

SMALL ESTATE AFFIDAVIT FOR TRANSFER

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For Transfer of Property When a Person has Died

FORMS and INSTRUCTIONS

SELF-SERVICE CENTER

SMALL ESTATE AFFIDAVIT OF TRANSFER

This packet contains court forms and instructions to file for the Transfer of a Small Estate by Affidavit. The documents should appear in order as follows:

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SELF-SERVICE CENTER

**SMALL ESTATE AFFIDAVIT(S) FOR TRANSFER
(A.R.S. § 14-3971)**

FOR TRANSFER OF PROPERTY WHEN PERSON HAS DIED

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

- ✓ **The value of all of the *personal property*** (cash, bank accounts, stocks and bonds, cars, jewelry, money owed to the person who died, etc.) in the estate of the person who died (the “deceased”), wherever that property is located, less liens and encumbrances, **does not exceed \$50,000, and at least 30 days have passed since the death, and/or**
- ✓ **The assessed value of the *real property*** (land and permanent structures on the land) in the deceased’s estate located in Arizona, less liens and encumbrances as of the date of the deceased’s death, **does not exceed \$75,000, and at least 6 months have passed since the death, and/or**
- ✓ **You are the surviving spouse, and you want to collect up to \$5000 in wages owed to the deceased, and/or**
- ✓ **You are entitled to the real property and/or personal property, and have the legal right (“legal standing”) to submit an affidavit claiming the property because:**
 - **You are named in a will to receive the property and you can prove it; 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*
 - **If there are people with equal or greater right than you to the property, they have all assigned their entire interests in the estate to you**, which is proven by the copy of the documents they signed to this effect that you can attach to the affidavit.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. The Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self-Service Centers or on the Internet at:
www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/LawyersAndMediators/

AFFIDAVIT FOR COLLECTION OF ALL PERSONAL PROPERTY

STATE OF ARIZONA)
MARICOPA COUNTY)

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: Maricopa County, Arizona

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 \$50,000.00.

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 and the amount does not exceed \$50,000.

6. ENTITLEMENT. I am the claiming successor to the personal property and I am entitled to payment or delivery of the property because I am. (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.

7. 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: \$ _____

8. MONEY OWED: 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: \$ _____

9. 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.

OATH OR AFFIRMATION

The contents of this document are true and correct under penalty of perjury.

Signature of Person Making Affidavit

Date

Printed Name

Sworn to or Affirmed before me this date: _____ Date

(Seal/My Commission Expires) _____
Deputy Clerk of Court or Notary Public

6. **VALUE OF ESTATE.** The assessed value in the estate of the person who died of all real property located in this state, including any debt secured by a lien on real property, less liens and encumbrances against the real property as of the date of the death, does not exceed \$75,000.00.

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

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 \$75,000 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. **REASON WHY I AM ENTITLED TO THE PROPERTY.** That the persons signing the affidavit are entitled to the real property because (check the boxes that apply):
 - I am the spouse of the deceased and I am claiming the allowance in lieu of homestead (\$18,000) exempt property (\$7,000) and family allowance (\$12,000). (A.R.S. 14-2401 through 14-2405)
 - There is no surviving spouse and I am the dependent or minor child of the person who died. I am claiming the allowance 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). (A.R.S. 14-2401-03). All other dependent children of my deceased parent 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 document they signed to this effect that I am attaching to this affidavit or they have signed this affidavit indicating their interest in the property.
 - I am named in the will dated _____ of the person who died, the original of which is attached to this affidavit, or a certified copy of the Will which has been probated as follows (name of court and case number) _____.
 - The person who died had no will, but I am entitled to the property by law because (check one box)
 - 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 child, spouse or parent;
 - 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 or have signed this affidavit indicating their interest in the property.
 - The person died and left a valid will giving the entire estate to me.
 - 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 or have signed this affidavit indicating their interest in the property.

11. OTHER PERSONS. No other person has a right to the interest of the decedent in the described property.

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

OATH OR AFFIRMATION

The contents of this document are true and correct under penalty of perjury.

Signature of Person Making Affidavit _____ Date

Printed Name

Signed and Sworn to or Affirmed before me this date: _____ Date

(Seal/My Commission Expires)

	_____ Deputy Clerk of Court or Notary Public
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SELF-SERVICE CENTER

SMALL ESTATE AFFIDAVIT(S) OF TRANSFER (instead of Probate)

PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED THE AFFIDAVIT:

1. **To collect PERSONAL PROPERTY:** Take the “**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 **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, of 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**.

2. **To claim an interest in REAL PROPERTY:** Take the following documents to the Probate Registrar at any of the Superior Court locations listed on the next page. Note that there will be a fee to file for this process. As of March 12, 2009 that fee is **\$251.00**. Go online to <http://clerkofcourt.maricopa.gov/fees.asp> or the Self-Service Center for a list of current fees.

- Original “**Affidavit for Transfer of Real Property Title**”. If the estate was previously opened, write the old probate case number on the affidavit.
- Original Will if one exists or a certified copy of the Will from the court of record.
- Certified death certificate.
- Copy of the closing statement if there was a probate in a county other than Maricopa County.

File your papers with the Probate Registrar at any of the following Superior Court locations:

PHOENIX:
Old Courthouse, 1st Floor
125 West Washington
Phoenix, AZ 85003-2205

MESA:
222 East Javelina Drive
1st Floor, Ste. 1350
Mesa, AZ 85210-6201

NORTHWEST:
14264 West Tierra Buena Lane
Surprise, AZ 85374

NORTHEAST:
18380 North 40th Street
Phoenix, Arizona 85032

File the original **Affidavit for Transfer of Real Property Title** and the original will. 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.