

## MISSISSIPPI SMALL ESTATE AFFIDAVIT

I/We, \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, (“Heir(s)” or “Successor(s)”), upon being duly sworn, state upon my/our  
oath and personal knowledge the following:

1. \_\_\_\_\_, (“Decedent”), SS# \_\_\_\_\_, died on  
\_\_\_\_\_ in \_\_\_\_\_ County, Mississippi, at the age of  
\_\_\_\_\_ years. A copy of the death certificate of the decedent is attached hereto as Exhibit  
“A”.
- 2.. The decedent's place of residence immediately before his death was  
\_\_\_\_\_ (address), Mississippi,  
\_\_\_\_\_ (Zip), which was the place where the principal part of his or her property was  
situated.
3. The value of the entire estate of the decedent, wherever located, excluding all liens and  
encumbrances thereon, does not exceed Twenty Thousand Dollars (\$50,000.00)
4. No application or petition for the appointment of a personal representative of the  
decedent is pending, nor has a personal representative of the decedent been appointed in any  
jurisdiction.
5. The decedent died more than thirty (30) days prior to the execution of this Small Estate  
Affidavit.
6. A list of all know assets of the estate of the deceased are as follows:

### ASSETS

Asset Description	Asset Value

7. The Names and addresses of all heirs and the facts establishing the relationship to  
the decedent are as follows:

Name, Address of Heir	Relationship	Status (Adult/Minor/ Incapacitated)	Relevant family history facts concerning heirship


6. At the time of death, the decedent was:

- a) ☐ Married to \_\_\_\_\_.
- b) ☐ Never Married.
- c) ☐ divorced from \_\_\_\_\_, on \_\_\_\_\_.
- d) ☐ predeceased by spouse \_\_\_\_\_, on \_\_\_\_\_.

The children born of the marriage to \_\_\_\_\_ are indicated as such in paragraph \_\_\_\_\_. The decedent did not have any other children with any other person and did not adopt any children unless listed as adopted child in paragraph \_\_\_\_\_.

7. There is no known unpaid claimant against the decedent, except as stated in paragraph \_\_\_\_\_.

8. The decedent left no will and therefore died intestate.

Heir(s) state that the facts contained in this Affidavit are true and correct as therein stated.

\_\_\_\_\_  
Heir

\_\_\_\_\_  
Heir

SWORN TO and SUBSCRIBED BEFORE ME by the above Heir(s), this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

Notary's Name Printed:

\_\_\_\_\_

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

Notes: 1. Any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action belonging to the decedent shall make payment when due of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent, as defined herein, upon being presented this affidavit.

2. The successor of a decedent, upon execution of the affidavit, shall be empowered to negotiate, transfer ownership and exercise all other incidents of ownership with respect to the personal property and instruments obtained.

1. Any person paying, delivering, transferring or issuing personal property or the evidence thereof pursuant to the affidavit shall be discharged and released to the same extent as if such person had dealt with a personal representative of the decedent. Such person shall not be required to see to the proper application of the personal property or evidence thereof or to inquire into the truth of any statement in the affidavit. If any person to whom an affidavit is delivered, refuses to pay, deliver, transfer or issue any personal property or evidence thereof to the successor, such property or evidence thereof may be recovered or its payment, delivery, transfer or issuance compelled upon proof of the successor's right in a proceeding brought in chancery court for such purpose by or on behalf of the persons entitled thereto. Any person to whom payment, delivery, transfer or issuance is made shall be answerable and accountable to the personal representative of the estate, if any, or to any other person having a superior right.

#### Disclaimer

This form is provided without any warranty, express or implied, as to its legal effect and completeness. Please use at your own risk. If you have a serious legal problem, we suggest that you consult an attorney.