

How to Administer a Small Estate

Use these instructions and forms to be the personal representative for a small estate.

It is important to remember that the staff at the probate court cannot give you legal advice. If you have questions about administering an estate, you should contact an attorney. These instructions and forms may not be right for your situation and they cannot take the place of legal advice from an attorney.

Print the forms in this packet single-sided, with writing on one side of the page. Do not make revisions to these forms as you might delete necessary language.

Who Should Use These Forms?

You can use these forms if you:

- If the decedent was a resident of Montana
- If you file these forms within three years of the decedent's date of death
- You are qualified to serve as personal representative of the decedent which means you are:
 - Are 18 years old or older;

Have priority to serve as personal representative (see page 3)

- If the total value of the decedent's estate is roughly \$50,000 or less after all expenses have been paid

Alternative: If the value of the decedent's estate is roughly \$50,000 or less, personal property of the decedent may be transferred by an Affidavit. An heir of the decedent can collect an asset that they are entitled to if:

- 30 days have passed from the date of death
- No estate has been opened
- The property to be transferred is not real estate

Definitions:

Decedent: The individual who has died. The individual must have died at least five days before the estate is opened. For practical purposes, it is best to wait to open the estate until you have received a death certificate unless there is an emergency.

Estate: The name for the property of the decedent after they have passed away. It is important to remember that not all of the decedent's property may be in the probate estate. Property that passes automatically under a contract such as life insurance policy or bank account is not included in the probate estate. If you have questions about what property is included in the probate estate, consult an attorney.

Exempt Property: If a decedent has a surviving spouse or children, they are entitled to \$15,000 worth of household furniture, automobiles, furnishings, appliances and personal effects. If the decedent does not have a surviving spouse or children, there is no exempt property.

Fair Market Value: The value of property when any liens or encumbrances are subtracted from the value.

Fiduciary Duty: All Personal Representatives owe a fiduciary duty to the heirs of the estate. This means that the Personal Representative must act honestly and efficiently while putting the interests of the heirs of the estate above their own. Failure to do so could result in removal as Personal Representative.

Heir: An heir of the estate is an individual who is entitled to receive property from the estate.

Homestead Allowance: If the decedent had a surviving spouse, the surviving spouse is entitled to an allowance of \$22,500 from the estate before any other distributions are made. If the decedent did not have a surviving spouse, but had surviving minor or dependent children, they are entitled to an allowance of \$22,500 from the estate before any other distributions are made. If the decedent did not have a surviving spouse or surviving minor children, there is no homestead allowance.

Intestacy: Intestacy occurs when a decedent dies without a will. If a decedent dies without a will, Montana law determines how that individual's property is distributed. In most situations, a decedent's property is distributed to their surviving spouse and then to their surviving children. If you have questions regarding intestacy, consult with an attorney.

Personal Representative: The individual who has control over the decedent's property after they die. The Personal Representative's duties include paying final debts and expenses, locating property, and distributing property to appropriate individuals. Personal Representatives may be required to file a bond with the court if it is requested by the decedent's estate plan or by an interested party.

Probate: Probate is the process in which a decedent's property is legally transferred to another individual after the decedent dies. Probate ensures that a decedent's property is transferred under the terms of their will, or if the decedent died without a will, transferred under the terms of the statute.

Survivor: A person has legally survived the decedent if they have lived as least 120 hours after the death of the decedent. This is important when two individuals died within a short time period.

What Is a Small Estate?

Under Montana law a small estate is one in which the fair market value of the property does not exceed the sum of the:

- Homestead Allowance: \$22,500
- Exempt Property Allowance: \$15,000
- Costs and Expenses of Administering the Estate (Examples include court fees, fees incurred transferring property, Personal Representative fees, attorney fees, accountant fees)
- Reasonable Funeral Expenses

Reasonable Medical Expenses of the Decedent's last illness

How to Be a Personal Representative

To be Personal Representative you must have priority to serve as Personal Representative. The order of priority is determined by Montana law.

