

AFFIDAVIT OF DISTRIBUTEES • SMALL ESTATE • WITH JUDGE'S ORDER OF APPROVAL

§ 137, TEXAS PROBATE CODE

In Matters of Probate §
 Probate Court No. §
 Harris County, Texas §

Docket No. _____
 Style of _____
 Estate: _____
Deceased

To the Honorable Judge of said Court:

This, the affidavit of all of the distributees of the estate of _____,
 deceased, is respectfully submitted and shows:

1. That _____ died on or about _____, without leaving a Will, at _____.
(Date) (City and State)
2. That the domicile of the decedent at the time of death was _____ County, Texas, or state other facts showing venue in this county.
3. That no petition for the appointment of a personal representative of the decedent's estate is pending nor has been granted.
4. That more than thirty days have elapsed since the death of the decedent.
5. That the value of the entire estate, not including homestead and exempt property, does not exceed fifty thousand dollars (\$50,000.00).
6. That the assets of the decedent are as follows : (include account #'s, V.I.N. #'s etc. to properly identify assets)

NOTE: Community Property is that which is acquired during marriage other than by gift or inheritance.
Separate Property is that which is owned before marriage or acquired by gift or inheritance during marriage.

Description	Indicate Community or Separate	Value

7. That all the known liabilities of the decedent's estate are as follows:

8. That the names, addresses, and telephone numbers of all distributees, and their right to receive money or property or to have such evidences of money, property or other rights, to the extent that the assets, exclusive of homestead and exempt property, exceed the known liabilities of the estate are as follows:

Names, addresses, and phone numbers of distributees (Inheritors)	Capacity in which claim is made	Portion of estate to which entitled (To be completed by court)
Example: John Doe • 1000 Main St. • Houston, Texas 77000 (713) 755-6425	Son	Community Share Separate Share

9. The legal description of the decedent's homestead is: Lot _____ Block _____ Subdivision _____

10. **§ 137 of the Texas Probate Code does not affect the disposition of property under the terms of a Will or other testamentary document, nor does it transfer title to real property other than the Decedent's homestead.**

Wherefore the distributees of the estate pray that the court enter an order and approve the distribution of that part of the estate to which each distributee is entitled without awaiting the appointment of a personal representative.

Signatures of Distributees	

Before me, the undersigned authority, on this day personally appeared: <i>Print names of distributees</i>	

who being by me duly sworn upon oath states that the foregoing affidavit is true and correct in every respect. Sworn and subscribed to by the named distributees on: _____
(Date)

Notary Public in and for the State of Texas

HEIRSHIP AFFIDAVIT

(To be filled out and signed by two disinterested witnesses. NOTE: A disinterested witness is someone who does not inherit from the decedent.)

Before me, the undersigned authority, on this day personally appeared _____
and _____, who being first by me duly sworn on oath state:

I.

I, _____, reside at _____,
(first disinterested witness)
_____ County, _____. I am
personally acquainted with the family history and facts of heirship of _____,
deceased, hereinafter called "Decedent" who was my _____.
I knew Decedent for _____ years.

I, _____, reside at _____,
(second disinterested witness)
_____ County, _____. I am
personally acquainted with the family history and facts of heirship of _____,
deceased, hereinafter called "Decedent" who was my _____.
I knew Decedent for _____ years.

II.

Decedent was married to _____ on
(Surviving Spouse)
_____, and remained married until decedent's death and was never divorced.

OR

Decedent was never married.

OR

Decedent was not married at the time of death but was married to _____
on _____, and was widowed/divorced on _____.

III.

Decedent died on _____, in _____, County,
State of _____, without leaving a Will.

IV.

1. Decedent had no children.

OR

1. Decedent had the following children by birth or adoption: (List all children living or deceased)

Name	Address	Age or date of death	Alive or deceased

Decedent never adopted any children nor cared for any children in the home other than the above named children.

Is the surviving spouse the biological or adoptive parent of all children listed above? Yes No

2. If any child of Decedent is deceased, list all children of the deceased child or children.

Deceased child: _____

Children of deceased child

Name	Address	Age or date of death	Alive or deceased

Deceased child: _____

Children of deceased child

Name	Address	Age or date of death	Alive or deceased

3. (If decedent was not survived by children or grandchildren, then complete.) Decedent was survived by his/her parent or parents:

Name	Address	Age or date of death	Alive or deceased

4. (If decedent was not survived by his/her parents or only one parent, then complete.) Decedent was survived by the following brother(s) and/or sister(s):

Name	Address	Age or date of death	Alive or deceased

5. If any brother(s) or sister(s) has predeceased decedent then complete.

Names of deceased brother/sister: _____

Children of deceased brother/sister

Name	Address	Age or date of death	Alive or deceased

The above statements are true and correct.

Executed on _____
(Date)

 Signature of first disinterested witness

 Signature of second disinterested witness

Subscribed and sworn to before me, by _____, first disinterested witness, on _____
(Date), to certify which witness my hand and seal of office.

 Notary Public in and for the State of Texas

Subscribed and sworn to before me, by _____, second disinterested witness, on _____
(Date), to certify which witness my hand and seal of office.

 Notary Public in and for the State of Texas

Note: If blanks are not sufficient for information, a separate sheet may be attached.