

**Instructions for the
Affidavit for Distribution of Personal Property – Intestate
(when someone died without a Will)
Under Wyoming Statute 2-1-201**

You can use this form if all of the following are true:

- ✓ The person who died did not have a Last Will and Testament, which is usually just called “a Will.”
- ✓ It has been at least 30 days since the person died.
- ✓ The person who died owned personal property – which means things such as cars, jewelry, and bank accounts.
- ✓ The entire estate located in Wyoming (including all of the personal property and all real property – house, land, etc. – that the person owned in Wyoming) is worth no more than \$400,000.00, after debts are subtracted. (This is called a **small estate**.)
- ✓ Nobody has been named the Personal Representative in Wyoming for this estate, and nobody has a case pending (underway) in Wyoming in order to be named the Personal Representative.
- ✓ The person who died was your spouse, sibling, legal parent, legal child, grandparent, grandchild, uncle, aunt, or other qualifying blood relation.
- ✓ You are the only person who has a right to the property.
OR: You are prepared to fill out a chart listing the names of all the people who have a right to the property.

If all of the items above are true, you might choose to use this form to ask for the personal property to be distributed (given to you and other heirs). The step-by-step instructions below can help you fill out the form.

Important Note: This form can only be used to ask for the distribution of personal property. If the person who died owned real property – which means things such as a house, land, or office building – in Wyoming, you might be able to ask for distribution of the property under a different statute. You can learn more about that kind of action by reading about Wyoming Statute 2-1-205.

FORM INSTRUCTIONS

Section 1.

Fill in the blanks with your name and the name of the person who died (the Decedent).

The name you list for the Decedent must match the name in which the Decedent held the assets. That means it must be the exact same name used on a bank account, on a vehicle title, etc. If the Decedent used

more than one name (aliases or former names, such as from a previous marriage), you can list all of the names.

Do not make any changes to the other sentences in Section 1. The statute (law) requires those sentences to be included in your Affidavit.

Section 2.

Write the date the Decedent died.

Section 3.

This sentence is where you state that the 30-day requirement has been met. Do not make any changes to this sentence.

Section 4.

This sentence is where you state that the Decedent did not have a Will. Do not make any changes to this sentence.

If the Decedent did have a will, you may be able to use the Testate Affidavit for Distribution, which is available on the Wyoming Judicial Branch website forms page.

Section 5.

If you are claiming all the property owned by the Decedent, check the first box.

If you are claiming specific property owned by the Decedent, check the second box and attach the form labelled Exhibit A. (Instructions for filling out Exhibit A are at the top of that paper.)

Section 6.

This sentence is where you state that the value of this property is small enough to allow you to use this form. Do not make any changes to this sentence.

If the entire estate in Wyoming is over \$400,000.00, you cannot use this form. You will subtract the amount of debts against the property (debts owed by the Decedent) from the value of the property. Read the information in the gray box above Section 6 on the form for important information about the Decedent's debts.

Remember that this is about property in Wyoming. If the Decedent also had property outside Wyoming, do not include its value.

Section 7.

Check the box that shows your relationship to the Decedent.
If you check “Other”, write an explanation on the blank line.

Section 8.

This sentence is where you state that the Decedent did not have a Will and that you have a right to the property because you are related to the Decedent. Do not make any changes to this sentence.

Section 9.

If you believe that you are the only person who has a legal right to this property, check the first box.
If you are filling out the form for yourself and other family members who also have rights to the property, check the second box and then fill out the chart. At the end of this instruction sheet, there are examples of what the chart might look like in different situations.

- If you don’t know who is entitled to the property, you might choose to consult an attorney to help you identify all the heirs.

Important Note: You must be honest about all of the information you write on this form, including in this section. Remember that you will be under oath when you sign the Affidavit. You are required to include information about all of the heirs. If you try to hide the existence of any heirs, you might get in trouble.

Section 10.

This sentence is where you state that no one has been named the Personal Representative for the estate in Wyoming and that no one has an application pending (going through the court process) to be named the Personal Representative. Do not make any changes to this sentence.

If the statement in Section 10 is false, you cannot use this form.

If there is a Personal Representative in another state, you will give that information in the next section.

Section 11.

The Section above was only about cases in Wyoming. This section is only about cases outside of Wyoming.

If you’re not aware of anyone asking any Court to make them the Personal Representative, check the first box, and move on to Section 12.

If someone asked a Court in another state to make them the Personal Representative, you can still use this form. But you do need to provide the information you have about the case or cases in other states. Check the second box and fill in the chart as completely as you can. If there is more than one case in another state, check the box under the chart and attach pages with information about the other cases.

Section 12

The law requires this form to be filed (or “recorded”) with the County Clerk in the county where the Decedent died (if it is in Wyoming) or a county where some or all of the property is located.

On the blank line, write the name of the county where you will file (record) this Affidavit.

Important Note: The County Clerk is not the same person as a Court Clerk. Each county has a County Clerk. You should be able to find out the location of the County Clerk’s Office by looking at the county government’s website.

Section 13.

This is the oath. Read the information below and be sure you understand what it means to sign this document under oath.

