

Indiana Small Estate Action Checklist (2026)

Nine steps from death certificate to distribution under IC 29-1-8-1 and 29-1-8-3

Work top to bottom and write the date next to each step you finish. The personal property affidavit needs 45 days to pass after the death. Full guide and sources: clearlegaltips.com/indiana-small-estate-affidavit/

Before the affidavit

- ☐ 1. Order copies of the death certificate. The BMV form requires one, and holders may ask for one.

Date of death: _____

- ☐ 2. Vehicles or boats: retitle through the BMV once 5 days have passed since the death and no personal representative is contemplated (IC 29-1-8-1(c)), using State Form 18733 signed by the distributees.
- ☐ 3. List every asset and mark the ones that pass under the will or intestacy law. If unsure about an account, ask the holder or the county clerk, or talk to an attorney.
- ☐ 4. Subtract liens, encumbrances and reasonable funeral expenses. Confirm the result is at or below \$100,000 for a death after June 30, 2022 (\$50,000 for July 1, 2006 through June 30, 2022).

Net estate (\$): _____

- ☐ 5. Identify every distributee under the will or Indiana law. Send each one notice that you plan to present the affidavit, and keep a copy.

Date notices sent: _____

The affidavit

- ☐ 6. Wait until 45 days have passed since the death. The affidavit must say so (IC 29-1-8-1(b)(2)).

Earliest signing date (date of death plus 45

days): _____

- ☐ 7. Complete the affidavit: value test, 45 days elapsed, no petition or appointment of a personal representative pending or granted anywhere, each distributee's name, address and share, notice given, and your right to the property.
- ☐ 8. Present it to each holder. Ask each holder whether it also wants a notary stamp or a death certificate copy.
- ☐ 9. Pass each distributee the share the affidavit lists.

If a holder refuses

☐ IC 29-1-8-2: payment or delivery may be compelled in a proceeding brought by or for the persons entitled.

☐ IC 29-1-8-4.5: the court having jurisdiction over the decedent's estate may, without notice and hearing, enter an order. Ask the county clerk where to file.

If there is Indiana land

☐ The personal property affidavit does not cover land. Under IC 29-1-8-3, a fiduciary (the personal representative of an unsupervised estate, or a person a court appoints) is involved, and an affidavit may be recorded with the county recorder.

☐ Recorded affidavit contents: legal description, the statutory value statement, each person's name, share and divided or undivided interest, and how each share was determined.

☐ The fiduciary files a closing statement with the court and attaches a copy of the recorded affidavit (IC 29-1-8-4). Ask the recorder's office what it will accept.

Records to keep

☐ Notice letters, emails or texts with dates

☐ Records of what came in, what went out and who received it

☐ The signed affidavit and the final list of distributee shares

INSTRUCTIONS FOR USE

Rules checked in October 2026 against the 2026 Indiana Code (IC 29-1-8-1 through 29-1-8-4.5, IC 29-1-1-3) and State Form 18733. General information, not legal advice. Holders such as banks may ask for more than the statute requires, so confirm what each one needs. Full guide and sources: clearlegaltips.com/indiana-small-estate-affidavit/