This is the order of priorities:

1. Anyone named personal representative in the will of the person who died;
2. The living husband or wife of the person who died, if the person who died had a will and the living husband or wife gets property in the will;
3. The custodial parent of a person who died under the age of 18;
4. Anyone who gets property in the will, if the person who died had a will;
5. The living husband or wife of the person who died, if there is no will;
6. The parent of an adult decedent who is survived by children, none of whom are adults;
7. The closest relatives or heirs of the person who died;
8. The public administrator;
9. Anyone owed money by the person who died, if it has been at least 45 days since the person died.

Note: Someone else may have equal or higher priority than you do. If a person with equal or higher priority will not sign the waiver form in this packet, you will need to go through a formal proceeding to be named personal representative. This packet does not cover formal proceedings. If you need a formal proceeding, it is a good idea to talk to a lawyer.

Being Paid for Being the Personal Representative

Under Montana law, the Personal Representative can be paid for their service as a Personal Representative. The compensation must be reasonable as it can be challenged by both the Court and any interested parties. What is reasonable may depend on the assets or the size of the estate. It is important to note that the Exempt Property Allowance and Homestead Allowance must be paid before the Personal Representative's fees

Hiring Help for Administering an Estate

Under Montana law, the Personal Representative can hire professionals to assist you with administering the estate. This can include an attorney, an accountant, an appraiser, or a tax professional. The compensation for these professionals must be reasonable. Their compensation can be challenged by the Court or the interested parties.

Step 1

Once you have determined that you are qualified to serve as Personal Representative, you must open the estate with the probate court in the county the decedent lived in. You must file the **Application for Informal Appointment of Personal Representative and Informal Probate of Will If Needed** with the death certificate. If the decedent had a will, attach the original to the application. Sign the application and have it notarized. By having the document notarized you are swearing what have written is true, so fill the document out correctly. File the original with the court and send copies to the interested parties.

If there are other individuals who have an equal right to serve as personal representative, they must complete a **Waiver of Priority and Nomination of Personal Representative**. File the original with the court and send copies to the interested parties.

Complete the captions on the **Statement of Informal Probate** and the **Letters of Authority** and give to the court along with your application.

Step 2

If the Judge or the Clerk of Court approves your application, he or she will sign the **Statement of Informal Probate** and the **Letters of Authority**. The **Letters of Authority** allow you to administer the estate. You can give copies to show you have authority to handle the estate. Send copies to the interested parties.

If the judge does not sign the application, you will need to commence formal proceedings.

Once you receive the **Letters of Authority** you must sign the **Acceptance of Appointment** and the **Notice to Heirs and Devisees**. File the original with the court and send copies to the interested parties. You must send the **Notice to Heirs and Devisees** within 30 days from when your **Letters of Authority** were signed.

Step 3

Locate all estate property. You must complete the **Inventory**, in you will list the estate's assets, how much each asset is worth, any debts owed on each asset, and the value of the person's interest in the asset. Examples of assets are land, buildings, money, bank accounts, and furniture. File the original with the court and send copies to the interested parties.

Note: There may be assets in the estate that were owned jointly or that have beneficiaries. If someone jointly owned property with the person who died, that property will go directly to the joint owner. Or sometimes a person will designate a beneficiary for an asset, such as a bank account "POD" or "payable on death" The beneficiary should get the account directly. These types of assets don't need to be given out as part of the allowances. Before you list an asset, be sure you know if it was owned jointly or if there was a beneficiary. You can write that information on the **Inventory** and the Personal Representative's Verified Closing Statement.

Step 4

You must maintain and distribute any property to the appropriate persons. Be sure to pay any property taxes on real property. Also be sure to file the decedent's final income tax returns. Speak to an accountant or an attorney if you have any questions regarding taxes.

If it would benefit the estate, the personal representative has the authority to sell property. It may make sense to sell property with liens or encumbrances so the estate does not have to pay the debt.

Use the **Deed of Distribution** to transfer any real estate. The original **Deed of Distribution** must be filed with the Clerk and Recorder in the county the property is located in.

Distributions

1. If there is no surviving spouse or minor or dependent child, skip this step. If the decedent had a surviving spouse, transfer the homestead allowance of up to \$22,500 to him or her. If

there is no surviving spouse, divide the \$22,500 homestead allowance equally among any minor or dependent children supported by the person who died. You can use any money or property to make up the homestead allowance.

