

**General Information for Filing an Affidavit To Establish Title of Distributee To Property In Estate of
Less than \$40,000 – Small Estate – Intestate (Without Will)**

06-2023

Probate Form: D9

NOTE: Filing of an Affidavit To Establish Title of Distributee To Property In Estate of Less than \$40,000 – Small Estate – Intestate (Without Will) cannot be done pro se (without an attorney).

Throughout this packet, the Affidavit to Establish Title of Distributee To Property In Estate of Less than \$40,000 – Small Estate – Intestate (Without Will) will commonly be referred to as the Small Estate Affidavit.

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

Table of Contents

You may click on the 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](#)
Used as a guideline for all requirements to file an Affidavit To Establish Title of Distributee To Property In Estate of Less than \$40,000 – Small Estate – Intestate (Without Will)
2. [Confidential Filing Information Sheet](#)
Completion of this Form will populate a significant number of the fields in the packet. We recommend you complete this form. It is not required to be filed if Parties are properly entered in Casenet at the time of E-filing unless supplementing at later date. (Document Category – Filing Other/Misc Document Type – Confidential Filing Information Sheet)
3. [Affidavit To Establish Title of Distributee To Property In Estate of Less than \\$40,000 – Small Estate – Intestate \(Without Will\)](#)
This form must be completed by an attorney. It should be completed with all requested information. If there are areas that are not applicable, put N/A. Do not leave any question blank. Affiant's signature **MUST** be notarized. Publication is only required when the assets are over \$15,000 and Decedent died within the last year. The Attorney is responsible for sending the request for publication to an approved publication company and filing the affidavit of publication.
4. [Exhibit A – Assets](#)
Use this form to list all of the assets titled in the sole name of Decedent which did have a beneficiary designation. This should be filed as a separate document under the Document Category – Filing – Other/Miscellaneous – Financial Statement.
5. [Exhibit B – Heirs](#)
Use this form to list all of Decedent's heirs. It can be filed as an exhibit to the Small Estate Affidavit.
6. [Request for Waiver of Bond](#)
Use this request to waive bond in the event Affiant is not the sole heir. Affidavits which report less than \$15,000 in value receive an automatic waiver of bond without request.

**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 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 To Establish Title of Distributee To Property In Estate of Less than \$40,000 – Small Estate – Intestate (Without Will) (Document Category – Affidavit for/in/of: Document Type– Establish Title of Distributee);
- 2. Exhibit A – Assets (Document Category – Filing – Other/Miscellaneous: Document Type – Financial Documents);
- 3. Exhibit B – Heirs – File as exhibit to above Small Estate Affidavit; and
- 4. Corporate Surety Bond (Small Estate), if applicable. See instructions. (Document Category – Filing – Other/Miscellaneous: Document Type– Surety Bond).

ADDITIONAL DOCUMENTS:

- 1. Copy of Death Certificate (Document Category – Certificate of: Document Type - Death);
- 2. Supporting Documentation as set out in instructions. (Document Category – Settlement/Statement/Report: Document Type – Verification of Assets); and
- 3. Consents to Waive Bond, if applicable. See instructions. (Document Category – Consent by/for/to: Document Type: Consents).

INSTRUCTIONS:

- 1. The Small Estate Affidavit **cannot** be filed until 30 days after date of death.
- 2. Party information for all parties must be entered into e-filing system. This includes the Decedent and Affiant **with full social security numbers and birth dates**. Affiant should be listed as the Affiant. Decedent should be listed as the Decedent. After completing the information for the Affiant, select “Add New Party” and complete the information for Decedent. Then select “Continue”.
- 3. Fill in **all blanks** and **check boxes** on all forms. If not applicable, please indicate by using N/A.
- 4. Heirs –
 - Only list the heirs-at-law
 - Include name, address and complete lineage.
 - If a spouse and children are heirs, Exhibit B must state whether the children of Decedent are also the children of the surviving spouse.
 - If heir is deceased –
 - Verify they predeceased Decedent and include names and addresses of lineal descendants
 - If they survived Decedent and are now deceased, provide their estate information.
- 5. Limited to a **net** value of \$40,000 or less after liens, mortgages, and expenses.
 - Include itemized list of liens and mortgages. Include a mortgage statement.
 - Include documentation to support any expenses which bring the value under \$40,000.

