

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS  
\_\_\_\_\_  
DIVISION

IN THE MATTER OF THE ESTATE OF

\_\_\_\_\_, deceased 23PR-\_\_\_\_ - \_\_\_\_\_

AFFIDAVIT FOR COLLECTION OF SMALL ESTATE  
BY DISTRIBUTEE

Comes \_\_\_\_\_, for the purpose of dispensing with administration of this estate of \_\_\_\_\_, deceased, state(s) on oath:

1. The decedent, \_\_\_\_\_, aged \_\_\_\_\_, who resided at \_\_\_\_\_ in \_\_\_\_\_ County, Arkansas, died at \_\_\_\_\_ on or about \_\_\_\_\_. No petition for the appointment of a personal representative for the decedent's estate is pending or has been granted.

2. More than forty-five (45) days have elapsed since decedent's death.

3. The value, less encumbrances, of all property owned by the decedent at the time of death, excluding the homestead of and statutory allowances for the benefit of the surviving spouse or minor children, if any, of the decedent, does not exceed one hundred thousand dollars (\$100,000.00).

4. There are no unpaid claims or demands against the decedent or the decedent's estate, and the Department of Human Services furnished no federal or state benefits to the decedent (or, that if such benefits have been furnished, the Department of Human Services has been reimbursed in accordance with state and federal laws and regulations).

5. An itemized description and valuation of the decedent's personal property; a legal description and valuation of the decedent's real property, including homestead, if any; and the names and addresses of persons having possession thereof or residing on any of the decedent's real property, are:

DESCRIPTION OF PROPERTY, AND EXTENT  
AND DETAILS OF ENCUMBRANCES, IF ANY

VALUATION LESS  
ENCUMBRANCES

IN POSSESSION OF

6. The names, ages, relationships to the decedent and residence addresses of the persons entitled to receive the property of the decedent as surviving spouse, heirs or devisees of decedent's will are:

Name	Age	Relationship	Residence Address
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THEREFORE, the distributee[s] of this estate shall be entitled to distribution of the property identified above, without the necessity of an order of the court or other proceeding, upon furnishing a copy of this Affidavit, certified by the clerk, to any person owing any money, having custody of any property, or acting as registrar or transfer agent of any evidence of interest, indebtedness, property or right of the decedent.

Date: \_\_\_\_\_, \_\_\_\_\_.

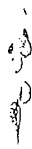
\_\_\_\_\_  
[Affiant]

\_\_\_\_\_  
[Affiant]

STATE OF ARKANSAS  
COUNTY OF FAULKNER

SUBSCRIBED AND SWORN to before me on this \_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
My Commission Expires:



\_\_\_\_\_  
Notary Public

#### CERTIFICATE OF CLERK

The undersigned Clerk of the Probate Court of Faulkner County, Arkansas, certifies that this is a true copy of an affidavit filed in this court on \_\_\_\_\_, that the affidavit remains on file and that no petition for the appointment of a personal representative of this estate has been filed in this court.

(Seal)

MARGARET DARTER, COUNTY CLERK

BY: \_\_\_\_\_, Deputy Clerk

West's Arkansas Code Annotated

Title 28. Wills, Estates, and Fiduciary Relationships

Subtitle 4. Administration of Decedents' Estates (Chapters 38 to 63)

Chapter 41. Distribution Without Administration

A.C.A. § 28-41-101

§ 28-41-101. Collection of small estates by distributee

Effective: August 16, 2013

Currentness

(a) The distributee of an estate shall be entitled thereto without the appointment of a personal representative when:

(1) No petition for the appointment of a personal representative is pending or has been granted;

(2) Forty-five (45) days have elapsed since the death of the decedent;

(3) The value, less encumbrances, of all property owned by the decedent at the time of death, excluding the homestead of and the statutory allowances for the benefit of a spouse or minor children, if any, of the decedent, does not exceed one hundred thousand dollars (\$100,000);

(4) There shall be filed with the probate clerk of the circuit court of the county of proper venue for administration an affidavit of one (1) or more of the distributees setting forth:

(A) That there are no unpaid claims or demands against the decedent or his or her estate, that the Department of Human Services furnished no federal or state benefits to the decedent, or, that if such benefits have been furnished, the department has been reimbursed in accordance with state and federal laws and regulations;

(B) An itemized description and valuation of the personal property and a legal description and valuation of any real property of the decedent, including the homestead;

(C) The names and addresses of persons having possession of the personal property and the names and addresses of any persons possessing or residing on any real property of the decedent; and

(D) The names, addresses, and relationship to the decedent of the persons entitled to and who will receive the property; and

(5) There is furnished to any person owing any money, having custody of any property, or acting as registrar or transfer agent of any evidence of interest, indebtedness, property, or right, a copy of the affidavit certified by the clerk.