2. If there is no surviving spouse or minor or dependent child, skip this step. The family allowance of up to \$27,000 is to support the surviving spouse and any minor or dependent child(ren) of the decedent for a year after the date of death. You can choose to pay the funds either in a lump sum or to pay up to \$2,250 a month for a year.
3. If there is no surviving spouse or minor or dependent child, skip this step. If the decedent had a surviving spouse, transfer exempt property worth up to \$15,000 in value to him or her. If there is no surviving spouse, divide the exempt property allowance equally among the children of the person who died. In deciding how much exempt property is worth, subtract any liens and encumbrances. Exempt property includes household furniture, other furnishings, automobiles, appliances, and personal items. If there is less than \$15,000 of those kinds of property, you can give out other types of property in the estate to make up the rest of the \$15,000 in value.
4. Pay the administration costs of handling the estate. This includes the personal representative's fees.
5. Pay the final funeral expenses of the decedent.
6. Pay the final medical expenses of the decedent. If there are funds remaining after these expenses have been paid, the estate cannot be closed as a small estate.

Step 5

You must close the estate within two years. If you do not, you must explain to the Court why the estate should be kept open. Prepare the **Accounting of Administration**. Explain what expenses you paid and how you distributed the property listed in the **Inventory**. File the original with the court and send copies to the interested parties.

Prepare the Sworn Statement to Close. Explain that you have distributed the Homestead Allowance, Exempt Property Allowance, and paid the expenses of the estate. You will explain that after paying these, there are no more assets left in the estate. You must sign this before a notary. By having the document notarized you are swearing what have written is true, so fill the document out correctly. File the original with the court and send copies to the interested parties including any creditors.

You will receive notification from the court when the estate is closed. Send copies to the interested parties.

Where Can I Get More Information?

The laws of Montana are called the Montana Code Annotated or "MCA." The laws about closing a small estate can be found in Title 72, Chapters 1, 2, & 3. An easier way to write one of those laws is ' 72-1-101, MCA. The MCA can be found at your local library or on the Montana

State Law Library website at: www.lawlibrary.mt.gov. Click on the “Laws” option near the top of the page on that website, and then click on “MCA.”

Where Can I Get Legal Help?

These organizations may be able to help you:

- **Montana Legal Services Association (MLSA)** gives free legal help to low and moderate-income people. To find out if you qualify for MLSA, call the MLSA HelpLine at 1-800-666-6899.
- **The State Bar Lawyer Referral and Information Service (LRIS)** refers people to Montana lawyers who might be able to help. Call LRIS at 1-406-449-6577.
- **The State Law Library** can help you find and use legal resources such as books, forms, and websites. You can visit the Law Library website at www.lawlibrary.mt.gov. Or you can contact a Reference Librarian at (800) 710-9827 or by email at mtlawlibrary@mt.gov.

_____)
(name of person filling out form)

_____)
(that person's mailing address)

_____)
(city) (state) (zip)

_____)
(phone number)

In the _____ Judicial District Court of _____ County,
(number) (county)

State of Montana

In the Matter of the Estate of
_____,
(name of person who died)
Deceased.

Cause No.: _____
Dept. No.: _____
(filled out by court)

**Waiver of Priority
and Nomination of
Personal
Representative**

(To be filled out by person waiving priority, in front of notary public)

I, _____ am entitled to priority for appointment as personal representative under Montana law, but I waive my right to appointment.

I nominate (write name) _____, a qualified person, to be personal representative.

Dated _____ Signature: _____
(mm/dd/yyyy) (signature of person waiving priority)

(Rest of form to be filled in by Notary Public.)

SIGNED AND SWORN to before me on this ____ day of _____, 20____
by _____.
(name of person waiving priority)

(SEAL)

Name: _____
(Printed): _____
Notary Public for the State of Montana
Residing at _____
My Commission Expires _____

(your name)

(your mailing address)

(city) (state) (zip)

(your phone number)

Petitioner Pro Se

In the ____ Judicial District Court of _____ County,
(number) (county)

State of Montana

In the Matter of the Estate of

(name of person who died)
Deceased.

