

SMALL ESTATE AFFIDAVIT

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**For transfer of 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.

If you are seeking a transfer of Real Property (Real Estate):

- ✓ The assessed value of all real property located in Arizona (minus amounts owed on the real property) does not exceed \$300,000.
 - Real Property includes houses, land, or other real estate located in Arizona (this affidavit cannot be used for real property outside of Arizona).
 - When calculating the value of all real property, subtract any amounts owed, such as mortgages and other liens and encumbrances, as of the date of the decedent's death.
- ✓ Timing: When seeking a transfer of real property, you must wait at least six months after the date of death to file this affidavit.
- ✓ Jurisdiction: You may only file this affidavit if the decedent lived in Yuma County, or if they owned at least one piece of real property in Yuma County.
- ✓ Filing: Yes. You must file this affidavit with the Clerk of Superior Court once it is complete. You must attach a certified Death Certificate to the affidavit to file it.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks can be found on the Law Library Resource Center website.

Law Library Resource Center

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!

Order	Title	# pages
1	Checklist: <i>You may use this packet if . . .</i>	2
2	Table of contents (this page)	1
3	Small Estate Affidavits (Instead of Probate)	2
4	Affidavit for Collection of All Personal Property	3

Real Property Forms: The following 2 forms are only needed if transferring real property (such as a house, land, or other real estate).

5	Probate Cover Sheet	2
6	Affidavit for Transfer of Title to Real Property	6

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

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.

Real Property (Real Estate)

To transfer title to real property: Take the following completed documents to the Clerk of Superior Court filing counter at any of the Superior Court locations listed below.

- Original Probate Cover sheet (in this packet). (Mark #204 for “Affidavit of Succession to Realty”).
- Original “Affidavit for Transfer of Title to Real Property” (in this packet). If the estate was previously opened, write the old probate case number on the affidavit. Attach to the affidavit:
 - Certified death certificate.
 - If a Will exists, the original Will or, if it was admitted to probate in another court, a court-certified copy of the Will.
 - Documents assigning interest (if applicable).
 - Copy of the closing statement if there was a probate in a county other than Yuma County.

File your papers at the the following Superior Court location:

Yuma County Justice Center
Clerk of Superior Court
250 W. Second St.
Yuma, AZ 8364

Note that there will be a fee to file for this process. A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court's website.

If the Probate Registrar determines that your Affidavit is complete, the Probate Registrar will issue a certified copy of the affidavit.

You must then record the certified copy with the county recorder in the county where the real property is located.

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

SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY



PROBATE COVER SHEET

Case Number: _____

A person needing a guardian or conservator is the “ward.” A person who died is the “decedent.”

Name(s) of the Ward(s), Decedent(s), Trust(s), or Individual(s):

1. _____
2. _____
3. _____
4. _____

The person who is filing this case is the “petitioner.”

Name(s), Address(es), Telephone Number(s), and Email Address(es) of the Petitioner(s):

1. _____
2. _____
3. _____
4. _____

Information About Petitioner’s Attorney: Petitioner is not represented by an attorney, or

Name: _____ BAR #: _____

Telephone: _____ Email: _____

An Interpreter is needed for this language: _____
(List Name(s) of) Person(s) who need interpreter:

Name: _____

Name: _____

Name: _____

STAFF USE ONLY: REASON FEES NOT PAID: Government Charge Deferred Waived

NATURE OF ACTION: Place an "X" next to number which describes the nature of the case. Check only one.

200 ESTATE

- 201 Formal Appointment of Personal Representative
- 202 Informal Appointment of Personal Representative
- 203 Ancillary Administration
- 204 Affidavit of Succession to Realty
- 205 Trust Administration
- 206 Formal Probate of Will
- 207 Informal Probate of Will
- 208 Proof of Authority
- 210 Other _____
Specify
- 211 Single Transaction/Limited Conservatorship
- 213 Request for Death Certificate

220 CONSERVATOR

- 221 Minor
- 222 Adult Incapacitated Person

230 GUARDIANSHIP

- 231 Minor
- 232 Adult (including those with Dementia, Alzheimer's)
- 233 Adult Requiring Inpatient Psychiatric Treatment

240 GUARDIANSHIP-CONSERVATOR COMBINATION

- 241 Minor
- 242 Adult (including those with Dementia, Alzheimer's)
- 243 Adult Requiring Inpatient Psychiatric Treatment

Today's Date: _____

Signature of Petitioner or Petitioner's Attorney

Notice: Submit this form with new cases only. If there is already a (Yuma County) Probate Court case number and you are filing in an existing Superior Court case in Yuma County, do not submit this form.

