

General Information for Completing an Application of
Spouse for Refusal of Letters
Rev. 06-2023
Probate Form No. D4

Please read the attached instructions carefully to determine if the Application of Spouse for Refusal of Letters is the document needed for your client's situation.

This form should be used when the applicant meets the following criteria:

1. Applicant was married to the deceased person at the time of death;
2. Deceased person lived in St. Louis County at the time of death;
3. The value of the property in the deceased person's sole name without a living beneficiary is less than \$24,000.00. *If the assets exceed \$24,000, please provide Applicant's tax returns and an affidavit as to Applicant's annual expenses; and
4. There are no minor children of the deceased person of which the applicant is not the parent OR consent of the parent/guardian of the minor children is attached.

The typical processing time for this matter is 60 days. If you need your application processed on a more expedited basis, you may file a motion to expedite.

Additional certified copies of the Order can be purchased – they are \$2.50 each.

If you have questions, please visit our website at <https://stlcourtscourts.com/courts-departments/probate-court/> and click on Refusal of Letters. Most questions can be answered via our website or by reviewing RSMo. § 473.090

Table of Contents

You may click on the underlined text below to take you to each of the forms.

1. [Instructions for Completing Application of Spouse for Refusal of Letters](#). This document provides instructions to determine if this is the proper proceeding, how to complete the Application along with what types of property was owned by the decedent and what documentation is needed to support the assets and values.
2. [Confidential Filing Information Sheet](#) Pursuant to Missouri Supreme Court Rule 4, this form must be completed with the information requested. It must contain Applicant's full social security numbers and date of birth. If the assets exceed \$24,000 AND Applicant is also claiming support for children under the age of eighteen, you must also complete the filing information sheet found in the Application of Unmarried Minor Children for Refusal of Letters.
3. [Application of Spouse for Refusal of Letters](#). You should complete this form with the requested information. Do not leave any question blank.
4. [Exhibit A](#) – This form should contain the financial information of the Decedent's assets which the Applicant is requesting to be transferred.

NOTE: A copy (does not need to be a certified copy) of the decedent's death certificate must be filed with the application.

Instructions for Completing Application of Surviving Spouse for Refusal of Letters

The following are circumstances when this type of proceeding can be used. If all of these do not apply to Applicant, it may be necessary to complete an Application of Creditor for Refusal of Letters or another type of Petition.

1. The deceased person lived in St. Louis County at the time of his or her death.
2. Applicant must have been married to the deceased person at the time of his or her death.
3. All children of the deceased person under the age of eighteen must also be Applicant's children or a consent by the minor child's parent must be attached.

Confidential Filing Information Sheet:

1. Pursuant to Missouri Supreme Court Rule 4, this form must be completed with all of Applicant's information. **It must contain Applicant's and Decedent's full social security number and date of birth.**
2. In the event the total value of the assets exceeds \$24,000 **and** you are also claiming allowances for Applicant's minor children, you must complete the Confidential Filing Information Sheet contained in the Application of Unmarried Minor Children for Refusal of Letters.

Completing the Application:

1. Complete the information on the application including the Decedent's name, residence at the time of death, date of death, and the number of unmarried minor children
2. **Total \$** - type or print the total value of all of the deceased person's assets.
3. List the names of any children of the decedent under the age of eighteen.
4. Applicant (and attorney) sign the application. While an attorney is not required for this application, it is encouraged.
5. Type or print your name and requested information in the spaces provided.
6. **Exhibit A - Description of Property and Value:** In this section, type or print a list of the assets of the deceased person and the current value of each asset.
7. Documentation of all assets and values. See the list of **Documents Required** shown below.

Property Owned by Decedent:

- ☐ Vehicles: Automobiles; Trucks; Tractors; Boats; Motors; Trailers; Motorcycles; Mobile Homes - Include the year; make and model; the Vehicle Identification Number; loan information including the balance due; appraised value using KBB.com or NADA.com.
- ☐ Bank/Credit Union/Investment Accounts: Checking; Savings; Certificates of Deposits; Investments, and Retirement Accounts. Include the bank (or financial institution) name, last four digits of the account or certificate number; the current balance of each account type.
- ☐ Checks: Pay Checks; Vacation Pay; Dividend Checks; & Refunds Checks; etc. Include the check number; date of the check; who the check is from; and the amount of the check.
- ☐ Safe Deposit Box: Include the name of the bank; the address of the branch; the box number; and inventory and value of the contents according to the appraisal.
- ☐ Insurance Policies without a living beneficiary or which name the estate as the beneficiary: Include the name of the insurance company; the last four digits of the policy number; the face value of the policy; and the cash surrender value (if transferring ownership due to the insured being someone other than the deceased person).
- ☐ Real Estate: Include a full description of the real estate as shown on the deed; the address of the property; if there is a mortgage include the name and address of the mortgage company and the loan amount.

Documents Required:

1. Copy of the deceased person's death certificate showing the deceased person lived in St. Louis County at the time of his or her death.
2. Copies of the Certificate of Title for any titled vehicles – must include the Vehicle Identification Number.
3. Documentation to support the value of the vehicle – loan statement; print out from KBB.com or NADA.com using the Average Trade-In; current offer of purchase from a car dealer on dealer letterhead.
4. Copies of the most current statement for bank, credit union, certificates of deposit, or investment accounts.
5. Copies of the checks.
6. For safe deposit boxes: an inventory or listing of the contents; and appraisal of the contents.
7. Copies of the life insurance policies; and if the beneficiary has died before the deceased person, a copy of the death certificate for the pre-deceased beneficiary.
8. Print-out from the county assessor's office of the appraised value of the real estate, a broker's price opinion, or an appraisal of the real estate.

