

Texas Small Estate Affidavit Filing Checklist (2026)

From eligibility to certified copies and deed recording, step by step under Texas Estates Code Chapter 205

Work through these steps in order. Section numbers refer to the Texas Estates Code. Full guide and sources: clearlegaltips.com/texas-small-estate-affidavit/

1. CONFIRM ELIGIBILITY (205.001)

- ☐ The person died without a will.
- ☐ At least 30 days have passed since the date of death.

Date of death + 30 days (earliest filing

date): _____

- ☐ No petition to appoint a personal representative is pending or has been granted.
- ☐ Counted assets are \$75,000 or less on the affidavit date and exceed known debts (use the asset worksheet).
- ☐ Checked whether the person received Medicaid on or after March 1, 2005. Any Medicaid Estate Recovery Program (MERP) claim goes on the debt list (see the county form's Medicaid box).

2. GET THE COUNTY FORM

- ☐ Downloaded the form or checklist from the probate court or county clerk where the person lived (Dallas County, for example, publishes a required form).

County and court: _____

3. WHO SIGNS (205.002)

Disinterested witness 1 (no stake in the estate): _____

Disinterested witness 2: _____

Heir / address / relationship: _____

Heir / address / relationship: _____

Heir / address / relationship: _____

Guardian or next of kin signing for a minor or incapacitated heir, if any: _____

- ☐ Affidavit lists all known assets and debts, marks exempt assets, and states the family history.
- ☐ All signers sworn before an officer who can take oaths (Dallas County says its filing must be notarized).

4. FILE

- ☐ Filed with the clerk of the court with jurisdiction, with a copy of the death certificate.

Filing fee paid (\$; Dallas County lists \$360, other counties vary): _____

5. JUDGE'S REVIEW (205.003)

☐ Asked the clerk whether this court sets a hearing or rules on the papers.

Date approved: _____

6. AFTER APPROVAL

☐ Ordered clerk-certified copies and gave one to each person who owes money to the estate or holds estate property (205.004).

Bank or holder / date copy delivered: _____

Bank or holder / date copy delivered: _____

☐ If the homestead is the only real property and passes to a surviving spouse or minor child, recorded the approved affidavit in the county deed records (205.006).

☐ Every signer understands they can be liable for losses from a payout made in reliance on the affidavit (205.007).

INSTRUCTIONS FOR USE

Steps verified in October 2026 against Texas Estates Code Chapter 205 and the Dallas County Probate Division filing requirements. This checklist is general information, not legal advice; court procedures and fees vary by county. Confirm local requirements with the county clerk, and consult a licensed Texas attorney for advice on your situation. Companion guide: clearlegaltips.com/texas-small-estate-affidavit/