

## Refusal of Letters

**Spousal Refusal** – Use the Application of Surviving Spouse for Refusal of Letters when:

1. The combined value of the Deceased's solely-owned asset(s) (e.g., bank accounts, cars, life insurance) is less than \$24,000. If the value of said assets exceeds \$24,000, the Applicant may present evidence that the Deceased supported the spouse in a greater amount.
  1. Do not include assets that were jointly-titled in the name of the Decedent and another person as joint tenants with right of survivorship (JTWROS).
  2. Do not include assets which named someone as a beneficiary, pay-on-death beneficiary (POD) or transfer-on-death beneficiary (TOD).
  3. Do include assets with the designation "tenants-in-common".
2. The Applicant was married to the Deceased at the time of the Deceased's death.
3. Any of the Deceased's minor children are also the Applicant's minor children.
4. **DO NOT** use this form if the Deceased had minor children who have a parent who is not the Applicant.

## FREQUENTLY ASKED SPOUSAL REFUSAL QUESTIONS

Q: The Deceased lived in St. Charles at the time of death but died in a hospital located in St. Louis County. The Deceased's minor child(ren) live in St. Charles also. Where should I file the Minor Refusal?

A: File the Spousal Refusal in the County where the Deceased lived at the time of his/her death.

Q: The Deceased owned one car. Do I need to file a Spousal Refusal?

A: You are welcome to file a Spousal Refusal, however you may transfer one vehicle without a court order by going to your local DMV.

Q: The Deceased and I lived together and told people we were married. Can I collect the assets under a spousal refusal?

A: No. The State of Missouri does not recognize common law marriages. You must be legally married to the Deceased at the time of his/her death. You should contact an attorney to explore other legal options that might be available to you.

Q: The Deceased was my spouse, and we had two children together who are under the age of eighteen. The Deceased also had a son who is nineteen, but I am not the father/mother of that child. Can I use the Spousal Refusal form?

A: Yes, because the non-mutual child is over the age of eighteen.

Q: The Deceased was my spouse, and we had two children together who are under the age of eighteen. The Deceased also had a son who is seventeen, but I am not the father/mother of that child. Can I use the Spousal Refusal form?

A: No, because the non-mutual child is under the age of eighteen. You should contact an attorney to explore other legal options that might be available to you.

Q: My name is not listed as the Deceased's spouse on the death certificate. What should I do?

A: Please provide an affidavit with your application, explaining why your name is not listed as the Deceased's surviving spouse on the death certificate.

Q: The total value of the Deceased's solely-owned asset(s) is less than \$24,000. Do I need to provide proof that I need that level of support?

A: No. Because the total value of said asset(s) is less than \$24,000, you do not need to provide any additional information on the amount of support needed.

Q: The total value of the Deceased's solely-owned asset(s) is more than \$24,000. Do I need to provide proof that I need that level of support?

A: Yes. You will need to provide evidence that the Deceased provided you with a larger amount of support than typical. If you are unable to provide this evidence, you should contact an attorney about other legal options that might be available to you.

Q: My spouse died five years ago and I just found out about a bank account owned in his/her sole name. Can I file Spousal Refusal?

A: Yes. Spousal Refusals can be filed even after one year from Deceased's date of death.

**[Link to Refusal of Letters Packet - Spousal \(Public\)](#)**

**Minor Refusal** – Use the Application of Unmarried Minor Child(ren) for Refusal of Letters when:

1. There is a child of the Deceased who is less than eighteen years old ("Minor").
2. The Minor is not married.
3. The value of the Deceased's solely-owned asset(s) is less than \$8,000 per minor child. If the value of said asset(s) exceed \$8,000 per minor child, the Applicant may present evidence that the Deceased supported said minor child(ren) in a greater amount on an annual basis.
4. The Deceased's minor child(ren) all have the same surviving parent or legal guardian.
5. Said surviving parent or legal guardian of the minor child(ren) is completing the application.

**FREQUENTLY ASKED MINOR REFUSAL QUESTIONS**

Q: The Deceased lived in St. Charles at the time of death but died in a hospital located in St. Louis County. The Deceased's minor child(ren) live in St. Charles also. Where should I file the Minor Refusal?

A: File the Minor Refusal in the County where the Deceased lived at the time of his/her death.

Q: The Deceased was married at the time of his/her death to someone other than me. Can I file a Minor Refusal on behalf of the minor children I shared with the Deceased?

A: Probably not. You should contact an attorney about legal options available to you.

Q: The Deceased was the father of my children, and our children are 5 and 8 years old. The Deceased was not married to anyone at the time of his death. The total value of the asset(s) in the Deceased's name is less than \$15,000. Can I file a Minor Refusal?

A: Yes, provided there are no other minor children of the Deceased with a different mother/father. Each minor is entitled to collect \$8,000 without providing any additional documentation regarding support previously provided by the Deceased.

Q: I am the grandmother of two children who are 7 and 9. My son, the Deceased, died two years ago and the children's mother has never collected a \$10,000 life insurance death benefit that no beneficiary listed. Can I file a Minor Refusal and collect the death benefit on their behalf?

A: Most likely not because you are not the parent or legal guardian of the children. You should contact an attorney about legal options available to you.

### **[Link to Refusal of Letters Packet - Minor \(Public\)](#)**

**Creditor's Refusal** – Use the Application of Creditor for Refusal of Letters when:

1. It has not been more than one year since the Deceased died.
2. The Deceased was not married at the time of his/her death.
3. The Deceased person had no minor children.
4. The Applicant paid for the Deceased's funeral bill.
5. The amount Applicant paid for the funeral is equal to or greater than the value of the Deceased's solely-owned asset(s).
6. The combined value of the Deceased's solely-owned asset(s) (e.g., bank accounts, cars, life insurance) is less than \$15,000.