Cause No.: _____

Dept. No.: _____
(filled out by court)

**Application For
Informal Probate
and Appointment
Of Personal
Representative**

1. I, Name: _____
(your full name)

am interested in the estate as _____
(relationship to the deceased)

I am not under the age of 18. My mailing address is:

Address: _____
(your mailing address)

City: _____ State: _____ Zip: _____
(city) (state) (zip)

2. Decedent Information

Name: _____
(decedent name)

Date of Birth: _____ Date of Death: _____
(mm/dd/yyyy) (mm/dd/yyyy)

Address: _____
(address of person who died)

City: _____ State: _____ Zip: _____ County: _____
(city) (state) (zip)

- 3. A death certificate has been issued and a copy is attached.
- No death certificate is available. Alternative documentation of the decedent's death is attached.

4. As far as I know or could ascertain with reasonable diligence, the names and addresses of the spouse, children, devisees, and heirs of the decedent, and other interested persons, the relationship to the decedent, and the ages of who are minors are:

Name	Address <i>(if the person is a minor, write "address omitted to protect minor child's privacy")</i>	Relationship <i>(examples: "Spouse" or "Friend, Named in Will")</i>	Age <i>(only if under 18)</i>

5. Of the interested persons listed above, the following are under legal disability or otherwise represented and presently have or will require representation.

Name	Legal Disability	Represented by: <i>(Name, address, and Capacity)</i>

6. Venue is proper in this county because the decedent was domiciled in this county on the date of death.
- The decedent was not domiciled in Montana, but venue is proper in this county because property of the decedent was located in this county at the date of death.

7. The time limit of three years since the death of the decedent has not expired.

8. There are no demands for notice or any other probate proceedings for the decedent.

9. The decedent died intestate (*without a will*) and after exercising reasonable diligence, I am unaware of any unrevoked testamentary instrument relating to property located in this state.

The decedent's will, dated _____, with codicil(s) dated _____, is/are offered for probate and:

is/are attached to this application is/are already in the court's possession.

10. To the best of my knowledge, I believe that the instrument(s) subject to this application, if any, was/were validly executed and is the decedent's last will. After exercising reasonable diligence, I am unaware of an instrument revoking the will or codicil(s).

I do not know of any personal representative of the person who died appointed in Montana or any other state.

The existing personal representative signed a waiver of his or her priority, which I either filed or am attaching to this Application. The existing personal representative's address is in the waiver.

11. Statement of Applicant's Interest

The clerk can make the findings required by Montana law, and may make me the estate's personal representative because (*check all boxes that are true*):

I have priority under § 72-3-502, MCA (*read pages 5-6 of packet*);

I am named as personal representative in the person's will;

- I am the surviving spouse of the person who died;
- I am the custodial parent of the person who died;
- I am an heir or devisee, which means I have the right to get the person's property under the will or under Montana law;
- Anyone with the same or higher priority to be personal representative of the estate has waived appointment in writing.

12. The will expressly requests that the personal representative serve:

- Without bond
- With bond

I respectfully ask this Court to:

- Informally probate the decedent's will;
- Informally appoint the nominated personal representative;
 - with bond without bond
- Order any other relief the Court deems is just and proper.

I declare under the penalties of perjury that this application has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date: _____
(mm/dd/yyyy)

Signature: _____
(sign in front of notary public)

STATE OF MONTANA

:ss

County of _____

_____, being duly sworn on oath, says:
(your name)

(Rest of form to be filled in by Notary Public.)

SIGNED AND SWORN to before me on this _____ day of _____, 20____

by _____
(name of petitioner)

(SEAL)

Name: _____
(Printed): _____
Notary Public for the State of Montana
Residing at _____
My Commission Expires _____

In the ____ Judicial District Court of _____ County,
(number) (county)
State of Montana

In the Matter of the Estate of

_____,
(name of person who died)

Deceased.

Cause No.: _____

Dept. No.: _____
(filled out by court)

**Statement of
Informal Probate**

(Rest of form to be filled in by clerk of court.)

