

CAUSE NO. _____

IN THE ESTATE OF

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§

COUNTY COURT AT LAW

NO. _____

DECEASED

JOHNSON COUNTY, TEXAS

Order Approving Small Estate Affidavit

On this day, the Court considered the averments contained in the **Small Estate Affidavit** filed on _____, by the alleged Distributee of the Estate of _____, Deceased (“the Affidavit”), and the Court finds the following:

1. This Court has jurisdiction and venue.
2. The Affidavit conforms to the terms of chapter 205 of the Texas Estates Code.
3. Based on the Affidavit, this estate qualifies under the provisions of the Estates Code as a Small Estate.
4. Pursuant to Texas Estates Code § 205.001, the Distributee(s) named in the Affidavit is/are entitled to receive the property of the Decedent set forth in the Affidavit only to the extent that the assets of the Estate (exclusive of homestead and exempt property) exceed the known liabilities of the Estate (exclusive of liabilities secured by homestead or exempt property).

Nothing in this Order:

1. affects the disposition of property under a will or other testamentary instrument;
2. transfers title to any property of the Decedent not listed in the Affidavit;
3. transfers title to real estate, except to realty that was the homestead of both the Decedent and the Distributee on the date of death (as provided in Texas Estates Code § 205.006);
4. deprives any creditor, whether disclosed or not, of any rights in any real or personal property transferred;
5. deprives any heir, whether disclosed or not, of any ownership interest in any real or personal property transferred;
6. establishes the separate or community nature of any property described in the Affidavit;
7. constitutes a judicial determination of the legal heirs of the Decedent; or
8. limits the personal liability of the Distributee to any person (including but not limited to undisclosed heirs and any person having a prior right to property of the Estate) for any damage or loss arising from any payment, delivery, transfer, or issuance made in reliance on the Affidavit.

It is **ORDERED** by the Court that that the Affidavit in this estate is **APPROVED AS SET OUT ABOVE**.

The Affidavit and this Order will be recorded in the records of the County Clerk, and the Clerk of this Court will issue certified copies of the Affidavit and Order to all persons entitled to them.

Date: _____

PRESIDING JUDGE