



Shonda Folsom, Attorney at Law
shonda@folsomlawfirm.com

Tel: 432-466-6246
Fax: 1-800-613-7839

QUESTIONNAIRE FOR SMALL ESTATE AFFIDAVIT

Please answer all questions as fully as possible. Print clearly, especially when writing names and addresses. If you need more room for any question, you can write on the back of the page or attach an additional sheet.

A Small Estate Affidavit is a way of wrapping up the final affairs of the person who passed away (the “**Deceased**”) without going through probate. It is a document signed by each person who will inherit under Texas law as next of kin and also by two independent witnesses. Once signed, the affidavit goes to the judge for review and to have an order signed. When complete, the affidavit and the order work together to transfer the ownership of all the Deceased’s assets to the people listed as heirs in the affidavit.

Under Texas law, this option is currently available if the value of the Deceased’s estate is less than \$75,000, not including the homestead and its contents or any assets that had beneficiaries set up.

Your answers to the following questions will enable me to prepare the Small Estate Affidavit for filing with the court. Much of this information will be included in the affidavit, and the heirs must sign the affidavit under penalties of perjury, so please answer each question as fully and accurately as possible. If you do not know the answer to any question, please let me know.

I. PERSONAL INFORMATION

Your full, legal name: _____

Your address: _____

Your phone number: _____

Your relationship to the Deceased: _____

Your email (if it is ok to email drafts for review): _____

Expectations: What is your biggest concern or what has brought you in to discuss a Small Estate Affidavit? _____

II. DECEASED'S BASIC INFORMATION: Please attach a copy of the death certificate to this questionnaire. If no death certificate copy is available, then fill out the information below:

Deceased's full, legal name: _____

Deceased's birthdate: _____

Date of death: _____
(the Small Estate Affidavit may not be filed within 30 days of this date)

Location of death: _____

Deceased's home address at the date of death: _____

III. ADDITIONAL INFORMATION ABOUT THE DECEASED: Even if you are attaching a death certificate, please answer the following questions:

A. Marital History.

Name of the Deceased's surviving spouse, if any: _____

Date of marriage: _____

Spouse's current address: _____

Please describe the names, dates, and locations of any prior marriages and divorces or deaths of prior spouses: _____

B. Probate Facts.

Has any probate or other action been taken for the Deceased's estate in any county?
___ Yes ___ No

Did the Deceased leave a written will? ___ Yes ___ No

If yes, please attach a copy of the will.

- C. Children. For each of the Deceased's children (biological or adopted), please list the following information (use the back of the sheet if necessary):

Name: _____

Other parent's name: _____

Address (if living): _____

Birthdate: _____

Death date (if already deceased) _____

Please list all this same information for any grandchildren who are the biological or adopted children of Deceased's child(ren) who passed before him or her.

Please explain below any special circumstances with respect to any child or grandchild (for example, physical or mental health issues, special education requirements, etc.): _____

- D. Medicaid. Did the Deceased receive Medicaid benefits: ___ Yes ___ No.

If yes, what month and year was the Medicaid application filed: _____

When was the last date Medicaid benefits were received: _____

Has a MERP claim been filed against the Estate's property: ___ Yes ___ No

Have you received a letter clarifying that no MERP claim will be filed ___ Yes ___ No

IV. ASSETS: Because these affidavits are designed to deal with small estates and are required to fit under the maximum amount set by the Texas Estates Code, we need to know some information about the assets of the Deceased. Please do not list any assets that have already been changed to new ownership with just a death certificate (i.e., assets that have beneficiaries).

- A. Homestead. Please identify the Deceased's homestead address. You can also attach a recent tax statement or a copy of a deed, if available. The homestead is not used to calculate the \$75,000 limit, but must be included (along with value) on the affidavit.

Address: _____

Co-Owner(s), including spouse: _____

Value: _____

Amount of any mortgage:_____

- B. Other Real Estate. Describe any other real estate owned all or partially by the Deceased:_____

- C. Accounts. Please list the following information for any bank accounts, investment accounts, credit union accounts, or other accounts owned by the Deceased that did not have beneficiaries set up with the financial institution.

Name of Bank/ Credit Union, Etc.:_____

Last 4 digits of account number: _____

Type of account (checking, savings, CD, etc):_____

Value at date of death:_____

Any co-owners (including spouse):_____

- D. Vehicles. Please list the following for each vehicle owned by the Deceased (either in their name or their spouse's name)

Make and Year:_____

VIN:_____

Value at date of death:_____

(if unknown, we can investigate on Kelly Blue Book online)

Co-owner(s), including spouse:_____

Any loan balance if vehicle is collateral:_____

- E. Other Assets. Describe any other assets owned all or partially by the Deceased:_____

V. LIABILITIES. Please describe any liabilities of the estate still outstanding. Do not include any mortgage or vehicle loan described above. Do not include any loan that was automatically paid at the Deceased's death. Do not include any liabilities that have already been paid by a spouse or other family member.

CONCLUSION

Thank you for completing this Questionnaire and providing the requested information. I will use this to draft your Small Estate Affidavit. Once it is drafted, I will call or email you to let you review the draft.

When all the information is correct, this will need to be signed by each person who will inherit and by two independent witnesses who will not inherit and who knew the Deceased for a long time. I can mail or email the draft to those people and they can sign in front of a notary where they live, or they can come to my office and sign here and I will notarize for them. Unlike a will signing, there is no need for all the people to be together when they sign. One at a time is fine.

Once everyone has signed, we will electronically file this with the county clerk's office and they will present it to the judge. It will take about two weeks to get a signed order back from the judge. You will need both the file-stamped affidavit and the signed order to transfer assets that are still in the Deceased's name.

Please be aware that until you sign a Representation Agreement, I do not officially represent you and am not obligated to provide any legal services on your behalf.