

SMALL ESTATE AFFIDAVIT

This Small Estate Affidavit (hereinafter "Affidavit") is made and entered into on this _____ day of _____, 20_____, by the undersigned Affiant(s), who, being first duly sworn, depose(s) and state(s) as follows:

I. AFFIANT INFORMATION

The Affiant(s):

Affiant's Address:

Affiant's Relationship to Decedent: _____

Affiant's Phone Number: _____

Affiant's Email Address: _____

II. DECEDENT INFORMATION

The Decedent: _____

Date of Death: _____ day of _____, 20 _____

Last Known Address of Decedent:

Decedent's Date of Birth: _____ day of _____, 20 _____

Decedent's Social Security Number: _____

III. RECITALS

WHEREAS, the Decedent, _____, died on the date specified above; and

WHEREAS, the Decedent's estate qualifies as a "small estate" under the laws of the State of _____ because its value, excluding homestead and exempt property, does not exceed the statutory threshold of \$ _____ (or as otherwise defined by applicable state law); and

WHEREAS, no petition for the appointment of a personal representative for the Decedent's estate has been filed or granted in any jurisdiction; and

WHEREAS, the Affiant(s) is/are entitled to receive certain assets of the Decedent without the necessity of formal probate proceedings, in accordance with the laws of the State of _____.

IV. AFFIDAVIT OF FACTS

1. **Decedent's Residence and Death:** The Decedent resided at the last known address specified above and died in _____ County, State of _____.
2. **No Probate Estate:** To the best of Affiant's knowledge, information, and belief, no petition for the appointment of a personal representative for the Decedent's estate has been filed or granted in any jurisdiction.
3. **Estate Value:** The value of the entire estate of the Decedent, excluding homestead and exempt property, does not exceed the maximum amount allowed for small estate affidavits under the laws of the State of _____, which is currently \$ _____.
4. **Heirs of the Decedent:** The following are all of the known heirs of the Decedent and their respective relationships to the Decedent:

Heir 1 Name: _____

Relationship to Decedent: _____

Address: _____

Heir 2 Name: _____

Relationship to Decedent: _____

Address: _____

Heir 3 Name: _____

Relationship to Decedent: _____

Address: _____

(Add additional lines as necessary for all heirs)

5. Decedent's Will (if any):

The Decedent died intestate (without a will).

The Decedent died testate (with a will), but the will does not require formal probate and is attached hereto as Exhibit A.

The Decedent died testate (with a will), and the will has been admitted to probate, but the estate qualifies for small estate administration. (If this box is checked, provide details of probate filing: _____)

6. Description of Assets: The following is a complete list and description of all assets owned by the Decedent at the time of death that are to be collected by this Affidavit, along with their estimated values:

Asset 1 Description: _____

Estimated Value: \$ _____

Asset 2 Description: _____

Estimated Value: \$ _____

Asset 3 Description: _____

Estimated Value: \$ _____

(Add additional lines as necessary for all assets)

7. **Affiant's Entitlement:** The Affiant(s) is/are entitled to receive the assets described above, and no other person has a superior right to the assets. The Affiant(s) will distribute the assets to the rightful heirs of the Decedent in accordance with the laws of intestacy or the Decedent's will, as applicable, and after payment of any lawful debts of the estate.

8. **Debts and Obligations:** To the best of Affiant's knowledge, information, and belief, all debts of the Decedent, including funeral expenses, have been paid or adequately provided for, or will be paid from the assets collected.

V. COVENANTS AND REPRESENTATIONS

The Affiant(s) hereby affirm(s) that all statements made herein are true and correct to the best of their knowledge, information, and belief, and are made under penalty of perjury. The Affiant(s) understand(s) that any false statement made in this Affidavit may subject them to penalties under the laws of the State of _____.

The Affiant(s) agree(s) to indemnify and hold harmless any person, firm, or corporation delivering property or assets to the Affiant(s) pursuant to this Affidavit from any and all liability, claims, demands, damages, costs, and expenses arising from such delivery.

VI. GENERAL PROVISIONS

1. **Governing Law:** This Affidavit shall be governed by and construed in accordance with the laws of the State of _____.

2. **Severability:** If any provision of this Affidavit is held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

3. **Entire Agreement:** This Affidavit constitutes the entire agreement between the parties concerning the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings,

negotiations, and discussions, whether oral or written, of the parties.

4. **Notices:** Any notices required or permitted to be given under this Affidavit shall be in writing and shall be deemed to have been duly given when delivered personally or sent by certified or registered mail, return receipt requested, to the addresses of the parties as set forth herein or to such other address as a party may designate by written notice.

5. **Amendments:** This Affidavit may not be amended, modified, or supplemented except by a written instrument executed by all Affiant(s).

6. **Successors and Assigns:** This Affidavit shall be binding upon and inure to the benefit of the heirs, successors, and permitted assigns of the Affiant(s).

7. **Counterparts:** This Affidavit may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

8. **Waiver:** No waiver of any provision of this Affidavit shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.

9. **Headings:** The headings of the sections of this Affidavit are for convenience only and shall not affect the interpretation or construction of any of its provisions.

10. **Construction:** No presumption shall operate in favor of or against any party to this Affidavit because of the party's role in drafting this Affidavit.

IMPORTANT NOTE: The specific requirements, thresholds, and forms for Small Estate Affidavits vary significantly by state. Affiant(s) should consult the applicable statutes and forms for the State of _____ to ensure full compliance.

IN WITNESS WHEREOF, the undersigned Affiant(s) has/have executed this Small Estate Affidavit on the date first written above.

AFFIANT

Signature: _____

Print Name: _____

Date: _____ day of _____, 20 _____

Address: _____

AFFIANT (if more than one)

Signature: _____

Print Name: _____

Date: _____ day of _____, 20 _____

Address: _____

NOTARY PUBLIC ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 20 _____, before me, a Notary Public in and for said County and State, personally appeared _____ (Name of Affiant), known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

Notary Public Signature: _____

Print Name: _____

My Commission Expires: _____ day of _____, 20 _____

(Seal)