

IN THE PROBATE COURT OF MARSHALL COUNTY, ALABAMA  
CASE NO.: \_\_\_\_\_

IN THE MATTER OF THE ESTATE OF \_\_\_\_\_, deceased.

**PETITION FOR SUMMARY DISTRIBUTION**

TO THE HONORABLE Andrea LeCroy, JUDGE OF PROBATE:

\_\_\_\_\_, herein referred to as the "Petitioner," herewith files this petition for Summary Distribution pursuant to § 43-2-691 et seq. of the Code of Alabama and respectfully represents and shows to your Honor the following facts:

1. \_\_\_\_\_, herein referred to as the "Deceased," died on \_\_\_\_\_, 20\_\_ in \_\_\_\_\_ County, Alabama. Attached hereto is a copy of the death certificate of the Deceased. Choose one of the following:

- A copy of the Last Will and Testament of the deceased is attached.
- The Deceased left no Last Will and Testament.

2. Petitioner is the \_\_\_\_\_ of the Deceased. The next of kin of the Deceased are:  
*(relationship)*

Name: \_\_\_\_\_  
Age: \_\_\_\_\_  
Address: \_\_\_\_\_  
Relationship to Decedent: \_\_\_\_\_

Name: \_\_\_\_\_  
Age: \_\_\_\_\_  
Address: \_\_\_\_\_  
Relationship to Decedent: \_\_\_\_\_

Name: \_\_\_\_\_  
Age: \_\_\_\_\_  
Address: \_\_\_\_\_  
Relationship to Decedent: \_\_\_\_\_

*Note: Please attach an additional sheet of paper listing the name and address of any other heirs.*

3. The Deceased left an estate consisting solely of personal property with a value not to exceed \$30,608, the Small Estate Valuation amount determined by the State Finance Director, pursuant to §43-2-692(b)(1). **The Deceased did not own any real property.** Assets to be distributed are listed below:

<u>ASSET</u>	<u>VALUE</u>
_____	_____
_____	_____
_____	_____

*Note: Please attach an additional sheet of paper listing any other assets.*

4. No petition for the appointment of a personal representative is pending or has been granted on the estate of the Deceased.

5. All of the funeral expenses of the Deceased have been paid and there are no known claims against the estate of the Deceased or arrangements for the payment of any known debts have been made. Details of any and all known debts are listed below:

<u>DEBT</u>	<u>PAID/UNPAID</u>	<u>AMOUNT OWED</u>
FUNERAL EXPENSES	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*Note: Please attach an additional sheet of paper listing any other debts.*

WHEREFORE, Petitioner prays that the Court will give notice of the filing of this petition and, upon the lapse of thirty (30) days from the filing of this petition and from the publication of such filing, will enter an order directing summary distribution of all assets of the estate of the Deceased which are the subject of this proceeding and grant such other, further and different relief to which Petitioner may be entitled.

Respectfully submitted, \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
PETITIONER

STATE OF ALABAMA }  
COUNTY OF \_\_\_\_\_ }

Before me, the undersigned authority, personally appeared \_\_\_\_\_  
whose name as Petitioner is affixed to the foregoing petition, who is known to me and who being  
first duly sworn deposes and says that *he/she* is informed and believes that upon such  
information and belief states that the facts set out in the foregoing petition are true and correct.

\_\_\_\_\_  
PETITIONER

Sworn to and subscribed before me on \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:

IN THE PROBATE COURT OF MARSHALL COUNTY, ALABAMA  
CASE NO.: \_\_\_\_\_

IN THE MATTER OF THE ESTATE OF \_\_\_\_\_, deceased.

**NOTICE OF PETITION FOR SUMMARY DISTRIBUTION**

Notice is hereby given that a Petition for Summary Distribution has been filed by \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and that 30 days after the publication hereof and pursuant to law, the Court shall enter an order directing summary distribution of the estate of said decedent.

\_\_\_\_\_  
*Petitioner's Signature*

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To: The Editor and Publisher of the Advertiser Gleam: Please publish the above notice once in your newspaper.

