

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT

KANSAS CITY INDEPENDENCE

PROBATE DIVISION

IN THE ESTATE OF

ESTATE NUMBER

Deceased

TO: _____

In order to complete the processing of your matter, the following information is required, and if it is not received within 30 days of the date of this notice, the case will be dismissed for failure to prosecute without prejudice and at your client's cost pursuant to Rule 72.5.

Due to the volume of new case filings, we will not revisit/review this case until 30 days have elapsed from the date of issuance of this checklist. If you wish to check the status of your case please access case.net, as we do not have staff available to provide this service over the phone.

All requests for extensions of time must be e-filed by proper motion and proposed order.

To avoid future delays, please ensure that all required pleadings are included with your initial case filing. The new estate checklists are available in the Probate Forms section of the Court's website, www.16thcircuit.org if you wish to review these before filing your case.

CHECKLIST

Refusal of Letters Surviving Spouse/Minor

1. Filing fee in the amount of \$ _____ must be paid.
2. Insufficient filing fee has been received. Please pay additional fees in the amount of \$ _____.
3. A copy of the decedent's death certificate was not submitted.
4. The value of the real estate listed in the application does not match the value indicated in the appraisal/realtor letter. Please file an amended application, with all appropriate appendices.
5. A drive-by appraisal or letter from a realtor (on company letterhead and with signature), stating the value of the real estate, is required.
6. Other: _____
7. Assets exceed \$24,000. Please provide:
 - a. Copy of decedent's Income Tax Return for the last full calendar year preceding death.
 - b. An affidavit detailing the surviving spouse's monthly expenses.
8. Application is incomplete/insufficient. See details below and file an amended application.
 - a. Application as filed does not include sufficient description of the assets as required by §473.090. (Ex: Last four digits of account number, certificate number, policy number, serial number, check number, VIN, value of asset.)
 - b. Application does not include the legal description and street address of the real property.
 - c. Application does not list the decedent's date of death.
 - d. Application does not list the full name and residential address of the decedent.
 - e. Application of Surviving Spouse does not list the full name and address of the surviving spouse.
 - f. Application of Surviving Spouse does not indicate whether or not there are any unmarried minor children.

- g. Application of Surviving Spouse indicates there are unmarried minor children of the decedent who are not the children of the surviving spouse; however, the application does not list the full name, date of birth and address of each surviving unmarried minor child together with the name and address of the child's surviving parent, his/her legal guardian and conservator, if any, and the name and address of the person(s) with whom he/she resides.
- h. The total value of the property, as listed on Exhibit A, appears to be incorrect.

Refusal of Letters to Creditor

1. Filing fee in the amount of \$_____ must be paid.
2. Insufficient filing fee has been received. Please pay additional fees in the amount of \$_____.
3. A copy of the decedent's death certificate was not submitted.
4. Evidence of debt owed to creditor was not submitted. You may submit a copy of a receipt, cancelled check (front and back), copy of a bank statement, etc. showing that you paid the debt of the decedent out of your own funds.
5. A copy of the receipt showing funeral expenses are paid in full was not submitted. This is needed regardless of whether the applicant for the refusal of letters paid the funeral expenses (§473.397). If unable to provide proof that all funeral expenses have been paid, obtain a corporate surety bond in the amount of the assets.
6. Corporate Surety Bond of Creditor in the amount of \$_____ must be filed. Please include the acknowledgements of the principal and the surety, as well as the Power of Attorney page(s).
 - a. A bond equal to the difference between the creditors claim and the value of the property is required when the assets exceed the amount of the claim.
 - b. A bond equal to the amount of the assets is required when the creditor is unable to provide proof that all funeral expenses have been paid (unless the creditor is the funeral home.)
7. Other: _____
8. Application is incomplete/insufficient. See details below and file an amended application.
 - a. Application does not list the decedent's date of death.
 - b. Application does not list the full name and residential address of the decedent.
 - c. Application as filed does not include sufficient description of the assets as required by §473.090. (Ex: Last four digits of account number, certificate number, policy number, serial number, check number, VIN, value of asset.)
 - d. Application of Creditor does not list the sum and/or nature of the debt.
 - e. Application of Creditor does not list the full name and address of the creditor.
 - f. The total value of the property, as listed on Exhibit A, appears to be incorrect.

Small Estate Affidavit

1. Filing fee in the amount of \$_____ must be paid.
2. Insufficient filing fee has been received. Please pay additional fees in the amount of \$_____.
3. A copy of the receipt showing funeral expenses are paid in full was not submitted. (Needed if less than 1 year from date of death)
4. A drive-by appraisal or letter from a realtor (on company letterhead and with signature), stating the value of the real estate, is required.
5. Distribution under the small estate affidavit is to the persons named in the last will and testament. The will has not been presented for probate. Please take necessary steps.
6. Corporate surety bond of distributee in the amount of \$_____ must be filed. Please include the acknowledgements of the principal and the surety, as well as the Power of Attorney page(s). Alternatively, **notarized** bond waivers signed by the distributees may be filed.
7. The bond waivers of the distributees have not been notarized.
8. Other: _____
9. Affidavit is incomplete/insufficient. See details below and file an amended affidavit.

- a. The signature of the affiant was not notarized.
- b. The affidavit, as filed, fails to provide sufficient description of the assets. Affidavit does not include one or more of the following: last four digits of account number, certificate number, policy number, serial number, VIN, value of asset.
- c. The value of the real estate listed in the small estate affidavit does not match the value indicated in the appraisal/realtor letter.
- d. The affidavit does not appear to correctly list the distributees. Please refer to §473.097 and §474.010.

Will of Decedent

1. The original Last Will and Testament/Codicil (physical paper document) has not yet been delivered to the Probate Department. Please forward the original to the Court.
2. Will of decedent has not been presented for probate. If you wish to present the will to be admitted to probate, please file the Statement as to Death and Presentment. (PR10050)
3. The date of death is missing from the Statement as to Death and Presentment.
4. The date of death listed on the Statement as to Death and Presentment differs from the date of death listed on the death certificate.
5. The address on the Statement as to Death and Presentment differs from the address listed in the Death Certificate. Please resolve.
6. Will is not self-proving pursuant to §474.337. Please take the necessary steps to have the will admitted.
7. Commission(s) to Prove Will issued on _____, have not been returned.
8. The physical document provided, purporting to be the Last Will and Testament of the decedent, appears to be a copy, rather than the original. Please resolve.
9. For Lost Wills – File a petition to admit the lost will that clearly identifies all interested parties and their whereabouts. If the whereabouts of any parties are unknown, please file an appropriate pleading which fully complies with Supreme Court Rule 54.12(c).
10. Presented more than one year after the date of death of the decedent. Please resolve.
11. Other: _____

For information relating to frequently asked questions, filing fees, forms, eFiling information, probate contacts, and the Probate Procedures Manual, please visit www.16thcircuit.org/probate and select from the links located on the right-hand side of the web page. For questions regarding this checklist, you may contact me at the phone number listed below.

Date

Clerk

Phone No.: