

**Instructions for the  
Affidavit for Distribution of Personal Property – Testate  
(when someone died with a Will)  
Under Wyoming Statute 2-1-201**

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

- ✓ The person who died had 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) was, on the date of death, 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 included you as an heir in the terms of the Will.
- ✓ You are the only person who has a right to the property covered by the Will.  
OR: You are prepared to fill out a chart listing the names of all the people who have a right to the property identified in the Will.

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.**

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.)

If the Decedent did not have a will, you may be able to use the Intestate Affidavit of Distribution, which is available on the Wyoming Judicial Branch website forms page.

## **Section 5.**

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.

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 5 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 6.**

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

## **Section 7.**

This sentence is where you state that the Decedent had a Will. On the blank lines, write the month, day, and year when the Will was signed.

Important Note: If you have any questions about whether the Will is valid, it may be very important to have your questions answered by a lawyer.

If the Decedent did not have a will, you may be able to use the Intestate Affidavit for Distribution, which is available on the Wyoming Judicial Branch website forms page.

### **Section 8.**

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 need to share information about more people or property, check the box under the chart and attach additional pages.

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 9.**

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 9 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 10.**

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 11.

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 11.**

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 12.**

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 11. Be sure to take any other papers you need, such as extra pages with additional information and the Exhibit A form. (The law does not require you to include the Will with the Affidavit. Read the Other Important Things You Need to Know section, below, if you do have the Decedent's Will.) 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 the Will (Last Will and Testament)**

It can be helpful to have a copy of the Decedent's Will. If the Decedent's Will was already filed (recorded, lodged) with a District Court Clerk, you can visit that Clerk's Office and ask for a certified copy or a photocopy that shows the Clerk's file stamp.

Any person who has the Decedent's original Will is required by Wyoming law to file the Will with the District Court Clerk or to give it to the person who is named as the executor in the Will. If you have the Decedent's original Will, you should read Wyoming Statute 2-6-119 to learn more about your responsibilities as a custodian (person who has custody of the Will).

### **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.

### **About the Spouse's Inheritance**

If the Decedent lived in Wyoming and was survived by a spouse, the spouse might have a legal right to a certain amount of the estate, even if the Will says something different. Wyoming statutes call this certain amount an elective share. There is a time limit for claiming the elective share. The Decedent's surviving spouse should read Wyoming Statutes Title 2, Chapter 5 very carefully. It might be important to get help from a lawyer.

Example Charts for Section 8 are on the next page.

### Example Charts for Section 8.

When you fill out the chart in Section 8, it needs to accurately state and describe the information in the Will. These examples might help you see how to share that information.

Full Legal Name	Description of Property	Share (for example ¼ or 25%)
Susan Marie Jones	All the furniture that was in Decedent's apartment.	100%
Anne Betty Jones	2003 Toyota 4-Runner VIN: abc124	100%
Mickey Lee Smith	Checking account at Safe Place Bank, Account Number Ending 4534	1/2
Erin Beth Smith	Checking account at Safe Place Bank, Account Number Ending 4534	1/2

Full Legal Name	Description of Property	Share (for example ¼ or 25%)
Brian Bo Morris	All the personal property except the bank accounts	100%
Mary Jo Green	Accounts at Prairie Field Bank, Checking Account ending in 4653 Checking Account ending in 8745 Savings Account ending in 2353	100%

Full Legal Name	Description of Property	Share (for example ¼ or 25%)
Katy Lou Berry	Craftsman woodchipper, Black & Decker power washer	100%
Marcy June Brown	All the tools stored in Katy's barn, except the woodchipper and the power washer	100%
Stacy Rae Brown	All the personal property stored in Katy's attic, except the Decedent's wedding ring	100%
Gary Evan Brown	The Decedent's wedding ring (gold and emerald)	100%
Robert Roy Berry	2015 Ford F250 VIN: mlh632	100%