

EXISTING LAW

Ark. Code Ann. § 28-41-101—Collection of Small Estates by Distributee

- **No appointment of personal representative required for distribution of estate**
- **No petition for appointment of personal representative is pending or has been granted**
- **45 days have passed since decedent's death**
- **Value of estate cannot exceed \$100,000, excluding homestead statutory allowances**
- **Affidavit of one or more distributees shall be filed with probate clerk including:**
 - **that no unpaid claims or demands against decedent or estate exist; that DHS did not furnish federal or state benefits to decedent, or, if benefits were furnished, the department has been reimbursed**
 - **description and valuation of personal property and legal description and valuation of real property, including homestead**
 - **names and addresses of persons having possession of personal property and possessing or residing on any real property of decedent**
 - **names, addresses, and relationship to the decedent of persons entitled to and who will receive the property**
- **Certified copy of affidavit shall be provided to any person owing any money, having property, or acting as registrar or transfer agent of any evidence of interest, indebtedness, property, or right**
- **Clerk shall file the affidavit, assign it a number, and index it**
- **\$25 filing fee; \$3 for each certified copy; no additional fee if will is attached to affidavit**
- **If small estate collected includes any real property, the distributee, in order for claims to be presented may cause, promptly after the affidavit has been filed, a notice of decedent's death and the filing of an affidavit for collecting the estate, to be publish. The notice shall contain:**
 - **name of decedent and last known address**
 - **date of death**
 - **statement that affidavit was filed, date of filing, legal description of all real property listed in affidavit**
 - **statement requiring all who have claims against estate to present them, properly verified, within 3 months from date of first publication of the notice, or they shall be forever barred and precluded in any benefit in the estate**
 - **name and mailing address of distributee or his/her attorney**
 - **date of first publication of notice.**
- **Publication of the notice shall comply with Ark. Code Ann. §§ 28-1-112(b)(4) and 28-40-111(a)(4)**

**IN THE CIRCUIT COURT OF MISSISSIPPI COUNTY, ARKANSAS
DISTRICT, PROBATE DIVISION**

**AFFIDAVIT FOR COLLECTION OF SMALL ESTATE
BY DISTRIBUTEE**

_____ and _____, for the purpose of dispensing with administration of this estate, deceased, state on oath:

1. The decedent _____, aged _____, who resided at _____ in _____ County, Arkansas, died at _____ on or about _____, 20____. No petition for the appointment of a personal representative for the decedent's estate is pending or has been granted.

2. More than forty-five (45) days have elapsed since decedent's death.

3. The value, less encumbrances, of all property owned by the decedent at the time of death, excluding the homestead of and statutory allowances for the benefit of the surviving spouse or minor children, if any, of the decedent, does not exceed one hundred thousand dollars (\$100,000).

4. There are no unpaid claims or demands against the decedent or the decedent's estate, and the Department of Health and Human Services furnished no federal or state benefits to the decedent (or, that if such benefits have been furnished, the department has been reimbursed in accordance with state and federal laws and regulations).

5. An itemized description and valuation of the decedent's personal property; a legal description and valuation of the decedent's real property, including homestead, if any; and the names and addresses of persons having possession thereof or residing on any of the decedent's real property, are:

Description of Property, And Extent and Details Of Encumbrances, if Any	Valuation Less Encumbrances	In Possession of
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. The names, ages, relationships to the decedent and residence addresses of the persons entitled to receive the property of the decedent as surviving spouse, heirs or devisees of decedent's will are:

Name	Age	Relationship	Residence Address
_____	_____	_____	_____
_____	_____	_____	_____

THEREFORE, the distributee[s] of this estate shall be entitled to distribution of the property identified above, without the necessity of an order of the court or other proceeding, upon furnishing a copy of this affidavit, certified by the clerk, to any person owing any money, having custody of any property, or acting as registrar or transfer agent of any evidence of interest, indebtedness, property or right of the decedent.

Date: _____, _____

[Affiant]

[Affiant]

[Affiant]

[Affiant]

AFFIDAVIT

STATE OF ARKANSAS

COUNTY OF _____

Subscribed and sworn to before me on _____, _____.

[Signature]

[Official Title]

(Seal)

My Commission expires: _____

CERTIFICATE OF CLERK

The undersigned Clerk of the Probate Court of Mississippi County, Arkansas certifies that this is a true copy of an affidavit filed in this court on the _____ day of _____, _____, that the affidavit remains on file and that no petition for the appointment of a personal representative of this estate has been filed in this court.

Date: _____, _____

_____, Clerk

By: _____, D.C.

(Seal)