Indiana Legal Services

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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 $25,000, 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 $25,000 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, but he owed $60,000 on the home, his "gross estate" would be $15,000 ($75,000- $60,000).
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.

What are examples of property that I might want to use the Small Estate Claim form for? Here are examples of things you could use this form to get:

- 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 the 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.

LSC Code 1950500

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SMALL ESTATE AFFIDAVIT
Collection of Personal Property
Indiana Code Section 29-1-8

State of Indiana
County of _____

I, _____,
upon duly sworn, state on my oath that:

1. My post office address is: _____

2. My residence address is: _____

3. I am a successor to the decedent or a claimant entitled to the payment or property of the named decedent. All successors, including myself, of the decedent are listed as follows:

Name/Relationship	Address	Share
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. The decedent's name is _____.

5. The date of the decedent's death was _____, more than forty-five days have elapsed since the death of the decedent, and I have attached a copy of the death certificate hereto. Note: At any time after forty-five or more days from the date of a decedent's death, any person who is indebted to or who has possession of any personal property or an instrument evidencing a debt, obligation, stock, chose in action, or stock brand belonging to the decedent, shall pay such indebtedness or deliver such personal property, or so much of either as is claimed, to a person claiming to be a successor of the decedent or entitled to payment or delivery of the property belonging to the decedent upon being presented an affidavit made by said person.

6. That the value of the gross probate estate, wherever located, less liens and encumbrances, does not exceed twenty-five thousand dollars ($25,000.00).

7. That at least forty-five (45) days have elapsed since the death of the decedent.

8. That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.

THE FOREGOING STATEMENT IS MADE UNDER THE PENALTIES OF PERJURY.

_____
Signature of Affiant

STATE OF INDIANA
COUNTY OF _____

Before me, _____, (title of officer) this ____ day of _____, _____, _____ acknowledged the execution of the annexed _____ (name of instrument).

_____

Notary Public, State of _____

Printed Name: _____

Commission Expires: _____