6. Asset Descriptions:
- Bank Accounts – list bank name; the last four digits of the account number; current balance.
 - Checks – list name of payor; check number and amount of check.
 - Stocks and bonds – list 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 – list the last four digits of the account number and current balance.
 - Vehicles - vehicle description listing year, name of manufacturer, vehicle identification number and current value.
 - Insurance policies – list insurance company name, last four digits of the policy number, and value.
 - Safe Deposit Boxes – list safe deposit box number, bank name and inventory of assets.
 - Jewelry or coins – list 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.
7. Bond:
- Corporate Surety Bond (Small Estate) in the amount of the value of personal property if value of estate is greater than \$15,000.
 - Small Estate Bond requires Acknowledgment of Principal; Acknowledgment of Surety; and Power of Attorney for Attorney in Fact to be attached.
 - Bond waived automatically if value of estate is \$15,000 or less. No motion is necessary.
 - Bond may be waived if value of estate is greater than \$15,000 and notarized *consents* from all adult competent beneficiaries are attached.
8. Signature of Affiant must be acknowledged by a notary public.
9. Publication:
- Required when value of assets is more than \$15,000.
 - If assets are over \$15,000 and it has been more than 1 year from date of death, publication will be automatically waived.

FILING FEES:

- Click hyperlink for most recent fees.
<https://stlcountycourts.com/courts-departments/probate-court/probate-fees-and-estate-charges/>

CONFIDENTIAL CASE FILING INFORMATION SHEET – PROBATE

INSTRUCTIONS:

✓ **Please also enter all of the below parties in Case.net when filing the Petition.**

NOTE: Name; addresses; DOB; and Social Security Number should be listed for all parties. The **full** Social Security Number (SSN) is **required** pursuant to Missouri Supreme Court Operating Rule 4.07 for each party in the case that is reasonably available. This is a confidential document. 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.

In the Matter of: _____, **Deceased.**

Party Type Code: AFFIANT

Name (if a person): (Last) _____ (First) _____ (Middle) _____

Organization (if non-person): _____

Address: _____

City: _____ State: _____ Zip: _____

DOB _____ SSN: _____

Party Type Code: CO-AFFIANT

Name (if a person): (Last) _____ (First) _____ (Middle) _____

Organization (if non-person): _____

Address: _____

City: _____ State: _____ Zip: _____ Contact Telephone Number: _____

DOB _____ SSN: _____

Party Type Code: DECEDENT

Name (if a person): (Last) _____ (First) _____ (Middle) _____

Organization (if non-person): _____

Address: _____

City: _____ State: _____ Zip: _____

DOD: _____ Gender: Male Female SSN: _____

Submitted by: _____ Bar ID: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email Address: _____



In the Matter of:

Deceased.

**AFFIDAVIT TO ESTABLISH TITLE OF DISTRIBUTE
TO PROPERTY IN ESTATE OF LESS THAN \$40,000
(§ 473.097 RSMO)**

SMALL ESTATE – INTESTATE (WITHOUT WILL)

The undersigned, a distributee entitled to receive property of Decedent, being first duly sworn, states:

resided at

and died on _____.

All unpaid debts, claims or demands against Decedent or 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 Affiant for the payment of unpaid claims shall be limited to the value of the property received.

Attached hereto as Exhibit A is an itemized description and valuation of all the property of Decedent, together with the names and addresses of the persons having possession of the same (including registrars or transfer agent of all corporate shares and bonds).

Attached hereto as Exhibit B are the names, addresses and relationship to Decedent of the persons entitled to and who will receive the property remaining after payment of claims and debts of the decedent.

The value of the entire estate, less liens and encumbrances, is _____. This amount does not exceed the amount of \$40,000 (if Decedent’s date of death is less than one year prior to filing the Affidavit and Decedent’s debts are used to reduce the value of Decedent’s assets to \$40,000, Affiant must attach to the Affidavit a list of creditors along with the amount owed to each creditor).

Thirty days have elapsed since the death of Decedent and no application for letters testamentary or for administration or for refusal of letters under § 473.090 RSMo is pending or has been granted.

BOND – Select the first one that applies.

- A small estate bond in the amount of \$_____ with corporate surety has been filed.
- Affiant is the sole heir of the estate and requests waiver of bond.
- The total value of the estate is \$15,000 or less and therefore Affiant requests waiver of bond.
- The value of the estate is greater than \$15,000 and notarized consents of all heirs are attached to this Affidavit.

The undersigned swears that the matters set forth in the foregoing affidavit are true and correct according to the undersigned's best knowledge and belief, subject to penalty for making a false affidavit or declaration.

Subscribed and sworn to me on
the ____ day of _____, 20__ by

Affiant's Signature

Affiant's Name (Typed)

Notary Public Signature

Street Address

City, State, Zip

STAMP

Affiant's Email

Attorney's Signature

Attorney's Name & Bar Number (Typed)

Street Address

City, State, Zip

Phone Number with Area Code

E-mail Address



IN THE PROBATE DIVISION, CIRCUIT COURT,

COUNTY, MISSOURI

In the Matter of:

Deceased.