## **FREQUENTLY ASKED CREDITOR'S REFUSAL QUESTIONS**

Q: The Deceased lived in St. Charles at the time of death but died in a hospital located in St. Louis County. I live in Festus. Where should I file the Creditor's Refusal?

A: File the Creditor's Refusal in the County where the Deceased lived at the time of his/her death.

Q: The Deceased died two years ago. Can I file a Creditor's Refusal?

A: Creditor's Refusal may only be filed within one year from the day the Deceased died.

Q: My aunt and I paid for the funeral together. Can I file a Creditor's Refusal?

A: Yes. However, you will also need to file a waiver and consent to your Application of Creditor for Refusal of Letters, signed by your aunt.

Q: The Deceased's bank account has a balance of \$7,500 and I paid \$7,000 for the funeral. Can I file a Creditor's Refusal?

A: No, you may not file a Creditor's Refusal without an attorney in this situation. You should contact an attorney to assist you with the process.

Q: I did not pay the Deceased's funeral bill, but I am trying to help my mother (who did pay for the Deceased's funeral) collect the Deceased's bank account. Can I file a Creditor's Refusal?

A: No. You must have paid some portion of the Deceased's funeral bill in order to file a Creditor's Refusal.

Q: Along with the Deceased's funeral, I also paid for the Deceased's burial and headstone. Can I include the cost of those in the Creditor's Refusal?

A: Yes, but you must provide proof of payment of the expenses for the funeral, burial and headstone in order to include them in the Creditor's Refusal.

You **may not** include expenses related to flowers and/or food/drink in your Creditor's Refusal.

### **[Link to Refusal of Letters Packet - Creditor \(Public\)](#)**

## **Types of Assets**

Almost any titled asset can be transferred through the Refusal process. Real estate can be transferred through Spousal and Minor Refusals. Real estate cannot be transferred through a Creditor's Refusal. If the Deceased owned real estate and you are unable to use a Spousal or Minor Refusal application, you should contact an attorney to explore other options that might be available to you.

## **FREQUENTLY ASKED ASSET QUESTIONS**

Q: What documentation do you need for the asset to be transferred?

A: You should file proof of how the asset was titled and the value of the asset. Each Refusal packet has a list of the most common items such as bank accounts, checks, and vehicles.

Q: I can't get a bank statement. What do I do?

A: If you are unable to get a bank statement, then you should put as much information as you have regarding the asset. Such information could include the name of the bank, the account number and the account balance. If you are not able to get the current balance, you can state "an amount not to exceed \$\_\_\_\_\_" on your application.

For example, sister paid \$4,500 for her brother's funeral. Brother has an account at Missouri State Bank. Sister is told the account is less than \$3,000 but the bank will not give her a bank statement. Sister should complete the application with the name of the bank, the account number, and should state for the value of the account that the account does not exceed \$3,000. Sister should also state on the application that she has been unable to obtain a copy of the bank statement and her efforts to obtain a bank statement.

Q: I am listed as the joint owner of the Deceased's bank account. Do I need to complete the Refusal application?

A: Generally, a joint owner or beneficiary can collect the remaining value of the account without the need to go through the probate court.

Q: The Deceased is entitled to a tax refund. What information about the refund should I put on my application?

A: With your application, you should include the year of the tax return, the type of tax return and provide a copy of the tax return without schedules or exhibits.

Q: The Deceased owned two vehicles. How do I figure out their value?

A: Both Kelly Blue Book and National Automobile Dealers Association (NADA) publish valuations as to vehicles. The Kelly Blue Book website can be accessed here <https://www.kbb.com/whats-my-car-worth/?ico=kbbvalue> and the NADA website can be accessed here <https://www.nadaguides.com/>. For both websites, you should choose "Trade-In Value" and print out the valuation page to attach to your application.

Q: The Deceased's car's title lists a TOD (transfer on death) beneficiary on it. Can I collect this vehicle under the Refusal process?

A: No. You cannot use the Refusal process to transfer this vehicle into your name unless the TOD beneficiary predeceased (died before) the Deceased died. If the TOD beneficiary predeceased the Deceased, you must provide a copy of the TOD beneficiary's death certificate with your application. NOTE: You may have other options regarding assets containing a transfer on death designation and should contact an attorney to explore such options.

Q: I was the beneficiary of a life insurance policy, but I assigned the policy to the funeral home to pay for my mother's funeral. Am I considered a creditor for purposes of a Creditor's Refusal since the life insurance company paid for the funeral?

A: Yes, you are considered a creditor. In order to collect the Deceased's asset(s), you should provide a copy of the paid funeral bill and a copy of the assignment of the proceeds of the policy with your application.

Q: My brother owned stock in our small family-owned business. What information do I need to provide on my application regarding this asset?

A: You should include an appraisal letter from either (1) an officer of the business, or (2) the accountant (CPA) for the business.

Q: My spouse, the Deceased, had a safe deposit box without my name on it. How do I get access to the contents of the box?

A: This is a two-step process. First, you must file a Petition to Open and Inventory Safe Deposit Box. Once the Order to Open and Inventory Safe Deposit Box has been entered by the probate court and you have accessed the safe deposit box, you should include an inventory of the assets contained therein with your Refusal application.

Q: The decedent had a coin/gun/baseball card or other type of collection. Do I need an appraisal?

A: The refusal application must assign a dollar amount for the items. You must be able to state under oath that the total value of the assets if less than \$15,000.00. If you are uncertain of the amount, you need to obtain an appraisal and attach it to the application.