



DISTRIBUTEES' AFFIDAVIT FOR DISPOSITION OF SMALL ESTATES

State Form 49377 (R7 / 6-22)
Approved by Auditor of State, 2022

POA-20

1. I/ We, _____, and _____ after having
[Person(s) before notary]
been first duly sworn according to law say that:

2. _____ departed this life testate intestate on the _____ day of
(Deceased individual) (Check one) (Day)
_____, _____, a resident of the State of _____.
(Month) (Year)

3. a) Affiant is the surviving spouse of _____ under his or her will or under the
(Deceased individual) (Check one)
statutes of intestate succession of the State of _____.

b) Said decedent left no spouse surviving him or her and that your affiants are all of the persons who are entitled to the real and personal property of said decedent under his or her will under the statutes of intestate succession of the
(Check one)
State of _____.

4. The value of the entire assets of the estate of said decedent does not exceed the sum of \$100,000.00. Yes No
(Check one)

5. No petition for the appointment of a personal representative for the estate of said decedent is pending or has been granted.

6. Forty-five (45) days have elapsed since the death of the said decedent, pursuant to IC 29-1-8-1(b)(2).

7. There is in the possession of the Indiana Auditor of State, property of the said decedent described as follows:

Warrant Number _____ in the amount of \$ _____.

Warrant Number _____ in the amount of \$ _____.

8. Affiant affirms the following as required by IC 29-1-8-1(b)(4)-(6).

(a) The name and address of each distributee that is entitled to a share of the property and the part of the property to which each distributee is entitled. (Attached as separate document if necessary.)

(b) That the affiant has notified each distributee identified in the affidavit of the affiant's intention to present an affidavit under this section.

(c) That the affiant is entitled to payment or delivery of the property on behalf of each distributee identified in the affidavit.

9. That your affiants request the Indiana Auditor of State to endorse the above listed warrant to:

_____ for the benefit of your affiants as distributees of the estate of said decedent.

Any further affiants say not. _____

(Affiant Signature)

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, _____.
(Day) (Month) (Year)

(Notary Public Signature)

(Printed)

My Commission expires (month, day, year): _____

Resident of _____ County, State of _____.

Mail completed form and Death Certificate: Indiana Auditor of State, State House, 200 West Washington Street, Room 240, Indianapolis, IN 46204

INSTRUCTIONS FOR COMPLETING STATE FORM 49377

How do I know the Distributee's Affidavit for Disposition of Small Estates applies to me?

If you are making a claim on an estate valued at \$100,000.00 or lower, you may complete the Distributee's Affidavit for Disposition of Small Estates, which is the affidavit created by IC 29-1-8-1 for small estates. IC 29-1-8-1 allows small estates to be settled outside of the probate process. This affidavit must be notarized and must also include a copy of the decedent's death certificate – please do not include the original death certificate as the Auditor's Office is not responsible for returning the original document.

Only original notarized affidavit is accepted; a copy of the original notarized affidavit is not acceptable.

INSTRUCTIONS:

LINE 1. Write the name(s) of the individual(s) completing/submitting this affidavit.

LINE 2.

- Write the name of the deceased individual; and
- Check the one that applies: Both terms refer to an estate. A "testate" estate means the deceased individual left a will to distribute his or her property. An "intestate" estate means the deceased individual did NOT leave a will and the property will be distributed according to Indiana law under IC 29-1-2.
- Write the day the individual was declared deceased.

LINE 3a. *If you are the surviving spouse*, write the deceased individual.

LINE 3b. *If no spouse survived the deceased person*,

- check the applicable box; and
- write the state where the deceased individual resided.

LINE 4. Check "Yes" if the estate does not exceed the amount of \$100,000.00. If you are making a claim on an estate valued above \$100,000.00, you will need to complete the Lost Warrants Affidavit (State Form 42850) located on the Auditor of State's website at www.in.gov/auditor and clicking Forms. The Lost Warrants Affidavit must also be notarized and include a copy of the decedent's death certificate along with letters of testamentary if a will exists or letter of administration if a will does NOT exist to show the requestor is authorized to act on the estate's behalf.

LINE 5. To use this affidavit, IC 29-1-8-1 requires that no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.

LINE 6. IC 29-1-8-1(b)(2) requires that 45 days must have elapsed since the death of the decedent before this affidavit may be completed.

LINE 7. Write the warrant or check number(s) and the dollar amount of the check(s).

LINE 8. Requirements under IC 29-1-8-1(b)(4) – (6)

- Please include on a separate sheet of paper the name and address of each distributee that is entitled to a share of the property and the part of the property to which each distributee is entitled pursuant to IC 29-1-8-1(b)(4).
- IC 29-1-8-1(b)(5) requires affiant to notify each distributee identified in the affidavit of the affiant's intention to present this affidavit.
- IC 29-1-8-1(b)(6) provides affiant the entitlement to payment or delivery of the property on behalf of each distributee identified in the affidavit.

LINE 9.

- Write the name of the individual who will receive the check on behalf of the estate; and
- The individual completing/submitting this affidavit must sign his/her name in front of the Notary Public.
- The section below the affiant's signature line must be completed by the Notary Public.