**EXHIBIT A - ASSETS
(Assets of Decedent)**

PERSONAL PROPERTY:

Name of Bank	Type of Account (Checking, Savings, CD) with Last Four Digits of account number	Current Value of Account
		\$
		\$
		\$
Name of Financial Institution	Type of Account (Brokerage, 401(k), IRA, etc.) with Last Four Digits of account number	Current Value of Account
		\$
		\$
List All Vehicles Year, Make, Model	VIN	Value of Vehicle
		\$
		\$
Checks	Check #	Check Amount
		\$
		\$
		\$
Life Insurance	Policy Type with Last Four Digits of Policy Number	Face Value
		\$
		\$
Other Personal Property		Value
		\$
		\$
	Total Personal Property	\$

EXHIBIT A - Continued
ASSETS
 (Assets of Decedent)

REAL PROPERTY – MISSOURI ONLY:

Address	Full Legal Description	Value
		\$
		\$

Total Value without debt:	\$
Deductions for any debt claimed to reduce estate value below \$40,000 with proof of debt attached.	\$
Total value after deducting any debt:	

Attach additional sheets if necessary.

- In the event any value is unknown, list such amount as a value “not to exceed” to ensure that the total of such assets do not exceed the limit of \$40,000.

In the Matter of:

Deceased.

EXHIBIT B - HEIRS

*Any information that is not applicable should be mark N/A on the name line.

SPOUSE OF DECEDENT:

Name _____ Deceased Date of Death _____

Address: _____

LIVING CHILDREN OF DECEDENT:

Name _____ Mutual child of Decedent and Spouse? Yes No

Address _____ Under Age 18? Yes No

Name _____ Mutual child of Decedent and Spouse? Yes No

Address _____ Under Age 18? Yes No

Name _____ Mutual child of Decedent and Spouse? Yes No

Address _____ Under Age 18? Yes No

Name _____ Mutual child of Decedent and Spouse? Yes No

Address _____ Under Age 18? Yes No

Name _____ Mutual child of Decedent and Spouse? Yes No

Address _____ Under Age 18? Yes No

DECEASED CHILDREN OF DECEDENT:

Name _____ Mutual child of Decedent and Spouse? Yes No

Date of Death: _____ Attach List of Descendants if Predeceased Yes N/A

List Personal Representative of Estate and Estate Number if Deceased Child Survived Decedent:

Name _____ Mutual child of Decedent and Spouse? Yes No

Date of Death: _____ Attach List of Descendants if Predeceased Yes N/A

List Personal Representative of Estate and Estate Number if Deceased Child Survived Decedent:

ONLY COMPLETE - If Decedent had no spouse or children/grandchildren:

MOTHER:

Name _____ Deceased Date of Death _____

Address _____

FATHER:

Name _____ Deceased Date of Death _____

Address _____

LIVING SIBLINGS:

Name _____ Whole Sibling Yes No

Address _____ Under Age 18? Yes No

Name _____ Whole Sibling Yes No

Address _____ Under Age 18? Yes No

Name _____ Whole Sibling Yes No

Address _____ Under Age 18? Yes No

Name _____ Whole Sibling Yes No

Address _____ Under Age 18? Yes No

Name _____ Whole Sibling Yes No

Address _____ Under Age 18? Yes No

DECEASED SIBLINGS:

Name _____ Whole Sibling Yes No

Date of Death: _____ Attach List of Descendants if Predeceased Yes N/A

List Personal Representative of Estate and Estate Number if Deceased Sibling Survived Decedent:

Name _____ Whole Sibling Yes No

Date of Death: _____ Attach List of Descendants if Predeceased Yes N/A

List Personal Representative of Estate and Estate Number if Deceased Sibling Survived Decedent:

***Attach additional sheets if necessary.**

If Decedent had no spouse, children, or grandchildren and Decedent's parents pre-deceased and Decedent had no siblings or their siblings pre-deceased without descendants, provide the names, addresses, and relationship of any remaining heirs-at-law on a family tree attached to this form.

§ 473.017 and § 474.010 RSMo.

Attach additional sheets if necessary.



IN THE PROBATE DIVISION, CIRCUIT COURT,

COUNTY, MISSOURI

In the Matter of:

Deceased.

REQUEST FOR WAIVER OF BOND

All heirs of Decedent are stated in Exhibit B to the Affidavit to Establish Title of Distributee to Property in Estate of Less than \$40,000 and all heirs do by their signatures below consent to the waiver of the filing of bond in the above-named estate by Affiant. The undersigned heir understands that the purpose of the bond is to protect his/her interest in the estate and that distributions made to the heir without a bond may result in a creditor of the estate seeking reimbursement from such distribution. The undersigned heir has reviewed the Exhibit B of the Affidavit and states that all heirs of Decedent are as stated.

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

(Notary Seal)

Notary Public

Notary Commission expires: _____