



# SMALL ESTATE AFFIDAVIT (\$50,000)

State Form 54985 (R3 / 4-18)

INDIANA DEPARTMENT OF WORKFORCE DEVELOPMENT  
 10 N. Senate Ave., Indianapolis, IN 46204  
 Telephone: (800) 891-6499  
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 Website: www.in.gov/dwd/

\* This agency is requesting disclosure of Social Security Numbers in accordance with I.C. 4-1-8-1; disclosure is mandatory under federal law, and this form will not be processed without it. See 20 C.F.R. § 603.22; 42 C.F.R. § 435.960.

DECEDENT INFORMATION		
Name	Social Security Number *	Date of death (mm,dd,yyyy)
Address (number and street, city, state, and ZIP code)		

Comes now \_\_\_\_\_, the affiant herein and pursuant to I.C. 29-1-8-1, being duly sworn, says:

- (1) The value of the gross probate estate, wherever located (less liens and encumbrances), does not exceed fifty thousand dollars (\$50,000.00).
- (2) Forty-five (45) days have elapsed since the death of the decedent.
- (3) No application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.
- (4) The following person(s) are entitled to the portion of the decedent's account listed below. *(Please attach additional pages if necessary.)*

Name	Portion of account
Address (number and street, city, state, and ZIP code)	
Name	Portion of account
Address (number and street, city, state, and ZIP code)	

- (5) I have notified each person identified in this affidavit of my intention to present this affidavit.
- (6) I am entitled to payment or delivery of the property on behalf of each person identified in this affidavit.

Signature	Date (mm,dd,yyyy)
Printed name	Social Security Number *
Date of birth (mm,dd,yyyy)	
Address (number and street, city, state, and ZIP code)	

CERTIFICATION OF NOTARY PUBLIC	
STATE OF _____	
SS:	
COUNTY OF _____	
Subscribed and sworn to me, a notary public, in and for the state and county named.	
Signature of notary public	Printed name of notary public
County of residence	Date commission expires (mm,dd,yyyy)

# TRANSFERRING SMALL AMOUNTS OF PROPERTY

**My parent died, and she had only a bank account with a little money in it.**

**Do I have to go to probate court and open an estate to get this money?**

No, not usually. In Indiana, if someone dies and has an estate worth less than \$50,000.00, you can generally get the property if you are entitled to it without going through court. You will need to complete the Small Estate Claim Form (also called an Affidavit for Transfer of Personal Property), and then give this to the person or company that has the property you want. For example, if your parent died and she had a bank account in her name, you can give the affidavit for Transfer of Personal Property to the bank and the bank should give you the money in the bank account.

## **Requirements for using the Small Estate Claim Form:**

1. The value of the gross estate must be \$50,000.00 or less. This includes all property owned by the person who died. "Gross Estate" means you subtract the value of any liens or mortgages when determining the value of the estate. For example, if the person who died owned only a house worth \$75,000.00, but he owed \$60,000.00 on the home, his "Gross Estate" would be \$15,000.00 (\$75,000.00 - \$60,000.00).
2. The person must have died at least 45 days ago.
3. There must not be any petition for an appointment of representative filed in or granted by any court.
4. The person asking for the property must be entitled to the property.
5. If you use this form and someone other than you also has a claim to the property you collect (i.e. siblings, children of the decedent), you are responsible for sharing the money with anyone else that might have a right to it. If you spend or give their part way, they may sue you for their share. Also, you must tell the truth. If you lie on the form, the Court may punish you for perjury.

## **What happens after I complete the Small Estate Claim Form?**

- Money out of bank accounts;
- Paychecks owed to the person who died;
- Certificate of title to a motor vehicle;
- Property out of a safety deposit box;
- Money that was owed to the person who died from either a person or a business;
- Personal property owned by the person who died; and
- Insurance benefits payable on death of the person who died.

## **What happens after I complete the Small Estate Claim Form?**

After you complete the form, you need to give it to the person or company who has the property you want. The person or company then should give you the property.

**Our mother died without a will, and it is just my brother and I left. We don't agree on who should get her car. Can I file the Small Estate Claim Form?**

No. To use the form, you must be able to say you are "entitled to delivery of the property." If your mother died without a will, you and your brother are entitled to split the car. Neither of you can say you are entitled to the car.

If you and your brother cannot agree, you may need to open an estate in probate court to determine who gets the car, or you and your brother could file a Small Estate Claim Form together, stating that you are both entitled to the car. The person who has the car can then turn it over to both you and your brother, and the two of you can figure out how to share it.