

Texas Small Estate Asset Worksheet (2026)

Sort every asset into exempt, non-probate or counted, then test the \$75,000 limit and the debts rule under Texas Estates Code Chapter 205

A Texas small estate affidavit works only when the person died without a will, 30 days have passed, and the estate assets, not counting the homestead and exempt property, are worth \$75,000 or less on the date of the affidavit (Tex. Est. Code 205.001). Those assets must also exceed the known debts. Use this worksheet to build the asset and debt list the affidavit requires (205.002). Full guide and sources: clearlegaltips.com/texas-small-estate-affidavit/

Step 1: Who survived the person?

Section 205.009 says homestead and exempt property only count as such if a court could set them aside under Estates Code 353.051. The homestead is set aside for a surviving spouse and minor children. Other exempt personal property can also be set aside for unmarried adult children still living with the family and adult children who are incapacitated.

- ☐ A surviving spouse
- ☐ One or more minor children
- ☐ Unmarried adult children living with the family, or an incapacitated adult child
- ☐ None of the above (the homestead and exempt-property carve-outs likely do not apply; talk to the clerk or a lawyer)

Step 2: The asset list

Asset	How titled (sole name / joint / POD-TOD / trust)	Value on affidavit date	Exempt? (homestead / 42.002 / no)	Counts toward \$75,000?

Leave out non-probate property: beneficiary life insurance and retirement accounts, payable-on-death and transfer-on-death accounts, survivorship accounts, and trust property. The affidavit must still mark which listed assets you claim as exempt (205.002(b)).

Step 3: Exempt personal property (Tex. Prop. Code 42.001-42.002)

Exempt personal property is capped at an aggregate \$100,000 for a family or \$50,000 for a single adult. Categories include home furnishings (including family heirlooms), tools and equipment used in a trade, wearing apparel, and a motor vehicle for each family member or single adult who holds a driver's license.

Home furnishings and heirlooms (\$): _____

Vehicles claimed as exempt, one per licensed family member (description and \$): _____

Tools and equipment of a trade (\$): _____

Other items claimed under Property Code 42.002(a) (\$): _____

Total exempt personal property claimed (\$; compare with the \$100,000 / \$50,000 cap): _____

Step 4: The two tests

A. Total of counted assets (not homestead, not exempt, not non-probate)

(\$): _____

☐ Line A is \$75,000 or less.

B. Known debts, not counting debts secured by the homestead or exempt property

(\$): _____

☐ Line A is larger than line B.

Real property other than the homestead (describe; if any, the affidavit cannot transfer it, Tex. Est. Code 205.008): _____

Step 5: Medicaid check (Medicaid Estate Recovery Program)

Texas may file a claim against the estate of a Medicaid recipient who was 55 or older when services were received and first applied for certain long-term care services on or after March 1, 2005. Dallas County's required form asks you to check one box:

☐ The person did not receive Medicaid benefits on or after March 1, 2005.

☐ The person did, and any Medicaid Estate Recovery Program (MERP) claim is listed as a debt in Step 4, line B.

☐ The person did, but no MERP claim exists (file a MERP certification or add proof, as your county's form requires).

INSTRUCTIONS FOR USE

Figures verified in October 2026 against Texas Estates Code Chapter 205 and Section 353.051 and Texas Property Code Chapter 42. This worksheet is general information, not legal advice. Your county may require its own affidavit form; check with the county clerk and consult a licensed Texas attorney for advice on your situation. Companion guide: clearlegaltips.com/texas-small-estate-affidavit/