

NO. _____

ESTATE OF _____ § IN THE _____
_____ § COURT
_____ §
DECEASED § _____ COUNTY,
TEXAS

SMALL ESTATE AFFIDAVIT AND ORDER

_____ and _____

("Distributees") furnish the following information to the Court pursuant to Section 137 of the Texas Probate Code:

1. _____ ("Decedent") died _____, 199__, in _____, _____ County, Texas. A certified copy of Decedent's death certificate is attached hereto and made a part hereof.
2. Decedent's fixed place of residence and domicile was in _____ County, Texas. *[The principal part of Decedent's property at the time of death was situated in Travis County, Texas.]*
3. No petition for the appointment of a personal representative is pending or has been granted for Decedent's estate.
4. More than thirty (30) days have elapsed since the death of Decedent.

5. The value of the entire assets of Decedent as of the date of death, exclusive of homestead and exempt property, does not exceed \$50,000.00, and those non-exempt assets exceed the known liabilities of the estate.

6. The only real estate owned by Decedent is the residence homestead described below.

7. Decedent was not married at the date of his death. Decedent left no will. Decedent had only two children, _____ and _____, and both children survived Decedent. *[Note: Relevant family history facts concerning heirship must be stated here.]*

8. The names and addresses of all the distributees, heirs, devisees, or assigns of the money or property of the estate of Decedent, and their right to receive the same are as follows:

<u>Name and Address</u>	<u>Relationship to Decedent</u>	<u>Share of Estate</u>
----- ----- -----	Daughter and Heir	One-half (<input type="checkbox"/>) of estate (real and personal)
----- ----- -----	Daughter and Heir	One-half (<input type="checkbox"/>) of estate (real and personal)

9. The known assets of Decedent's estate are as follows:

<u>Description</u>	<u>Estimated Value</u>
The residence homestead of Decedent, which property is described as follows: <i>[property description]</i>	\$ _____ --
Checking Account No. _____ at _____	----- --
_____ Automobile, Year:____, Make: _____, Model: _____, Vehicle Identification Number: _____	----- ----- --
Tangible personal property (furniture, furnishings, clothing, etc.)	----- -----
Total	\$ _____ --

10. The only known liability of Decedent's estate is a mortgage debt to _____, whose address is _____.

_____ This debt is secured by a deed of trust lien and vendor's lien on the residence homestead property described above, and the remaining principal balance of the debt as of _____, 199__, was \$_____.

11. The Distributees pray that this Affidavit and Application be filed in the Small Estate Records; that the same be approved by the Court; and that the Clerk issue certified copies thereof in order to allow the Distributees to record the same in the real property records of _____ County, Texas, as required by Tex. Prob. Code Ann. § 137(c), and to present the same to persons owing money to the estate, having

custody or possession of property of the estate, or acting as registrar,
fiduciary, or transfer agent of anyone having evidences of interest,
indebtedness, property, or other right belonging to said estate.

Respectfully submitted,

State Bar No. _____
[Firm
Name/Address/Telephone/Fax]

ATTORNEYS FOR DISTRIBUTE

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

The undersigned Distributee states that she has personal knowledge of the facts stated in the foregoing Affidavit and that, to the best of her knowledge, the facts contained in the Affidavit are true.

--

SUBSCRIBED AND SWORN TO BEFORE ME by the said
_____ on this ____ day of
_____, 199__, to certify which witness by hand and seal of
office.

[SEAL]

Notary Public, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

I have no interest in the estate of Decedent and am not related to Decedent under the laws of descent and distribution of the State of Texas. I have personal knowledge of the facts stated in the foregoing Affidavit. To the best of my knowledge, the facts contained in the Affidavit are true.

[Address]

SUBSCRIBED AND SWORN TO BEFORE ME by the said _____ on this ____ day of _____, 199__, to certify which witness by hand and seal of office.

[SEAL]

Notary Public, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

I have no interest in the estate of Decedent and am not related to Decedent under the laws of descent and distribution of the State of Texas. I have personal knowledge of the facts stated in the foregoing Affidavit. To the best of my knowledge, the facts contained in the Affidavit are true.

[Address]

SUBSCRIBED AND SWORN TO BEFORE ME by the said
_____ on this ____ day of _____, 199___,
to certify which witness by hand and seal of office.

[SEAL]

Notary Public, State of Texas

ORDER

On this day the Court considered the Affidavit of the Distributees of this estate and the Court finds that the above 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 ORDERED and DECREED by the Court that the foregoing Affidavit be and the same is hereby APPROVED, and shall forthwith be recorded in the Small Estates Records of _____ County, Texas, that the Clerk of the Court shall issue certified copies thereof to all persons entitled thereto, and that a certified copy of this Affidavit and Order shall be filed in the official real property records of _____ County, Texas.

SIGNED this _____ day of _____, 199__.

Judge Presiding