

AFFIDAVIT OF SMALL SUCCESSION¹

OF

(hereinafter referred to as “Deceased”)

STATE OF _____

PARISH/COUNTY OF _____

On this ___ day of _____, 2012, BEFORE ME, the undersigned notary public, and before the undersigned witnesses, personally came and appeared:²

Affiant 1

AND

Affiant 2

(hereinafter collectively and individually referred to as “Affiant”) both of whom are of full age of majority, who, after being duly sworn, did depose and say that:

(1) Affiant 1 is (the surviving spouse and/or a major heir) in relation to the Deceased. Affiant 2 is (a major heir) (or third party knowledgeable of the facts stated herein) in relation to the Deceased.

(2) The Deceased died on the _____ day of _____, _____. A certified

¹ This affidavit must satisfy the requirements of LA. CODE CIV. PROC. ANN. Rs. arts. 3432 and/or 3432.1 (2012). This affidavit, in word format can be found at <http://louisiana.appleseednetwork.org>.

² At least two persons should be affiants. The surviving spouse, if any, must be a party to this affidavit. The surviving spouse must be joined by at least one major heir. If there is no surviving spouse, two major heirs may fill out this form. If there is only one major heir and no surviving spouse, this affidavit must also be signed by a second person who has actual knowledge of the matters stated herein. A “major heir” is an heir of the deceased who is at least eighteen years of age. In addition, a natural tutor may execute this affidavit on behalf of a minor child without the necessity of a judicial appointment or court order. The attorney should make a diligent effort to get all major heirs to sign this affidavit.

copy of the Deceased's certificate of death is attached hereto.³

(3) The Deceased's domicile at the time of death was:

(4) The Deceased died intestate.

(5) The marital status of the Deceased at the time of death was:

single _____, married _____, widow(er) _____.

(hereinafter insert marital history of the Deceased)

(6) The surviving spouse's current domicile is:

(7) The names, relationship to the Deceased, and last known addresses of all of the heirs of the Deceased and the percentage of inheritance to which they are entitled:⁴

(a) _____	(b) _____
_____	_____
_____	_____
(c) _____	(d) _____
_____	_____
_____	_____

³ If the deceased owned immovable property, this affidavit cannot be filed until ninety days has elapsed from the date of death. If filed too soon, it will not be effective until ninety days have elapsed. Act 323 amended La. Code Civ. Proc. Ann. Art. 3432 to eliminate the need for witnesses.

⁴ If more than six, please attach a supplementary list. At this point it may be appropriate to note whether decedent's parents survived decedent and whether decedent ever adopted children or was adopted. Also note whether heirs are over 23 years of age, and their mental and/or physical disabilities.

(e) _____ (f) _____

(8) Any heir not signing this Affidavit either (1) could not be located after the exercise of reasonable diligence, or (2) was given ten days notice by U.S. mail of Affiant's intent to execute this "Affidavit for Small Succession" and did not object.

(9) The properties owned by the Deceased at the time of death, both movable and immovable, are more particularly described below:

[Herein insert full legal description of all movable and immovable property, show the value of each item, and include whether property is separate or community and whether it is subject to a usufruct]⁵

(10) The aggregate value of the above described property (ies) (located in Louisiana) at the time of the Deceased's death was less than \$75,000.00 [This monetary limitation is not applicable if the death was over twenty-five years ago].

(11) The above properties, (under the intestacy laws of the State of Louisiana,) (under a valid Judgment of another state entitled to full faith and credit) (cross out one) are owned by _____, _____, and _____ (in undivided interests if more than one heir).

(12) There is no need for an administration of this estate. [Alternatively: This estate was fully administered by _____, a Court of Competent Jurisdiction without Louisiana.]

(13) Affiant understands and affirms under penalty of perjury that if Affiant is an heir,

⁵ Insert (A) property description (B) whether the property is separate or community property, (C) whether a legal usufruct of the surviving spouse attaches to the property, (D) the value of the property, (E) a listing of the heirs and their respective proportionate shares of the property.

Affiant accepts the succession of the deceased, including the Deceased's debts. Affiant further acknowledges and affirms under penalty of perjury that Affiant executes this document after having read the document line-by-line, that Affiant understands the legal significance of this document, that the information contained in this Affidavit is true, correct and complete to the best of Affiant's knowledge, information, and belief, and that Affiant executes this document knowingly, freely and voluntarily and without any coercion or reservation whatsoever.

(14) Affiant understands that Article 3434 of the LA Code of Civil Procedure (1) instructs all banks, financial institutions, trust companies, warehousemen or other depository, or any person having property in his possession or under his control, upon receipt of a multiple original of this Affidavit, to pay or deliver any money or property of the deceased, as more particularly described herein, to the heirs of the deceased and the surviving spouse, if any, in the percentages listed herein; (2) instructs any domestic or foreign corporation, and the transfer agent for such corporation, upon receipt of a multiple original of this Affidavit, to transfer any stock or registered bonds in the name of the deceased and described herein, to the heirs of the deceased and surviving spouse, if any, in the percentages listed herein; and (3) provides that receipt of such money or property by the heir(s) named herein constitutes a full release and discharge of the payor for the payment of money or delivery of property made under the provisions of said Article 3434.

(15) The making of or swearing to a false affidavit is punishable by civil and criminal penalties under Louisiana law.

Thus done and passed in _____, Louisiana, this ____ day of _____, 2012.

Witness

Affiant 1⁶

Witness

Affiant 2

NOTARY PUBLIC

PRINT NAME: _____

LA BAR/NOTARY/Id.No. _____

⁶ LA. CODE OF CIV. PROC. ANN. art. 3432(B) provides that if the deceased had no surviving spouse, the affidavit must be signed by at least two heirs. If the deceased had no surviving spouse and only one heir, the affidavit must also be signed by a second person who has actual knowledge of the matters stated herein, and LA. CODE OF CIV. PROC. ANN. art. 3432(C) provides that in addition to the powers of a natural tutor otherwise provided by law, a natural tutor may also execute the affidavit on behalf of a minor child without the necessity of filing a petition pursuant to Article 4061.