

**2020 Arkansas Code**  
**Title 28 - Wills, Estates, and Fiduciary Relationships**  
**Subtitle 4 - Administration Of Decedents' Estates**  
**Chapter 41 - Distribution Without Administration**  
**§ 28-41-101. Collection of small estates by distributee**  
**Universal Citation: AR Code § 28-41-101 (2020)**

(a) The distributee of an estate may collect and distribute the assets of an estate under this section without the appointment of a personal representative when:

(1) No petition for the appointment of a personal representative is pending or has been granted;

(2) Forty-five (45) days have elapsed since the death of the decedent;

(3)

(A) The value, less encumbrances, of all property owned by the decedent at the time of death does not exceed one hundred thousand dollars (\$100,000).

(B) When calculating the value of all property owned by the decedent under subdivision (a)(3)(A) of this section, the value of the decedent's homestead and the value of any statutory allowances for the benefit of a spouse or minor children, if any, shall be excluded;

(4) One (1) or more of the distributees files an affidavit with the probate clerk of the circuit court of the county of proper venue for administration stating:

(A) That there are no unpaid claims or demands against the decedent or his or her estate, that the Department of Human Services furnished no federal or state benefits to the decedent, or, that if such benefits have been furnished, the department has been reimbursed in accordance with state and federal laws and regulations;

(B) An itemized description and valuation of the personal property and a legal description and valuation of any real property of the decedent, including the homestead;

(C) The names and addresses of persons having possession of the personal property and the names and addresses of any persons possessing or residing on any real property of the decedent; and

(D) The names, addresses, and relationship to the decedent of the persons entitled to and who will receive the property; and

(5) A copy of the affidavit certified by the clerk is furnished to any person owing any money, having custody of any property, or acting as registrar or transfer agent of any evidence of interest, indebtedness, property, or right.

(b)

(1)

(A) The clerk shall file the affidavit, assign it a number, and index it as required by § 28-1-108(1).

(B) He or she shall make a charge of twenty-five dollars (\$25.00) for filing the affidavit and five dollars (\$5.00) for each certified copy.

(C) An order of the court or other proceeding is not necessary.

(D) An additional fee shall not be charged if a will is attached to the affidavit.

(2)

(A) If an estate collected under this section contains real property, in order to allow for claims against the estate to be presented, the distributee shall cause a notice of the decedent's death and the filing of an affidavit for the collection of his or her estate to be published within thirty (30) days after the affidavit has been filed.

(B) The notice shall be in substantially the following form:

(C) Publication of the notice shall be as provided in §§ 28-1-112(b)(4) and 28-40-111(a)(4).

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**IF THERE IS REAL PROPERTY ATTACHED TO THE DECEDENT'S ESTATE, THERE MUST BE A PUBLISHED NOTICE ON FILE WITH THE COUNTY CLERK BEFORE THE SMALL ESTATE CAN BE CLOSED.**

**SEE NEXT PAGE FOR OUTLINE**

"In the Circuit Court of ..... County, Arkansas Probate Division

In the Matter of the Estate of ....., Deceased. No. ....

Name of decedent .....

Last known address .....

Date of death .....

On ....., an affidavit for collection of small estate by distributee was filed with respect to the estate of ....., deceased, with the clerk of the probate division of the circuit court of ..... County, Arkansas, under Ark. Code Ann. § 28-41-101.

All persons having claims against the estate must exhibit them, properly verified, to the distributee or his or her attorney within three (3) months from the date of the first publication of this notice or they shall be forever barred and precluded from any benefit of the estate.

The name, mailing address, and telephone number of the distributee or distributee's attorney is: .....

This notice first published ....., 20..".