

Refusal of Letters to Creditor

General Information Handout

473.090 RSMo.

A Refusal of Letters is one way to transfer ownership of a deceased person's property *without the issuance of "letters" of administration*. There are limits as to the value of the property that can be transferred under this process. Individuals who are unsure whether this is the appropriate way to proceed should contact an attorney of their choosing for advice.

Refusal of Letters to Creditor

Refusal of Letters to Creditor can be used to transfer a decedent's personal property, valued at \$15,000 or less, to a creditor of the decedent, **if there is no surviving spouse and no surviving minor children**. A creditor includes any person who paid funeral expenses or other debts of the decedent. The creditor must file their application for refusal within one year of the decedent's date of death.

Items Typically Needed:

- \$68.50 Filing Fee (non-refundable)
- Application for Refusal of Letters to Creditor
- Copy of decedent's Death Certificate
- Evidence of the debt owed to the creditor. This could be a copy of a receipt, cancelled check, copy of bank statement, etc. showing payment was made by the creditor who is filing the application.
- Copy of receipt showing funeral expenses are paid in full. This is needed regardless of whether the applicant is the one who paid it (473.397 RSMo). If creditor is unable to provide proof that all funeral expenses have been paid, they must obtain bond in the amount of the assets (unless the creditor is the funeral home).

If the value of the assets exceeds the amount of the claim, please also obtain:

- A Corporate Surety Bond of Creditor equal to the difference between the creditor's claim and the value of the property is required when the value of the assets exceeds the amount of the claim. (Round up to the nearest hundred. For example, if the amount is \$2,322.80 round up to \$2,400.00)

DOUBLE CHECK YOUR APPLICATION

Make sure that you completed the application in its entirety.

Make sure all blanks are completed.

Make sure description of the property includes the following information.

For example:

- For Vehicles – Include the year, make and model, VIN, balance due on vehicle loan (if any), and the value of the vehicle.
- For Bank Accounts – Include the name of the bank, the last four digits of account number, and the balance (including any interest earned).
- For Stocks, Bonds, Mutual Funds – Include the name of the account, last four digits of the account/certificate number, number of shares, the value per share, and the total value.
- For Checks – Include the check number, date of the check, who the check is from, the amount of the check, and the name of the bank that the check is drawn on.
- For Items in a Safe Deposit Box – List the contents of the safe deposit box.

Filing the application and paying of the filing fee does not guarantee that the refusal of letters will be granted. The statutory requirements must be met before an order of refusal can be issued. Applications are processed in the order received. Applicants who are not represented by an attorney in this matter will receive their response from the court via ordinary mail.