\_\_\_\_\_  
Andrea LeCroy  
Probate Judge

**GENERAL INFORMATION  
ABOUT THE ALABAMA SMALL ESTATES ACT  
AND SUMMARY DISTRIBUTIONS**

**WHAT IS THE “ALABAMA SMALL ESTATES ACT”?**

- This Act was passed in 1979 and later amended in 2009. It is codified as Ala. Code §§ 43-2-690, et seq. (1975).
- This Act provides a method, through a court proceeding, to distribute personal property of a deceased person in a summary distribution manner to a surviving spouse, or appropriate distributees of the decedent, without full probate administration.

**WHAT ARE THE VALUE LIMITS FOR SUMMARY DISTRIBUTION UNDER THIS ACT?**

- The value of the entire decedent’s estate (personal property) shall not exceed \$30,608. This figure is subject to adjustment by the State Finance Director on an annual basis for changes in the Consumer Price Index. Please note that real property cannot be administered under this Act. (This adjusted figure equals \$30,608.00 for 2021)

**WHAT IS REQUIRED TO INITIATE A SUMMARY DISTRIBUTION UNDER THE “ALABAMA SMALL ESTATES ACT” IN MARSHALL COUNTY?**

- A written petition under oath in proper form to be filed with the Probate Court by the surviving spouse of the decedent, or if none, by one or more of the distributees entitled to the personal assets of the estate.
- Death certificate.
- Decedent must have been a resident of Marshall County.
- Confirm that no petition is pending for administration or has been granted.
- The status at the date of death: Intestate (No Will) or Testate (Will).
- If testate, the original purported Will must be submitted to the Court.
- The names/addresses/ages of the surviving spouse, children and distributees.
- Details on claims and funeral expenses and the status on each (paid/unpaid).
- An itemized listing of the assets of the estate with a value of each asset.
- Initial filing fee/court costs of \$81.00, cash or check payable to the Probate Court of Marshall County.

*Each item noted must be addressed in the petition by proper statement(s), with details and explanations.*

**ADDITIONAL MATTERS/COMMENTS:**

- Publication costs will be incurred, to be paid directly by the petitioner. The Court will provide information on publication once the petition is filed and accepted.
- Petitioner will be required to notify Medicaid. The website in order to complete this task is as follows: [www.estatenotice.alabama.medicaid.gov](http://www.estatenotice.alabama.medicaid.gov)

- Upon compliance with all provisions of the “Alabama Small Estates Act”, an order and decree will be issued directing certain actions with regard to the decedent’s assets, including orders for distribution of said assets. Should it be determined by the Court that other proceedings are necessary before a final order can be entered, the attorney and petitioner will be advised.

*Note: By Law, the Probate Court and its staff are not permitted to give legal advice. If you are seeking action under the “Alabama Small Estates Act” and the summary distribution procedures, it is suggested that you obtain the assistance of an attorney to prepare and file the necessary paperwork with the Probate Court and provide representation generally for this proceeding.*

THIS INFORMATION PAGE, WHICH IS BASED ON ALABAMA LAW, IS TO INFORM AND NOT TO ADVISE. NO PERSON SHOULD EVER APPLY OR INTERPRET ANY LAW WITHOUT THE AID OF AN ATTORNEY WHO ANALYZES THE FACTS, BECAUSE THE FACTS MAY CHANGE THE APPLICATION OF THE LAW.

### **NOTICE FROM PROBATE COURT**

**Andrea LeCroy, Judge of Probate**

**Re: Small Estates/Summary Distribution Valuation Up-Date**

**Pursuant to Ala. Code §43-2-692(b)(1), the State Finance Director has now issued notice to the judges of probate revising the established limits for the administration of small estates in response to adjustments in the Consumer Price Index. The figures provided to the Probate Court are as follows:**

**For 2010 \$25,410  
For 2011 \$25,791  
For 2012 \$26,616  
For 2013 \$27,175  
For 2014 \$27,583  
For 2015 \$28,024  
For 2016 \$28,052  
For 2017 \$28,417  
For 2018 \$29,014  
For 2019 \$29,710  
For 2020 \$30,245  
For 2021 \$30,608  
For 2022 \$32,047**

**In utilizing this information, the State Finance Director has stated:**

**“Because the CPI-U for a calendar year is not published until January of the succeeding year, the adjustment provided will reflect the change for the previous calendar year, but will be effective for twelve months beginning the following March 1. For example, the value of \$25,791 established for 2011 will be used for the period March 1, 2011 through February 29th, 2012.”**