1. An Application for Informal Probate and Appointment of a Personal Representative was filed requesting:
 - Informal probate of the will of the above-named decedent
 - The appointment of a personal representative
2. Upon consideration of the application, I determine the following are true:
 - a. Venue is proper.
 - b. The application is complete, and the applicant has made oath or affirmation that the statements contained in the application are true to the best of the applicant's knowledge and belief.
 - c. The applicant appears to be an interested person.
 - d. Any notice required by MCA 72-3-106 has been given and the application is not within MCA 72-3-213(5);
 - e. It appears from the application that the time limit for original probate has not expired;
 - f. At least 120 hours have elapsed since the decedent's death;
 - g. No personal representative has been appointed in another county of Montana;
3. The will dated _____ with codicils dated _____ is admitted to informal probate.
4. _____ is appointed as personal representative

- With bond
- Without bond in the amount of \$_____

The applicant is granted all the authorities and responsibilities of a personal representative. The clerk's office shall issue Letters to the applicant.

Date: _____

Clerk of Court or Judge
By: _____
Deputy Clerk

In the _____ Judicial District Court of _____ County,
(number) (county)
State of Montana

In the Matter of the Estate of

_____,
(name of person who died)
Deceased.

Cause No.: _____

Dept. No.: _____
(filled out by court)

Letters

(Fill in and sign the next page in front of a notary before you file this form. The clerk fills in this page if you are appointed personal representative.)

_____ was appointed as personal representative of the estate by statement of the clerk or judge in the above proceeding dated _____, 20____.

Letters of appointment as personal representative are hereby issued.

WITNESS the clerk of court and the seal of the court affixed on _____, 20____.

Clerk of Court

(COURT SEAL)

By: _____
Deputy Clerk

ACCEPTANCE

(Fill in and sign this page in front of a notary public before you file this form)

STATE OF MONTANA

County of _____ :ss

I, _____, have been appointed as Personal
(your name)
Representative of the Estate of _____, and I hereby
(decedent's name)
accept the duties of Personal Representative. I solemnly swear to carry about
my duties with prudence and fidelity.

(sign in front of Notary Public)

(Rest of form to be filled out by Notary Public.)

SIGNED AND SWORN to before me on this _____ day of _____, 20____

by _____.
(name of personal representative)

(SEAL)

Name *(Printed)*: _____
Notary Public for the State of Montana
Residing at _____
My Commission Expires _____

(your name)

(your mailing address)

(city) (state) (zip)

(your phone number)

Petitioner Pro Se

In the _____ Judicial District Court of _____ County,
(number) (county)
State of Montana

In the Matter of the Estate of

(name of person who died)

Deceased.

Cause No.: _____

Dept. No.: _____
(filled out by court)

Notice to Heirs and Devisees

To all interested persons:

1. On _____ I was appointed personal representative
(date)
as requested in the application for informal probate of this estate. I am serving
 Without bond
 With bond in the amount of \$ _____
2. The papers relating to the estate are on file with the _____
County Probate Court located at _____.
(address)
3. Attached is a copy of the will which was admitted to probate and under which I will administer, manage, and distribute the estate.

4. The court does not supervise the personal representative in the administration of an estate except in limited circumstances.
5. If I was appointed informally, you or another interested person may petition the court objecting to my appointment and/or demanding that I post a bond or an additional bond. The petition must be filed with the probate court along with the applicable fee. Unless the court grants the petition, I will continue to serve as appointed.
6. You or another interested person may petition for a hearing by the court on any matter at any time during the administration of the estate, including for distribution of assets and allowance of expenses of administration. The petition must be filed with the probate court along with the applicable fee.
7. If you continue to be an interested person (such as an heir of an intestate estate or devisee or beneficiary under the will of the decedent), I will provide you with:
 - 1) a copy of the inventory within 9 months of my appointment;
 - 2) unless waived by you, a copy of an account including fiduciary fees and attorney fees charged to the estate, within 2 years of my appointment; and
 - 3) a copy of the closing statement or settlement petition when the estate is ready for closing.
8. The estate may not be closed earlier than 5 months after the date of my appointment except in limited circumstances.

Date _____.
(mm/dd/yyyy)

Personal Representative
(sign your name)

(your name)

(your mailing address)

(city) (state) (zip)

(your phone number)

Petitioner Pro Se

In the ____ Judicial District Court of _____ County,
(number) (county)
State of Montana

In the Matter of the Estate of

(name of person who died)

Deceased.

