

SMALL ESTATE AFFIDAVIT

59-1507b. Transfer of certain personal property to successor, discharge and release, affidavit. When a resident of the state dies, whether testate or intestate, if the total assets of the estate of the decedent subject to probate do not exceed \$40,000 in value, any personal property of whatever nature transferable to the decedent's estate by any entity or person shall be transferred to the successor or successors of the decedent, if entitled thereto by will or by intestate succession, without having been granted letters of administration or letters testamentary, upon such successor's or successors' furnishing the entity or person with an affidavit showing entitlement thereto. Transfer of such personal property to the successor or successors shall be deemed to be a transfer to the personal representative of the decedent, and the receipt of the successor or successors shall constitute a full discharge and release from any further claim for such transfer to the same extent as if the transfer had been made to an executor or administrator of the decedent's estate. The affidavit required herein shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

History: L. 1980, ch. 166, § 7; L. 1985, ch. 191, § 25; L. 1987, ch. 210, § 1; L. 2000, ch. 25, § 4; L. 2005, ch. 101, § 2; L. 2007, ch. 28, § 1; L. 2008, ch. 14, § 3; July 1.

Terminology

Intestate - a person who has died without having made a will.

Testate - a person who has died leaving a will

**SMALL ESTATES AFFIDAVIT — TRANSFERRING CERTAIN
PERSONAL PROPERTY IN ESTATES UNDER \$40,000
PURSUANT TO K.S.A. 59-1507b**

STATE OF KANSAS)
) ss:
COUNTY OF WYANDOTTE)

_____ (*name of affiant*), being duly sworn states:

- On _____, 20____, _____ (*decedent*) died testate or intestate at _____ (*location*), leaving an estate not exceeding \$40,000 in value, and I have attached a certified copy of the death certificate to this affidavit.
- No petition for the appointment of an executor or administrator of the decedent's estate is pending or has been granted.
- All unpaid debts, claims or demands against the decedent or the decedent's estate and all estate and inheritance taxes due, if any, on the property transfers involved have been or will be paid.
- That the following are the names, ages, relationships and addresses of the beneficiaries under the decedent's will or heirs of the decedent:

<u>Name</u>	<u>Age</u>	<u>Relationship</u>	<u>Address</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- The decedent's estate consists of the following personal property: (include the proceeds from insurance policies payable to the estate and identify the policy by number):

<u>Property</u>	<u>Value</u>
_____	_____
_____	_____
_____	_____

6 Affiant has the right to succeed to the personal property of the decedent, and affiant is over 18 years of age and is legally competent in all respects to make this affidavit and to receive the above mentioned personal property, apportioned among the beneficiaries or heirs, if more than one, as follows:

Signature

SUBSCRIBED AND SWORN to (or affirmed) before me on _____, 20__

Notary Public

(SEAL)

My Appointment Expires:

Authority

K.S.A. 53-601; 59-1507b.

Time

Any time after death.

Notes on Use

This affidavit may be used to obtain the transfer, to a decedent's successor in interest, of certain personal property that would be transferrable to the decedent, without obtaining letters of administration or letters testamentary, where the total value of the estate subject to probate does not exceed \$40,000. The transfer is treated as one to the personal representative of the decedent, and the receipt of the transfer operates as a full discharge and release of the transferor.