF TEXAS COUNTY OF COLLIN	
Sworn to and Subscribed before me or	n [date], by [name of 2 nd Applicant].
	[Signature of Notary Public]
	[Typed or printed name] Notary Public in and for the State of Texas My commission expires:
	[Signature of 3 rd Applicant]
	[Typed or printed name]
STATE OF TEXAS COUNTY OF RAINS	
Sworn to and Subscribed before me on	[date], by[name of 3rd Applicant].
of Notar	[Signature y Public]
printed n Notary P	[Typed or

	[Signature of 4 th Applicant]
	[Typed or printed name]
STATE OF TEXAS COUNTY OF RAINS	
Sworn to and Subscribed before me o	n [date], by [name of 4 th 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	In the Probate Court
[Decedent's name] Deceased	Rains County, Texas
AFFIDAVIT OF FIRST DI	ISINTERESTED PERSON
"I have no interest in the estate ofname].	[decedent's
"I am not related to him/her under the laws of de	scent and distribution of the State of Texas.
"I have personal knowledge of the facts contained contained in the foregoing Affidavit are true."	d in the foregoing Affidavit. The facts
	[Signature of 1st Disinterested Person]
	[Typed or printed name]
	[Address & telephone no.]
STATE OF TEXAS COUNTY OF RAINS	
	[date] by [name of 1 st 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	In the Probate Court
[Decedent's name] Deceased	Rains County, Texas
AFFIDAVIT OF SECOND I	DISINTERESTED PERSON
"I have no interest in the estate ofname].	[decedent's
"I am not related to him/her under the laws of de	scent and distribution of the State of Texas.
"I have personal knowledge of the facts contained contained in the foregoing Affidavit are true."	d in the foregoing Affidavit. The facts
	[Signature of 2 nd 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 2 nd 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	In the Probate Court		
[Decedent's name] Deceased	, 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 person	s in support thereof, and the court finds the above		
Affidavits comply with the terms and pro-	visions 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	at the foregoing Affidavit be and the same is hereby		
APPROVED, and shall forthwith be record	rded in the Small Estates Records of this County, and		
the Clerk of this Court shall issue certified	d copies thereof to all persons entitled thereto to allow		
Applicant(s)/Distributee(s) to receive or to	o take custody or possession of the property of the		
estate, or to have evidences of such mone	y, property, or other rights of the estate as are found to		
exist transferred to them as heirs or assign	nees.		
SIGNED on	[date].		
	JUDGE PRESIDING		

Small Estate Order