

# **SMALL ESTATE AFFIDAVIT**

# **1**

**For transfer of personal property  
when a person has died**

(Instructions and Forms)

Small estate affidavit(s) for transfer

(A.R.S. § 14-3971)

For transfer of property when person has died.

There are two different types of affidavits for the transfer of property. One is for transfers of personal property, and the other is for transfers of real property, or real estate. The process is different for each type of affidavit. Please make sure you are following the correct procedures.

*You may use the forms and instructions in this packet if . . .*

- ✓ You are named in the will to receive personal property and/or real property; OR
- ✓ The person who died did not have a will, but you are related to the decedent as:
  1. Surviving Spouse, or
  2. Child, (if there is no surviving spouse – or there is, but he or she is not your parent and your parent, the decedent, had separate or community property), or
  3. Parent, (if there is no surviving spouse or child), or
  4. Brother or Sister, (if there is no surviving spouse or child or parent), AND
- You can prove that any people with equal or greater right than you to the property have all assigned their entire interests in the estate to you by attaching a copy of the signed documents assigning their interests to you to the affidavit; and

If you are seeking a transfer of Personal Property:

- ✓ The value of all the personal property (minus amounts owed) does not exceed \$200,000.
  - Personal property includes everything the decedent owned, other than real estate. (Examples include cash, bank accounts, stocks and bonds, cars, jewelry, money owed to the person who died, etc.)
  - When calculating the value of the decedent's personal property, subtract any amounts owed on the property. (Examples include liens, car loans, promissory notes, etc.)
  - A surviving spouse may use this affidavit to collect up to \$5000 in wages owed to the deceased.
- ✓ Timing: When seeking a transfer of personal property, you must wait at least 30 days after date of death to use this affidavit.
- ✓ Jurisdiction: You may only use this affidavit if the decedent lived in Yuma County.
- ✓ Filing: No. This affidavit may be used once it is complete. It does not get filed with the Court.

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Small Estate Affidavit of Transfer

This packet contains instructions and forms to file a small estate affidavit of transfer. Items in **bold** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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Small Estate Affidavits  
(Instead of Probate)

Personal Property

To collect personal property: Take the completed and notarized “Affidavit for Collection of All Personal Property” to the person who has the personal property (cash, bank accounts, stocks and bonds, cars, jewelry, etc.) of the person who died. If you are claiming title to a motor vehicle, the motor vehicle division will transfer title to you upon payment of any required fees.

You may also present the completed Affidavit to collect a debt owed to the person who died. If you are the surviving spouse, you may *also* use the Affidavit to collect wages owed to the decedent up to \$5000.

It is not necessary to file any papers or pay any fees to the court to use the Affidavit to Collect Personal Property. When completing the Affidavit for Collection of all Personal Property, the Clerk of Superior Court cannot notarize this form.

AFFIDAVIT FOR COLLECTION OF  
ALL PERSONAL PROPERTY

By signing this affidavit, I swear or affirm under penalty of perjury that its contents are true and correct.

1. INFORMATION ABOUT THE DECEASED (THE PERSON WHO DIED):

Name of person who died: \_\_\_\_\_

Date of death: \_\_\_\_\_

Place of death (city, county, state): \_\_\_\_\_

2. 30-DAY REQUIREMENT: More than thirty (30) days have gone by since the person died.

3. RELATIONSHIP: My relationship to the person who died is: (explain) \_\_\_\_\_

4. VALUE OF PERSONAL PROPERTY. The value of all the personal property in the deceased person's estate, wherever located, minus the amount of liens and encumbrances on the property, is not greater than \$200,000.00.

5. PERSONAL REPRESENTATIVE. To the best of my knowledge:

- No one has filed an Application or Petition for Appointment of a Personal Representative and no Application or Petition has been granted in any state OR If an application has been granted, the personal representative has been discharged or more than one year has elapsed since a closing statement has been filed.

6. EXPENSES OF FUNERAL AND LAST KNOWN ILLNESS. The deceased person's funeral expenses have been paid. The expenses from the deceased person's last illness have also been paid.

7. ENTITLEMENT. I am the claiming successor to the personal property and I am entitled to payment or delivery of the property because: (Check all boxes that apply.)

I am named in the Will of the person who died, a copy of which is attached to this Affidavit.

The deceased had no Will, but I am entitled to the property under law because (check ONE)

I am the spouse of the person who died;

I am a child of the person who died, and there is no surviving spouse, or there is a surviving spouse but he or she is not my parent, and the deceased had separate or community property;

- I am the parent of the person who died, and there is no surviving spouse or child;
- I am a brother or sister of the person who died, and there is no surviving spouse, child or parent.
- The person died without a will, and I am the sole heir.
- The person died without a will and the people with equal or greater right than I have to the property have all assigned their entire interests in the estate to me, which is proven by the copy of the documents they signed to this effect that I am attaching to this affidavit.
- The person died and left a valid will and the people with equal or greater right than I have to the property have all assigned their entire interests in the estate to me, which is proven by the copy of the documents they signed to this effect that I am attaching to this affidavit.

8. DESCRIPTION OF PROPERTY. The person who died owned the following personal property. (List all property. Attach extra pages if necessary.)

Description	Value	Location, or Who Has Property Now
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

TOTAL VALUE: \$ \_\_\_\_\_

- 9. MONEY OWED TO DECEDENT’S ESTATE: The person who died was entitled to collect on the following debts from persons located in Arizona. (List all. Attach extra pages if necessary.)

Description	Amount owed	Name of Who Owes the Debt
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

TOTAL AMOUNT OWED: \$ \_\_\_\_\_

- 10. Total Value from paragraph 8 plus Total Amount Owed from paragraph 9 equals:  
\$ \_\_\_\_\_ (must be less than \$200,000).

- 11. This affidavit is made under Arizona Law, Sec. 14-3971(B), Arizona Revised Statutes, for the purpose of making claim to personal property of the person who died.

UNDER OATH OR BY AFFIRMATION

I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

STATE OF: \_\_\_\_\_

COUNTY OF : \_\_\_\_\_

Subscribed and sworn to or affirmed before me this: \_\_\_\_\_(date),

by \_\_\_\_\_ (print name of affiant).

Notarial Officer’s Stamp or Seal

\_\_\_\_\_  
Notarial Officer