Cause No.: _____

Dept. No.: _____
(filled out by court)

Inventory

In the Estate of _____

I, _____, submit the following is an accurate and complete inventory of all assets of the estate and fair market valuations as of

(date of death)

Description of Asset	Gross Value	Liens	Inventory Value
Real Property Legal Description:			
Real Property Legal Description:			
Personal Property			
Personal Property			
Personal Property			
Personal Property			
Personal Property			
Personal Property			
Personal Property			
Personal Property			
Personal Property			
Personal Property			
Personal Property			
Personal Property			
Personal Property			
Totals	Total Gross Value		Total Inventory Value

Appraisers *(list the name(s) and address(es) of any qualified person(s) with no interest in the estate who helped you figure out the value of assets):*

Date: _____
(mm/dd/yyyy)

Signed: _____
(sign your name)

Printed: _____
(print your name)

DEFINITIONS:

Real property means land, including a building or house that is built on the land.

Personal property means everything that a person owns except real property. Personal property includes bank accounts and checking accounts.

INSTRUCTIONS TO COMPLETE THE INVENTORY:

1. List all real and personal property in the column "Personal Property and Real Property Description."
2. When listing real property, provide the legal description of the property and the name of any other owner.
 - a. If real property has been used to secure a loan (including an equity line of credit), show the nature and amount of the lien, and reduce the gross value (value as of date of death) by the amount of the lien, but the inventory value cannot be less than zero.
 - b. If the value of real property is determined by an appraisal, include the appraiser's name and address and a description of the property appraised.
 - c. If this form is filed in a guardianship, real property that the ward owns jointly or in common with others must be listed along with the type of ownership. The court may require additional information to support the value of property that is stated in the inventory.
 - d. For each parcel of real property, calculate the value individually.
2. When listing personal property, provide enough detail to adequately determine the value. Some items should be listed separately and some items should be combined under one category. Provide the name and address of each financial institution listed. The address of a financial institution shall be either that of the institution's main headquarters or the branch used most frequently by the personal representative.
 - a. Examples of items that should be listed and valued separately are: • Automobiles • Life insurance if payable to the estate • Jewelry • Annuities • Bank accounts • Mutual funds • Antiques • Stocks and bonds • Any other individual item of high value
 - b. Examples of items that can be listed in categories are household items such as dishes, flatware, curtains, linens, utensils, clothing, furnishings, etc. These items can be grouped into several categories or combined into one category.
 - c. If personal property has been used to secure a loan, show the nature and amount of the lien, but do not deduct the lien amount from the gross value (value as of the date of death) of any item of personal property. d. If the value of personal property is determined by an appraisal, include the appraiser's name and address and a description of the property appraised. e. If this form is filed in a guardianship, personal property that the ward owns jointly or in common with others must be listed along with the type of ownership. The court may require additional information to support the value of property that is stated in the inventory.

(your name)

(your mailing address)

(city) (state) (zip)

(your phone number)

Petitioner Pro Se

In the _____ Judicial District Court of _____ County,
(number) (county)
State of Montana

In the Matter of the Estate of

(name of person who died)

Deceased.

Cause No.: _____

Dept. No.: _____
(filled out by court)

Account of Personal Representative

The appointed personal representative of _____'s
(name of person who died)

estate is _____.
(your name)

Below is the full accounting of administration of the estate of the person who died as required by Montana law. I am sending this accounting to anyone affected by the administration of the estate. I distributed the estate in the following order:

1. Homestead allowance of up to \$22,500 of the estate, to a surviving spouse or, absent a spouse, to the minor or dependent child(ren) of the person who died;
2. Family allowance of up to \$27,000 of the estate, to a surviving spouse or, absent a spouse, to the minor or dependent child(ren) of the person who died or the child(ren)'s caretaker;
3. Exempt property of up to \$15,000, to a surviving spouse or, absent a spouse, to the child of any age of the person who died;
4. Administration costs of the estate;
5. Reasonable funeral expenses;
6. Reasonable medical or hospital expenses relating to the last illness of the person who died.