Signature Section – Important!

Do not sign this form until you are in front of a Notary. The Notary must witness you signing the form.

By signing the form, you are stating that everything you wrote on the form is true. If the information is not true, you might be criminally charged with perjury. Perjury is a felony punishable by imprisonment or a fine or both.

Review your answers carefully before you sign the Affidavit.

Important Note: Many libraries offer notary services for free. You can call your local library to find out when the notary is available. If you use a bank that has a location near you, you may be able to get free notary services there.

**FOR YOUR OWN RECORDS, MAKE A COPY OR TAKE CLEAR PICTURES
OF ALL FORMS YOU FILE WITH THE CLERK.**

Next Steps.

Take the signed and notarized Affidavit to the County Clerk’s Office in the county you named in Section 12. Be sure to take any other papers you need, such as extra pages with additional information and the Exhibit A form. You will also need money to pay the Clerk’s fee; that’s usually around \$30.00.

Get a certified copy of the recorded Affidavit from the Clerk. This is a copy of the Affidavit that is stamped to show that it is real and official. Generally, the cost of one certified copy will be included in the fee you pay the Clerk. If you need to get certified copies for other heirs, you will probably need to pay more.

Take your certified copy and photo ID to people who hold property you are entitled to receive. The property might be at places such as banks, lawyers' offices, and relatives' homes. The paragraph at the end of the Affidavit (with the heading "Important Information for Anyone Who Currently has the Decedent's Property") instructs whoever has the property to give it to the correct person according to the Affidavit. The person who has the property is expected to follow those instructions. You may be required to sign a receipt stating that you received the property.

Other Important Things To Know

About Death Certificates

You are not required to have a death certificate when you file (record) the Affidavit. However, it can be helpful to have one. Some of the places that hold the Decedent's property might ask to see the death certificate. You may be able to request a copy of the death certificate from the vital statistics agency in the state where the Decedent died.

In Wyoming, this will be the Wyoming Department of Health Vital Statistics Services. The application for a death certificate is available online.

Example Charts for Section 9.

If the decedent has a living spouse, two living children, and no deceased children.

Full Legal Name	Relationship to Decedent	Share (for example ¼ or 25%)
(me) Susan Marie Jones	wife	50%
Barbara Betty Jones	daughter	25%
Mitchell Mason Jones	son	25%

* Note that the spouse gets half and the children equally split the other half.

If the decedent has three living children, one deceased child, and no living spouse:

Full Legal Name	Relationship to Decedent	Share (for example ¼ or 25%)
(me) Robert Ronald Smith	son	1/4
Sara Jennifer (Smith) Hanson	daughter	1/4
Kristen Katy Smith	daughter	1/4
Abbi Lou Silvers	granddaughter by deceased daughter	1/8
Steven Bradley Silvers	grandson by deceased daughter	1/8

* Note that Abbi and Steven split the 1/4 share that their mother would have received.

If the decedent has no living spouse, no living children, and no deceased children:

Full Legal Name	Relationship to Decedent	Share (for example ¼ or 25%)
(me) Arnold David Hall	father	1/5
Anna Elsie Hall	mother	1/5
Brayden Ernest Hall	brother	1/5
Lucas Oliver Hall	brother	1/5
Bailey Owen Hall	brother	1/5

* Note that each parent and sibling gets the same amount.

The Wyoming Law that Explains Which People are Heirs and How Much of the Property They Get

Here is the Wyoming statute that explains who will inherit shares of the property and how much each person will get. It can be difficult to understand. If you think carefully about your situation, you may be able to figure out how the statute applies to you and to everyone who has a right to the property.

2-4-101. Rule of descent; generally; [part of the title is left out here because it does not apply]

(a) Whenever any person having title to any real or personal property having the nature or legal character of real estate or personal estate undisposed of, and not otherwise limited by marriage settlement, dies intestate, the estate shall descend and be distributed in parcenary to his kindred, male and female, subject to the payment of his debts, in the following course and manner:

(i) If the intestate leaves husband or wife and children, or the descendants of any children surviving, one-half (1/2) of the estate shall descend to the surviving husband or wife, and the residue thereof to the surviving children and descendants of children, as hereinafter limited;

(ii) If the intestate leaves husband or wife and no child nor descendants of any child, then the real and personal estate of the intestate shall descend and vest in the surviving husband or wife.

[A few parts are left out here because they no longer apply.]

(c) Except in cases above enumerated, the estate of any intestate shall descend and be distributed as follows:

(i) To his children surviving, and the descendants of his children who are dead, the descendants collectively taking the share which their parents would have taken if living;

(ii) If there are no children, nor their descendants, then to his father, mother, brothers and sisters, and to the descendants of brothers and sisters who are dead, the descendants collectively taking the share which their parents would have taken if living, in equal parts;

(iii) If there are no children nor their descendants, nor father, mother, brothers, sisters, nor descendants of deceased brothers and sisters, nor husband nor wife, living, then to the grandfather, grandmother, uncles, aunts and their descendants, the descendants taking collectively, the share of their immediate ancestors, in equal parts.