

No. _____

Estate of

§
§
§
§
§

In Probate Court

_____ ,

Number _____ of

Deceased

_____ County, Texas

Small Estate Affidavit

On the day or days below written, personally appeared the distributees of this Estate and two disinterested witnesses, who, on their oaths, swear to the following facts pursuant to §137, Texas Probate Code:

1. Decedent _____ died on _____ in _____, _____ County, _____ without leaving a valid Last Will and Testament;
2. Decedent was a resident of and domiciled in _____ County, Texas at the time of Decedent's death;
3. No administration is pending or has been granted in Decedent's estate and none appears necessary;
4. More than thirty (30) days have elapsed since the death of Decedent;
5. The value of the entire assets of the estate of Decedent as of the date of death, exclusive of homestead and exempt property, does not exceed \$50,000.00; and
6. The assets of Decedent's estate and their value are as follows:

Asset Description

Value

SEPARATE PROPERTY:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

TOTAL

_____	_____	_____

_____	_____	_____

_____	_____	_____

_____	_____	_____

_____	_____	_____

_____	_____	_____

9. The right of the Distributees to Decedent’s assets, to the extent that the assets exceed the liabilities of Decedent's estate, is shown by the following facts regarding Decedent's family history: *(complete all that apply)*

(A) On the date of Decedent's death, Decedent was:
 _____ a single person *(or)*
 _____ married to _____ ("Surviving Spouse")

(and)

(B) _____ no child or other descendant of the Decedent survives the Decedent. *(or)*
 _____ Decedent had the following children born to or adopted by him/her during his/her lifetime:

_____	_____
_____	_____
_____	_____
_____	_____

(and)

(C) _____ all surviving children and descendants of the Decedent are also surviving children and descendants of the surviving spouse. (or) _____ the following surviving children and descendants of the Decedent are NOT also surviving children and descendants of the surviving spouse:

_____	_____
_____	_____
_____	_____
_____	_____

(and)

(D) The following children of Decedent died before the Decedent and left children surviving them, all of whom are listed as follows:

1. _____	2. _____
_____	_____
_____	_____
_____	_____
3. _____	4. _____
_____	_____
_____	_____
_____	_____

(and)

(E) _____ Decedent was not survived by a spouse or children or grandchildren, but was survived as follows:

_____ by both parents: _____ &
_____ ; (or)
_____ by one parent: _____ ; the parent
not surviving being _____, Decedent's
 Father Mother, who died on _____ ; (or)
_____ by neither parent;

(and/or)

_____ by the following brothers and sisters (including half-brothers and half-sisters born to either of Decedent's parents (specify);

(Full brothers & sisters)

_____	_____
_____	_____
_____	_____

(Half-brothers & Half-sisters)

_____	_____
_____	_____
_____	_____

(and/or)

_____ **Decedent was survived by the following nephews and nieces who were the children of a deceased brother or sister, all of whom are listed as follows:**

- | | |
|----------|----------|
| 1. _____ | 2. _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| 3. _____ | 4. _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

(and/or)

_____ **Decedent was survived by neither of his parents nor brothers nor sisters, nor nephews nor nieces, but was survived by the individuals listed on the attached sheet showing the names and relationship to the Decedent and Decedent's family history with respect to such survivors.**

10. The distributees of this estate understand that this affidavit and any court order approving the same does not serve to transfer title to any real estate owned by Decedent or affect the title to same, except that title to a homestead that is the only real property in a decedent's estate may be transferred by this affidavit.

DISTRIBUTEES:

We, as distributees of the Decedent, as indicated by our signatures immediately below, do solemnly swear that each of us have legal capacity and that the foregoing affidavit was completed by persons who had actual knowledge of the facts stated herein and that this affidavit is true, complete and correct, to the best of our knowledge.

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____

SUBSCRIBED AND SWORN TO BEFORE ME by 1. _____,
a Distributee, on _____.

Notary

SUBSCRIBED AND SWORN TO BEFORE ME by 2. _____,
a Distributee, on _____.

Notary

SUBSCRIBED AND SWORN TO BEFORE ME by 3. _____,
a Distributee, on _____.

Notary

SUBSCRIBED AND SWORN TO BEFORE ME by 4. _____,
a Distributee, on _____.

Notary

SUBSCRIBED AND SWORN TO BEFORE ME by 5. _____,
a Distributee, on _____.

Notary

SUBSCRIBED AND SWORN TO BEFORE ME by 6. _____,
a Distributee, on _____.

Notary

SUBSCRIBED AND SWORN TO BEFORE ME by 7. _____,
a Distributee, on _____.

Notary

SUBSCRIBED AND SWORN TO BEFORE ME by 8. _____,
a Distributee, on _____.

Notary

DISINTERESTED WITNESSES:

We, as witnesses to this affidavit, as indicated by our signatures immediately below, do solemnly swear that each of us has legal capacity and that each of us has personal knowledge of the family history facts of the Decedent and that the foregoing affidavit is true, complete and correct to the best of our knowledge and that we have no interest in the estate or assets of the Decedent.

1. _____ 2. _____

SUBSCRIBED AND SWORN TO BEFORE ME by 1. _____,

a Disinterested Witness, on _____.

Notary

SUBSCRIBED AND SWORN TO BEFORE ME by 2. _____,

a Disinterested Witness, on _____.

Notary

ORDER

On this day the Court considered the above Small Estate Affidavit and the Court finds that the Affidavit complies with the terms and provisions of the Texas Probate Code, that this Court has jurisdiction and venue, that this Estate qualifies under the provisions of the Probate Code as a Small Estate, and that the Affidavit should be approved.

It is therefore ORDERED, ADJUDGED and DECREED that the foregoing Affidavit be and the same is hereby APPROVED, and shall forthwith be recorded in the Small Estate Records of this County, and the Clerk of this Court shall issue certified copies thereof to all persons entitled thereto.

SIGNED _____

JUDGE PRESIDING