

Small Estate Affidavit Checklist for Texas Families

This checklist is provided by Kristin Kline, Attorney at Law, to help Texas families understand when and how a Small Estate Affidavit may be used. It is intended as an educational resource and should not be considered legal advice. For personalized guidance, please consult Kristin directly.

Eligibility Requirements

- ✓ The total value of the estate (excluding homestead and exempt property) is \$75,000 or less.
- ✓ The deceased did not leave a valid Will.
- ✓ At least 30 days have passed since the individual's death.
- ✓ The only real property involved is the homestead, passing to the spouse or minor children.

Steps to Complete a Small Estate Affidavit

1. Gather documentation: death certificate, list of assets, and debts.
2. Prepare the Small Estate Affidavit form with accurate details.
3. Have the affidavit signed by all heirs and notarized.
4. File the affidavit with the probate court in the county where the decedent lived.
5. Once approved, present certified copies to banks, title companies, or other entities to transfer assets.

Practical Considerations

- ✓ Verify that no pending lawsuits or disputes exist regarding the estate.
- ✓ Ensure all heirs agree and participate in signing the affidavit.
- ✓ Keep multiple certified copies for future use.

When to Seek Legal Help

If you are unsure whether a Small Estate Affidavit is appropriate for your situation, or if the estate involves complex property issues, business interests, or disputes among heirs, legal guidance is strongly recommended. Kristin Kline can provide one-on-one assistance to help you avoid costly mistakes.

Disclaimer: This checklist is for educational purposes only and does not constitute legal advice. Consult an attorney for advice about your specific situation.