Cost:

- a. The filing fee for a Spousal Refusal is \$75.50.
- b. If you require more than 1 copy of the order, the cost is \$2.50 for each additional copy.

Upon approval of your application (typically within sixty to ninety days), a certified copy of the Order of Refusal of Letters to Spouse will be mailed to you. If you have requested additional certified copies, they will be included also.

Filing Instructions

Case Category – Probate – Decedent Estates

Case Type – Refusal of Letters – Spouse

NOTE: Local Court Rule 3.2 mandates all electronically filed pleadings must be typewritten. Local Court Rule 72.2 governs specific requirements for electronic filing in the Probate Division. Documents shown in bold italics should be filed as separate documents.

Court Forms

Application for Refusal of Letters for Spouse. (Document Category – Application for Letters Document Type – LOOK UP)

Exhibit A – (Document Category – Miscellaneous/Other Document Type – Financial Documents)

Additional Documents

Copy of ***Death Certificate*** to verify date of death and jurisdiction. (Document Category – Certificate of Document Type - Death)

Supporting Documentation as set out in instructions. (Document Category – Settlement/Statement/Report – Verification of Assets)

CONFIDENTIAL CASE FILING INFORMATION SHEET – REFUSALS
PROBATE DIVISION, ST. LOUIS COUNTY MISSOURI

INSTRUCTIONS:

NOTE: Your Name; address; DOB; and Social Security Number must be listed in order to process your Court Order. The **full** Social Security Number (SSN) is ***required*** pursuant to Missouri Supreme Court Operating Rule 4.07. This is a confidential document. This information is needed to open a case in the court's case management system. This information is not deemed public under Missouri statutes so it cannot be accessed through Case.net.

In the Estate of: _____

Applicant

Applicant's Name:

(Last) _____ (First) _____ (Middle) _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Telephone Number: _____ E-mail: _____

DOB: _____ SSN: _____

Decedent

Decedent's Name:

(Last) _____ (First) _____ (Middle) _____

Address: _____

City: _____ State: _____ Zip: _____

Date of Birth: _____ SSN: _____

Date of Death: _____

- If the total value Applicant is claiming exceeds \$24,000 and Applicant is claiming additional amounts for minor children with the deceased person, you will need to complete the Confidential Case Filing Information Sheet contained in the Minor Refusal Packet instead of this one.



**IN THE PROBATE DIVISION, CIRCUIT COURT,
SAINT LOUIS COUNTY, MISSOURI**

In the Estate of: _____
Deceased.

Application of Surviving Spouse for Refusal of Letters

Applicant, surviving spouse of Decedent, states that Decedent died on _____ residing at _____, survived by Applicant and #_____, unmarried minor child(ren), leaving an estate in this state, the value of which, less liens and encumbrances, is not greater in amount than is allowed by the law as exempt property and maintenance of Applicant and Unmarried Minor Child(ren) for one year after the death of Decedent. The estate consists solely of the property as described in Exhibit A.

Unmarried minor child(ren) of Decedent who is(are) not the child(ren) of Applicant is(are) as follows:

Name of Child

Year of Birth

Name/Address of Custodian

Wherefore, Applicant prays the court order that no letters be granted on said estate in the amount of \$_____, unless on the application of creditors or other interested parties, the existence of other or further property is shown.

This Application of Surviving Spouse for Refusal of Letters and the documents attached hereto are signed and submitted by Applicant under oath or affirmation and its representations are true to correct to the best knowledge and belief of the Applicant, subject to the penalties of making a false affidavit or declaration.

Applicant's Signature

Attorney's Signature

Applicant's Name (Typed or Printed)

Attorney's Name, Bar #

Attorney's Email Address



IN THE PROBATE DIVISION, CIRCUIT COURT,
SAINT LOUIS COUNTY, MISSOURI

In the Estate of: _____
Deceased.

Application to Amend Order Refusing Letters
(Surviving Spouse/Unmarried Minor Child(ren)/Creditor)

Applicant, _____, ☐ surviving spouse ☐ on behalf of _____, unmarried minor child(ren) ☐ creditor of the Decedent, first being duly sworn, states that on _____ (original order date) an order(s) of this court was entered refusing letters on the estate of said Decedent, which estate was then represented by Applicant to consist of property of value described in the previous order(s). Applicant further states that thereafter additional assets of said estate were discovered and are listed in Exhibit A.

☐ (for spouses and unmarried minors) The total value of all property, including property described in the previous order(s), less liens and encumbrances, is not greater in amount than that to which Applicant, as surviving spouse and/or the unmarried minor child(ren) of Decedent is(are) entitled by law as exempt property and the allowance under section 474.260, RSMo.

☐ (for creditors) The entire estate of Decedent does not exceed the value of \$15,000.00.

Wherefore, Applicant prays the court to amend its previous order(s) refusing letters on said estate in the amount of \$_____ by listing and including therein the said assets discovered after the entry thereof.

Applicant swears that the matters set forth above are true and correct to the best knowledge and belief of Applicant, subject to the penalties of making a false affidavit or declaration.

Applicant's Signature

Attorney's Signature

Applicant's Name (Typed or Printed)

Attorney's Name, Bar #

Attorney's Email Address



IN THE PROBATE DIVISION, CIRCUIT COURT,
SAINT LOUIS COUNTY, MISSOURI

In the Estate of: _____
Deceased.

Exhibit A

Description of Property	Value
Real Property	
<u>Personal Property</u>	
TOTAL: \$ _____	