

Section 25 - Distribution and Discharge - Independent Administration

25.10 Partial Distribution to Beneficiaries

25.10.1 Order Not Required

The independent personal representative may make any partial distributions, without court order, that are consistent with the Probate Code.

References: §§ 473.613, 473.787.2, 473.810(20)

25.10.2 Procedure

The following procedures may be followed to effect a transfer without court order:

25.10.2(a) Title to an Automobile

Contact Missouri Department of Revenue to obtain procedure and forms required to transfer motor vehicle.

25.10.2(b) Stocks or Bonds

Contact transfer agent to obtain procedure and forms required to transfer stocks or bonds.

25.20 Final Distribution - Judicial Closing - Section 473.837 RSMo

Section 24.30 applies in its entirety.

References: Form 10559, Form 10581, Form 10582, Form 10583, Form 10584,
Form 10585, Form 10586, Form 10607, Form 10608
§§ 473.617, 473.810(20), 473.837

25.30 Schedule of Distribution - Non-Judicial Closing - Section 473.840 RSMo

Section 24.30 applies in its entirety, substituting the words "schedule of distribution" for "order of final distribution."

Practice Tip: There is no final decree of distribution when closing the estate pursuant to §473.840. Counsel for the independent personal representative should prepare, and the independent personal representative shall execute and have acknowledged, the independent personal representative's deed. To effectively transfer the title of real property of the estate, the independent personal representative should record, in the recorder's office of the county where the

real property is located, a certified copy of the will, if any, and the independent personal representative's deed. The deed should then be delivered to the distributee.

References: Form 10605, Form 10606
§ 473.840, 473.844

25.40 Discharge

25.40.1 Judicial Closing - Section 473.837 RSMo

Section 24.50 applies in its entirety.

References: Form 10594
§§ 473.660, 473.837

25.40.2 Non-Judicial Closing - Section 473.840 RSMo

If no proceeding involving the independent personal representative is filed in the Court within six months after the statement of account is filed, the independent personal representative is discharged by operation of law. The Court will not make any order of discharge in a non-judicial closing. If an order of discharge is desired, the estate must be closed judicially. See Section 25.40.1 for judicial closing of an independent administration. See Section 22.150, supra, for waiver of legal requirements.

References: § 473.840

25.50 Other Applicable Sections

Generally, the following sections also apply:

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| 24.30 | Final Distribution |
| 24.40 | Judgment Creditors |
| 24.50 | Discharge (but see § 473.840.6, for discharge by operation of law in independent administration) |

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