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

Representing Self, without a Lawyer or Attorney for: _____



SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

In the Matter of the Estate of:

Case Number: _____

AFFIDAVIT for TRANSFER of
TITLE to REAL PROPERTY

_____ an Adult a Minor, deceased

In this document the terms "I", "me", and "my" refer to all signatories to this affidavit.

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

1. INFORMATION ABOUT PERSON WHO DIED (the deceased).

Name: _____

Date of Death: _____

2. SIX MONTH REQUIREMENT. Six months have elapsed since the death, as shown in a certified copy of the death certificate attached to this affidavit.

3. AT THE TIME OF DEATH (Check one box)

the person who died was living in Yuma County, Arizona, OR

the person who died was not living in Yuma County, but owned real property located in Yuma County, Arizona.

4. RELATIONSHIP. My relationship to the person who died is: (explain)

5. DESCRIPTION OF REAL PROPERTY. The legal description as written on the deed of title of the real property is:

6. INTEREST OF PERSON WHO DIED IN PROPERTY.

a. The person who died had the following ownership interest in the real property:
(State how the person who died held title according to the property deed).

_____ and/or The person who died owned _____% of the real property.

7. VALUE OF ESTATE. On the date of death, the assessed value of all real properties located in this state owned by the person who died, less any liens and encumbrances, does not exceed \$300,000.00.

8. PERSONAL REPRESENTATIVE. An application or petition for appointment of a personal representative is not pending or has not been granted in any jurisdiction OR an application has been granted but the personal representative has been discharged or more than one year has elapsed since a closing statement has been filed and the \$300,000 limit on the value of the property has not been exceeded.

9. FUNERAL EXPENSES. Funeral expenses, expenses of last illness, and all unsecured debts of the person who died have been paid.

10. I AM ENTITLED TO THE REAL PROPERTY BECAUSE: (check all that apply)

a. The person who died left a valid will leaving the property to me.

Yes No

(If you answered "Yes", please answer the following and then continue to section 10c. If "No", please skip to 10b.)

Who is named in the will?

The will leaves the entire estate to me.

I am one of several people named in the will.

The will is dated _____.

As required, I have attached the original or a certified copy of the will to this affidavit, which has been probated as follows (name of court and case number):

_____.

b. The person died without a will, but my relationship to the person who died entitles me to the real property.

1. Spouse, Minor Children, Dependents

- I am the spouse of the person who died
- There is no surviving spouse, and I am the only minor child or dependent of the person who died.
- I am one of multiple minor children or dependents of the person who died, and there is no surviving spouse.
- I am claiming the property in lieu of homestead (\$18,000), exempt property (\$7,000), and family allowance (reasonable allowance for maintenance of family during administration of estate, generally up to one year).

2. Adult Children, Other Family or Heirs

- 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 person who died had separate or community property;
- I am the parent of the person who died, and there is no surviving child, or spouse;
- I am the sibling of the person who died, and there is no surviving child, spouse or parent.
- The person died without a will, and I am the sole heir.

c. Anyone with equal or greater right than I have to the property have assigned their entire interest in the real property to me, as shown in the attached copy of the document in which they assigned their rights to me.

Yes No

11. TAXES. No federal or Arizona estate tax is due on the estate of the person who died.

12. ATTACHMENTS. I have attached the following documents:

- Certified copy of the death certificate (always required)
- Original or court certified copy of the will (if a will exists)
- Documents assigning rights to the property to Affiant(s) (if applicable)

Case Number: _____

This signature page belongs to the form titled AFFIDAVIT for TRANSFER of TITLE to REAL PROPERTY and cannot be used with any other documents.

OATH OR AFFIRMATION.

- I certify under penalty of perjury that the contents of this affidavit are true and correct.

Signature of Person Making Affidavit

Printed Name of Person

Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(Notary seal)

Deputy Clerk or Notary Public

(If more than 1 beneficiary/transferee, please sign below)

Case Number: _____

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OATH OR AFFIRMATION.

- I certify under penalty of perjury that the contents of this affidavit are true and correct.

Signature of Person Making Affidavit

Printed Name of Person

Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(Notary seal)

Deputy Clerk or Notary Public

Case Number: _____

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- I certify under penalty of perjury that the contents of this affidavit are true and correct.

Signature of Person Making Affidavit

Printed Name of Person

Date

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(Notary seal)

Deputy Clerk or Notary Public

(Copy this page if more signature pages are necessary)

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

In the Matter of the Estate of:

Case Number: _____

 Deceased

RENUNCIATION OF RIGHT TO INTEREST IN REAL PROPERTY

I, _____ person with equal or greater rights wish to
renounce all interest in the property _____,
and have assigned my entire interest in the above estate of _____,
to _____.

Signature

STATE OF _____
COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

(notary seal)

Deputy Clerk or Notary Public