(b)(1)(A) The clerk shall file the affidavit, assign it a number, and index it as required by § 28-1-108(1).

(B) He or she shall make a charge of twenty-five dollars (\$25.00) for filing the affidavit and five dollars (\$5.00) for each certified copy.

(C) An order of the court or other proceeding is not necessary.

(D) An additional fee shall not be charged if a will is attached to the affidavit.

(2)(A) If an estate collected under this section contains real property, in order to allow for claims against the estate to be presented, the distributee shall cause a notice of the decedent's death and the filing of an affidavit for the collection of his or her estate to be published within thirty (30) days after the affidavit has been filed.

(B) The notice shall be in substantially the following form:

"In the Circuit Court of ..... County, Arkansas

Probate Division

In the Matter of the Estate of ....., Deceased. No. ....

Name of decedent .....

Last known address .....

Date of death .....

On ....., an affidavit for collection of small estate by distributee was filed with respect to the estate of ....., deceased, with the clerk of the probate division of the circuit court of ..... County, Arkansas, under Ark. Code Ann. § 28-41-101.

.....

All persons having claims against the estate must exhibit them, properly verified, to the distributee or his or her attorney within three (3) months from the date of the first publication of this notice or they shall be forever barred and precluded from any benefit of the estate.

The name, mailing address, and telephone number of the distributee or distributee's attorney is:

.....

This notice first published ....., 20 ..."

(C) Publication of the notice shall be as provided in §§ 28-1-112(b)(4) and 28-40-111(a)(4).

**Credits**

Acts of 1949, Act 140, § 66; Acts of 1951, Act 255, § 5; Acts of 1967, Act 287, § 4; Acts of 1975, Act 620, § 6; Acts of 1979, Act 641, § 1; Acts of 1981, Act 714, § 67; Acts of 1983, Act 133, § 1; Acts of 1987, Act 163, § 1; Acts of 1989, Act 960, § 1; Acts of 1993, Act 415, § 3; Acts of 1993, Act 687, § 1; Acts of 1999, Act 992, § 1, eff. July 30, 1999; Acts of 2001, Act 1809, § 8, eff. Aug. 13, 2001; Acts of 2003, Act 1765, § 38, eff. July 16, 2003; Acts of 2005, Act 899, § 1, eff. Aug. 12, 2005; Acts of 2011, Act 289, § 1, eff. July 27, 2011; Acts of 2011, Act 761, § 1, eff. July 27, 2011; Acts of 2013, Act 230, § 1, eff. Aug. 16, 2013.

Formerly A.S.A. 1947, § 62-2127.

**Notes of Decisions (4)**

A.C.A. § 28-41-101, AR ST § 28-41-101

Current through 2014 2nd Ex. Sess. and the Nov. 4, 2014, election, including changes made by the Ark. Code Rev. Comm. received through 3/1/2015. Also included are 2015 Regular Session laws effective through 3/20/15 the from the 2015 Reg. Sess. of the 90th Arkansas General Assembly.

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IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS  
\_\_\_\_\_  
DIVISION, IN PROBATE

IN THE MATTER OF THE ESTATE OF

\_\_\_\_\_, DECEASED

NO. 23PR-\_\_ - \_\_\_\_

NOTICE

Last known address of decedent: \_\_\_\_\_  
\_\_\_\_\_

Date of death \_\_\_\_\_

All persons having claims against the estate must exhibit them, duly verified, to the distributee or his or her attorney within three (3) months from the date of the first publication of this notice or they shall be forever barred and precluded from any benefit in the estate.

This notice first published the \_\_\_\_ day of \_\_\_\_\_ 20\_\_ .

\_\_\_\_\_  
Name of (Distributee or Attorney)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State Zip

\_\_\_\_\_  
Telephone Number