SMALL ESTATE AFFIDAVIT

1

For transfer of property when a person has died

(Instructions and Forms)

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PBSE1 – **5280** – 031820

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SMALL ESTATE AFFIDAVIT OF TRANSFER

This packet contains court forms and instructions 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 AFFIDAVIT(S) FOR TRANSFER

(A.R.S. § 14-3971)

FOR TRANSFER OF PROPERTY WHEN PERSON HAS DIED

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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 $75,000**, 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 $100,000,** 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 <u>not</u> 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. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

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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** ☐ **Petitioner OR** ☐ **Respondent**

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: _____

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 $75,000.00.

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 $75,000.00.

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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: $_____

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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

STATE OF _____

COUNTY OF _____

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

_____.

(notary seal) _____
Notary Public

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SUPERIOR COURT OF ARIZONA
IN MARICOPA 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

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PB10f-031820

Case Number: _____

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
- ☐ 212 Foreign Domiciliary

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

250 PUBLIC HEALTH

- ☐ 251 Petition for Court Ordered Isolation or Quarantine
- ☐ 252 Application for Order to Show Cause Re: Release from Isolation or Quarantine
- ☐ 253 Petition for Court Hearing Re: Conditions or Treatment During Isolation or Quarantine
- ☐ 254 Application for Order for Disclosure of Communicable Disease Information
- ☐ 255 Miscellaneous

Today's Date: _____

_____
Signature of Petitioner or Petitioner's Attorney

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

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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** _____

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

In the Matter of:

_____

Deceased.

Case Number:_____

PROBATE INFORMATION FORM FOR DECEDENT'S ESTATE

☐ **Updated** (Check this box if this is an updated form.)

Instructions:

1. Complete this form to the best of your knowledge and ability and then file it with your application or petition.

2. If you later learn of additional information that you omitted or if you later learn that any information in this form is incorrect, you must file an updated probate information form.

3. For purposes of this form, "Financial Institution" means a national banking association, a holder of a banking permit under Arizona law, a savings and loan association authorized to conduct trust business in Arizona, a title insurance company qualified to do business in Arizona, or a trust company holding a certificate to engage in trust business from the superintendent of financial institutions.

4. Items designated with an asterisk (*) constitute "contact information" under Rule 13, Arizona Rules of Probate Procedure. If contact information changes, you must file a notice of change of contact information.

5. This form is filed as a confidential document, so it is not available to the general public. In addition, you are not required to provide anyone with this form, other than the court.

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A. Information about the Nominated Personal Representative / Special Administrator:

Name: _____

Is this person or entity an Arizona Licensed Fiduciary? ☐ Yes ☐ No

If Yes, write that person or entity's Licensed Fiduciary Number on the line below:

_____

Mailing Address:* _____

Physical Address:* _____

Work Telephone Number:* _____

Email Address:* _____

If the nominated personal representative/special administrator is an Arizona Licensed Fiduciary or a Financial Institution, proceed to section B below. Otherwise, complete the remainder of section A.

Home Telephone Number:* _____

Cellular Phone Number:* _____

Date of Birth: _____

Social Security Number: _____

Race: _____

Height: _____

Weight: _____

Eye Color: _____

Hair Color: _____

Sex: _____

B. Information about the Decedent:

Name: _____

Date of Birth: _____

Date of Death: _____

Social Security Number: _____

I, _____ (your name), under the penalty of perjury, do hereby swear that the foregoing information is true and correct to the best of my knowledge and belief.

_____ _____

Date Signature

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SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY
AFFIDAVIT for TRANSFER OF TITLE to REAL PROPERTY CHECKLIST

Please complete the checklist below and include with the application.
Applications missing any components listed will be rejected.

Probate Cover Sheet

☐	Is the *Probate Information Cover Sheet* completely filled out and Is the correct Nature of Action checked?

Original Will

☐	Is the **ORIGINAL WILL** signed, with two (2) witnesses? • This is needed **ONLY** if you marked that you are entitled to collect property according to the will **(#10 on the *Affidavit for Transfer of Title to Real Property*)**.