Personal Representative Fee (*check one box and fill in the blanks that apply.*)

For being personal representative, I am claiming a reasonable fee of (*write the amount of the fee you claim*): \$_____. I will write this amount as part of the estate's distribution in the chart below.

OR

I am not claiming a fee for being personal representative. By signing this document below, I waive my right to claim a fee.

I distributed the estate's assets as set forth in the chart on the following pages:

Asset <i>(write each item or type of property in the estate, such as "1987 Ford F-150 truck"; this list should be exactly the same as the list in the Inventory and Assessment)</i>	Person or People Who Received Asset <i>(write the name of any person who now has all or part of each asset, such as "Seth Son--\$2,000 of money in account and Diane Daughter--\$2,000 of money in account")</i>	Part of the Small Estate Distribution <i>(write if you gave this asset out as part of the homestead allowance, family allowance, exempt property, cost of closing the estate, reasonable funeral expense, or reasonable medical expense)</i>

Date: _____
(date signed)

Signed: _____
(sign your name)

Printed: _____
(print your name)

(your name)

(your mailing address)

(city) (state) (zip)

(your phone number)

Petitioner Pro Se

In the ____ Judicial District Court of _____ County,
(number) (county)
State of Montana

In the Matter of the Estate of

(name of person who died)

Deceased.

Cause No.: _____

Dept. No.: _____
(filled out by court)

**Personal
Representative's
Verified Closing
Statement**

My name is: _____
(your full name)

I am the Personal representative for the Estate of _____
(name of person who died)

This is my sworn statement to close the estate:

1. As far as I know, the value of the estate of the person who died, subtracting liens and encumbrances, does not exceed the homestead allowance, exempt property, family allowance, costs and expenses of administration, reasonable

funeral expenses, and reasonable, necessary medical and hospital expenses for the deceased person.

2. I fully administered the estate. I distributed and disbursed the estate to the people who were entitled to it. If estate taxes were due, I paid them.
3. I have sent a copy of this closing statement to everyone who received any part of the estate, and to all creditors or other claimants whose claims have not been paid and are not barred. I have given a full account in writing of the administration to any person affected by the administration of the estate.

STATE OF MONTANA

:ss

County of _____

_____, being duly sworn on oath, says:
(write your name)

I have read the statements above and they are true to the best my knowledge.

Date: _____
(mm/dd/yyyy)

Signature: _____
(sign in front of Notary Public)

Printed: _____
(print your name)

(Rest of form to be filled out by Notary Public.)

SIGNED AND SWORN to before me on this ____ day of _____, 20__

by _____.

(SEAL)

Name: _____

(Printed): _____

Notary Public for the State of Montana

Residing at _____

My Commission Expires _____

DEED OF DISTRIBUTION

(This document does not go to the clerk of district court. Record the completed deed at the clerk and recorder's office.)

This deed is signed and delivered on _____ by _____
(mm/dd/yyyy) (your name)

as the personal representative of the estate of _____,
(name of the person who died) based

on the following:

_____ died on _____. Proceedings for
(name of the person who died) (mm/dd/yyyy)

administration of the estate were filed as Cause No. _____ in the _____
(on court papers) (number)

Judicial District Court, _____ County, Montana. The personal
(county)

representative has determined the persons entitled to distribution of the estate according to law.

To distribute the property properly, the person signing below, as personal representative, assigns, transfers, and conveys to

_____, of
(person you are transferring the property to)

_____, all of the property
(address of person you are transferring the property to)

interests of the person who died in the real property in _____
(county where property is)

County, Montana described in "Exhibit A" attached to this document. *(Print out a full legal description of the property being transferred. Write "Exhibit A" on the printout of the description. Attach the description to this deed of distribution.)*

TO HAVE AND TO HOLD to the distributee(s), distributee(s)' heirs, successors, and assigns, forever.

DATED: _____, 20__
(date signed)

Signed: _____
(sign your name in front of notary public))

Printed: _____
(print your name)

(Rest of form to be filled out by Notary Public.)

STATE OF MONTANA
County of _____ :ss

SIGNED AND SWORN to before me on this _____ day of _____, 20__

by _____
(name of personal representative)

(SEAL)

Name (Printed): _____
Notary Public for the State of Montana
Residing at _____
My Commission Expires _____