

INSTRUCTIONS FOR SMALL ESTATE AFFIDAVIT (“SEA”)

Can I file a Small Estate Affidavit?

- Was the Decedent a resident of Tarrant County on the date of death? If no, you must file in the county where the Decedent was a resident.
- Did the Decedent have a Will? If yes, you cannot file a SEA.
- Are any of the heirs under the age of 18 or incapacitated by dementia, stroke, mental retardation, or mental illness? If so, you cannot file a SEA.
- Will all the heirs be able to sign the SEA before a notary? If not, you can't file a SEA.
- Will two additional individuals who are not heirs and who are familiar with the Decedent's family history be able to sign the SEA before a notary? If not, you can't file a SEA.
- Did Decedent own real estate other than a homestead? If yes, you can't file a SEA.
- Have 30 days passed since the Decedent's date of death? If no, you must wait 30 days to file a SEA.
- Are you eligible to claim the residence of the Decedent as a homestead (spouse, minor child, or disabled adult living in house at time of Decedent's death)? If not, you cannot use SEA to transfer title to the residence.
- Does the value of the assets of the Decedent, not including the homestead and exempt property (furniture, clothing, tools, costume jewelry, etc.), exceed the amount of the debts, not including a mortgage on the homestead? If no, you can't file a SEA.
- Does the value of the Decedent's assets, not including the value of the homestead and exempt property, exceed \$50,000? If yes, you can't file a SEA.
- Has anyone filed a petition for the appointment of an administrator? If so, you can't file a SEA.

What if I cannot file a Small Estate Affidavit?

If you cannot file a SEA, you must obtain the services of a probate attorney in order to administer the Decedent's estate. You may wish to call the following for assistance:

- Tarrant County Bar Association Lawyer Referral Service 817-336-4101
- West Texas Legal Services (financial criteria must be met) 817-336-3943
- Tarrant County Bar Association Legal Line 817-335-1239
hours are limited to 2nd & 4th Thursday each month from 6 to 8 p.m.

Please note that it is illegal for any county employee to give you any advice on the use of this form. Please do not ask them for advice.

What information must be included on the SEA?

- The person completing the SEA must list their address and phone number so that court personnel may contact them with any questions regarding the SEA.
- The SEA must be signed and sworn to by each heir before a notary.
- The SEA must be signed and sworn to before a notary by two witnesses who are not heirs but who are familiar with the family history of Decedent.
- All assets must be listed with a physical address of where the asset is located and with current market values as of the date of Decedent's death.

- The identity of the heirs is determined as of the date of Decedent's death. If any of the Decedent's heirs are now deceased, you may not file a SEA.
- The identity of the heirs and their shares of the estate must be listed on the SEA and can be determined by reviewing Chapter 201, Texas Estates Code.
- Filing fee is \$263, but no additional fees are required to file amended SEAs.
- Make check out to Mary Louise Garcia, County Clerk
- Mail to Probate Clerk, Tarrant County Courthouse, 100 W. Weatherford St., Rm. B90, Fort Worth, 76196-0401, office phone is 817-884-1770
- The filing fee includes a fee for posted citation for about two weeks, and the court cannot sign the small estate affidavit until the posted citation period is complete. Therefore, please allow three weeks from the filing date before inquiring about the status of your small estate affidavit.