MELISSA EWING Court Administrator 409 766 2482

CHRISTINE WELSH Court Coordinator 409 766 2251 FAX 765 3221

CAROLYN GRANDY Court Auditor 409 770 5140



DEBBIE DIAZ Guardianship Investigator 409 770 5188

> DALE W. LEE Court Reporter 409 765 2654

## KIMBERLY SULLIVAN PROBATE COURT JUDGE

Galveston County 600 59<sup>th</sup> Street, Suite 2305 Galveston, Texas 77551-4180

February 2, 2011

Dwight Sullivan County Clerk 600 – 59<sup>th</sup> Street Galveston, Texas 77551

Re: Small Estate Affidavits

Dear Mr. Sullivan:

Small Estate Affidavits distributing the estate of a deceased person are being used more frequently. In order to assist the heirs, please note the following:

- 1. A Small Estate Affidavit cannot be used when the deceased has left a written will.
- 2. A Small Estate Affidavit cannot be used until 30 days following the decedent's death.
- 3. A Small Estate Affidavit cannot be used when the deceased is the Ward of a pending guardianship.
- 4. A Small Estate Affidavit cannot be used when there are existing debts or liabilities that remain unpaid and are not secured by liens or mortgages.
- 5. A Small Estate Affidavit cannot be used unless they are fully completed with no omissions.

Please share this information with the parties to assist them in determining if a Small Estate Affidavit is a legal option.

Very truly yours,

Kimberly Sullivan