

Missouri Revised Statutes
Chapter 473
Probate Code--Administration of Decedents'
Estates
Section 473.090

Refusal of letters.

473.090. 1. Notwithstanding the limitation periods provided in section 473.050, the probate division of the circuit court, in its discretion, may at any time refuse to grant letters in the following cases:

(1) When the estate of the decedent is not greater in amount than is allowed by law as exempt property and the allowance to the surviving spouse or unmarried minor children under section 474.260;

(2) When the personal estate of the decedent does not exceed fifteen thousand dollars and there is no widower, widow or unmarried minor children, any creditor of the decedent whose claim has not been barred by section 473.444 or any creditor of the estate may apply for refusal of letters by giving bond in the sum of not less than the value of the estate, the bond to be approved by the court, conditioned upon the creditor's obligating himself or herself to pay, so far as the assets of the estate will permit, the debts of the decedent in the order of their preference, and to distribute the balance, if any, to the persons entitled to such balance under the law. Liability of the sureties on the bond shall terminate unless proceedings against them are instituted within two years after the bond is filed. The court may dispense with the filing of a bond if the court finds the bond is not necessary.

2. Proof may be allowed by or on behalf of the widower, widow, unmarried minor children or creditor before the court of the value and nature of the estate, and if the court is satisfied that no estate will be left after allowing to the surviving spouse or unmarried minor children their exempt property and statutory allowances or that the personal estate does not exceed fifteen thousand dollars when application is made by a creditor, the court may order that no letters of administration shall be issued on the estate, unless, upon the application of other creditors or parties interested, the existence of other or further property is shown.

3. After the making of the order, and until such time as it may be revoked, the surviving spouse, unmarried minor children or creditor may collect and sue for all the personal property belonging to the estate, if a surviving spouse or creditor, in the same manner and with the same effect as if the person had been appointed and qualified as executor or administrator of the estate, and if minor children, in the same manner and with the same effect as now provided by law for proceedings in court by infants in bringing suit.

4. When the estate of the decedent includes real estate and its value, less liens and encumbrances, together with the personal property, is not greater in value than the exempt property and allowances to the surviving spouse or unmarried minor children, the surviving spouse or unmarried minor children are entitled to such real property and may make record evidence of title to such real property without appointment of an executor or administrator by filing in the office of the recorder of deeds of each county where the real property is situated a certified copy of the order of refusal of letters, describing the real property, naming the persons entitled to such real property and showing their right to succeed to the property.

5. The surviving spouse or unmarried minor children who receive property of the estate under this section may retain such property, but a creditor receiving property under this section shall

apply the proceeds of such property to debts of the estate in the order in which claims against the estate of deceased persons are now classified and preferred by law, and shall distribute the balance, if any, to the persons entitled thereto under the law. Upon compliance with this procedure, the real estate involved shall not thereafter be taken in execution for any debts or claims against the decedent, but the compliance has the effect of establishing the right of the surviving spouse or unmarried minor children to succeed to the real property; however, nothing in this section shall affect the right of secured creditors with respect to the real property.

6. Any person who has paid funeral expenses or debts of decedent is deemed a creditor for the purpose of making application for the refusal of letters of administration under this section and is subrogated to the rights of the original creditor.

(RSMo 1939 § 2, A.L. 1955 p. 385 § 57, A.L. 1957 p. 829, A.L. 1967 p. 639, A.L. 1971 S.B. 19, A.L. 1978 H.B. 1634, A.L. 1985 S.B. 35, et al., A.L. 1996 S.B. 494)

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