

GENERAL INFORMATION
ABOUT THE ALABAMA SMALL ESTATES ACT
AND SUMMARY DISTRIBUTION

Sections 43-2-691, 43-2-692, and 43-2-693 (as amended)

WHAT IS THE “ALABAMA SMALL ESTATES ACT”?

- **The Act provides a method, through a court proceeding, to distribute personal property only of a deceased person in a summary distribution manner to a surviving spouse, or appropriate distributees of the decedent, without full probate administration.**

Requirements: (43-2-692)

The surviving spouse, if there is one, otherwise the distributees of an estate of personal property only, may initiate a proceeding for summary distribution of the estate by filing a verified petition in the office of the judge of probate of the county in which the decedent was domiciled at death alleging the conditions provided in subsection (b). The petition shall include a description of the estate of the decedent. No bond shall be required to be filed with the petition.

The surviving spouse or distributee shall have a defeasible right to the personal property of the decedent without awaiting the appointment of a personal representative or the probate of a will if all the following conditions exist:

1. The value of the entire estate does not exceed twenty-five thousand dollars (\$25,000). This figure shall be adjusted annually for changes in the Consumer Price Index by the State Finance Director who shall notify each judge or probate of the newly adjusted figure. **(See below for current figure.)**
2. The decedent died a resident of this state.
3. No petition for the appointment of a personal representative is pending or has been granted.
4. A least 30 days have elapsed since the notice of the filing of the petition was published as hereinafter provided.
5. All funeral expenses of the decedent have been paid, or alternatively, that arrangements for the payment out of the estate of the decedent of all unpaid funeral expenses have been made by the surviving spouse or other distributee.
6. If the decedent died intestate, the awards due under Alabama descent and distribution statutes to the surviving spouse and to the child or children have been determined by the judge of probate.
7. If the decedent died testate, a document purporting to be his or her will, which on its face, is properly executed, witnessed, and attested in compliance with Alabama law, has been duly filed in the office of the judge of probate.
8. Notice of the filing of a petition for a summary distribution under this division shall be published once in a newspaper of general circulation in the county in which the decedent was domiciled, or if there is no newspaper of general circulation in the county, then notice thereof shall be posted at the county courthouse for one week.
9. All claims against the decedent’s estate have been paid or arrangements for the payment out of the estate of the decedent have been made by the surviving spouse or other distributee according to the following priority:

- a. First, to each person entitled to payment for any funeral expenses owed by the decedent or his or her estate.
- b. To the judge of probate for fees and charges incurred in the proceedings for summary distribution.
- c. To any person entitled to payment for expenses incurred in the decedent's last illness.
- d. To the State of Alabama, the county, and any municipality therein for taxes assessed on the estate of the decedent previous to his or her death.
- e. To each secured creditor.
- f. To each unsecured lienholder.
- g. To each remaining general unsecured creditor of the decedent.
- h. To each surviving spouse, child, or other distributee who is entitled to take under Alabama's descent and distribution laws, or alternatively, to each devisee entitled to take under any testamentary disposition of the decedent.

COMMENTS:

By Law, the Probate Court and its staff are not permitted to give legal advice or provide any forms. If you are seeking action under the "Alabama Small Estates Act" and the summary distribution procedures, it is suggested that you obtain the assistance of an attorney to prepare and file the necessary paperwork with the Probate Court and provide representation generally for this proceeding.

This information page, which is based on Alabama Law, is to inform and not to advise, no person should ever apply or interpret any law without the aid of an attorney who analyzes the facts, because the facts may change the application of the law.

If you need a referral for an attorney, you may contact the Alabama State Bar Association at 334-269-1515.

NOTICE FROM PROBATE COURT

Re: Small Estate/Summary Distribution Valuation Up-Date

Pursuant to Ala. Code §43-2-692(b)(1), the State Finance Director has now issued notice to the judges of probate revising the established limits for the administration of small estates in response to adjustments in the Consumer Price Index. The figures provided to the Probate Court are as follows:

For 2010 \$25,410

For 2011 \$25,791

For 2012 \$26,616

For 2013 \$27,175

For 2014 \$27,583

For 2015 \$28,024

For 2016 \$28,052

In utilizing this information, the State Finance Director has stated:

"Because the CPI-U for a calendar year is not published until January of the succeeding year, the adjustment provided will reflect the change for the previous calendar year, but will be effective for twelve months beginning the following March 1. For example, the value of \$25,791 established for 2011 will be used for the period March 1, 2011 through February 29th, 2012."