

SMALL ESTATE AFFIDAVIT
Collection of Personal Property
Indiana Code Section 29-1-8-1 (a) et seq.

State of Indiana
County of _____

I, _____,
upon duly sworn, state on my oath that:

1. My post office address is: _____
2. My residence address is: _____
3. I am a successor to the decedent or a claimant entitled to the payment or property of the named decedent. All successors, including myself, of the decedent are listed as follows:

Name/Relationship	Address	Share
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. The decedent's name is _____.

5. The date of the decedent's death was _____, more than forty-five days have elapsed since the death of the decedent, and I have attached a copy of the death certificate hereto. Note: At any time after forty-five or more days from the date of a decedent's death, any person who is indebted to or who has possession of any personal property or an instrument evidencing a debt, obligation, stock, chose in action, or stock brand belonging to the decedent, shall pay such indebtedness or deliver such personal property, or so much of either as is claimed, to a person claiming to be a successor of the decedent or entitled to payment or delivery of the property belonging to the decedent upon being presented an affidavit made by said person.

6. It appears that the decedent's gross probate estate, less liens and encumbrances, does not exceed the sum of the following: fifty thousand dollars (\$50,000), the costs and expenses of administration, and reasonable funeral expenses.
7. That at least forty-five (45) days have elapsed since the death of the decedent.
8. That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.

THE FOREGOING STATEMENT IS MADE UNDER THE PENALTIES OF PERJURY.

SAMPLE

 Signature of Affiant

STATE OF INDIANA
 COUNTY OF _____

Before me, _____, (title of officer) this ____ day of _____,
 _____, _____, _____, _____, _____
 _____, _____, _____, _____, _____
 (name of instrument)

 Notary Public, State of _____

Printed Name: _____

Commission Expires: _____

Notes:

Chapter 8. Dispensing With Administration

IC 29-1-8-1

Sec. 1. (a) Forty-five (45) days after the death of a decedent and upon being presented an affidavit that complies with subsection (b), a person:

(1) indebted to the decedent; or

(2) having possession of personal property or an instrument evidencing a debt, an obligation, a stock, or a chose in action belonging to the decedent; shall make payment of the indebtedness or deliver the personal property or an instrument evidencing a debt, an obligation, a stock, or a chose in action to a person claimant entitled to payment or delivery of property of the decedent.

(b) The affidavit required by subsection (a) must be an affidavit made by or on behalf of the claimant stating that:

(1) the value of the gross probate estate, wherever located (including intangibles and encumbrances), does not exceed fifty thousand dollars (\$50,000);

(2) forty-five (45) days have elapsed since the death of the decedent;

(3) no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction; and

(4) the claimant is entitled to payment or delivery of the property.

(c) If a motor vehicle or watercraft (as defined by IC 9-13-2-198.5) is part of the estate, nothing in this section shall prohibit transfer of the certificate of title to the motor vehicle if five (5) days have elapsed since the death of the decedent and no appointment of a personal representative is pending. Transfer under this subsection shall be made by the bureau of motor vehicles upon receipt of an affidavit containing a statement of the conditions required by subsection (b)(1) and (b)(2). The affidavit must be duly executed by the distributees of the estate.

(d) A transfer agent or a security shall change the registered ownership on the books of a corporation from the decedent to a claimant upon the presentation of an affidavit as provided in subsection (a).

(e) For the purposes of subsection (a), an insurance company that, by reason of the death of the decedent, becomes obligated to pay a death benefit to the estate of the decedent is considered a person indebted to the decedent.