Affidavit

☐		Is the *Affidavit for Transfer of Title to Real Property* signed and notarized?
☐		Is the *Affidavit for Transfer of Title to Real Property* completely filled out, with **all** questions answered?
	☐	Is the Date of death completed **(#1 on the *Affidavit*)**?
	☐	Is the full and complete legal description of property completed **(#4 on the *Affidavit*)**? • For assistance on this, you can either search the Maricopa County Recorder's Office website at https://recorder.maricopa.gov/recdoctata/, or contact them at (602) 506-3535
	☐	Is the interest of decedent completed **(#5 on the *Affidavit*)**? • This needs to show how much of the property the decedent owned at the time of death.
	☐	Is the date of the will completed **(if applicable) (#10, Paragraph #4, on the *Affidavit*)**?

Attachments

☐	Is the Death Certificate attached?
☐	Are the Affidavits giving up all rights and interest of property included, signed, and notarized **(if applicable)**?
☐	Is the Original Will attached **(if applicable)**?

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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** ☐ **Petitioner OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

In the Matter of the Estate of:

Case Number:_____

AFFIDAVIT for TRANSFER of TITLE to REAL PROPERTY

_____
☐ an Adult ☐ a Minor, deceased

STATE OF ARIZONA)
COUNTY OF MARICOPA) ss.

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

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

The deceased, _____ (name), died on _____ (date)

2. PLACE OF DEATH. (Check one box)

☐ At the time of death, the person who died was living in Maricopa County in Arizona, **OR**
☐ At the time of death, the person who died was **not** living in Maricopa County, but was living at:

_____
(city and state) and owned real property located in Maricopa County in Arizona.

3. RELATIONSHIP. This is my ☐ our ☐ relationship to the person who died: (explain)

_____
_____
_____
_____

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

_____

_____

5. INTEREST OF PERSON WHO DIED IN PROPERTY. The interest of the person who died in the real property is (list how the decedent held title to the property or other interest in the property).

_____

_____

_____

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 $100,000.00.

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 $100,000 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 ☐ WE ARE ENTITLED TO THE PROPERTY. The persons signing this 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.

☐ **There is no surviving spouse and we are the dependents or minor children** of the person who died. We are 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).

☐ ☐ **I am** ☐ **We are 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) _____.

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☐ **The person who died had no will, and 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 who died had no will, and we are** entitled to the property by law because (check one box)

- ☐ We are children of the person who died, and there is no surviving spouse, or there is a surviving spouse but he or she is not our parent and the deceased had separate or community property;
- ☐ We are a brother(s) and/or sister(s) of the person who died, and there is no surviving spouse, child, or parent.

☐ **The person died without a will and** ☐ I am ☐ We are the sole heir(s).

☐ **The person died without a will and the people with equal or greater right than I** have to the property have 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 without a will and the people with equal or greater right than we have** to the property have assigned their entire interests in the estate to all of us. This assignment is proven by the copy(ies) of the signed documents, which we attached 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/us.**

☐ **The person died and left a valid will**, and the people with equal or greater right than I have to the property **assigned their entire interest in the estate to me.** This assignment is proven either by the copy of the signed document attached to this affidavit or I signed this affidavit indicating their interest in the property.

☐ **The person died and left a valid will**, and the people with equal or greater right than we have to the property **assigned their entire interest in the estate to us**. This assignment is proven by the copy of the document(s) attached to this affidavit or we 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.

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Case No. _____

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)

- **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

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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

- **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

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Small Estate Affidavit(s) of Transfer

(Instead of Probate)

Do not copy or file this page

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. 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.

   - Original Probate Cover sheet. (Mark #204 for "Affidavit of Succession to Realty").
   - Original "Affidavit for Transfer of Title to Real Property Checklist."
   - Original "Affidavit for Transfer of Title to Real Property." 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.
   - When completing the Affidavit for Collection of all Personal Property, the Clerk of Superior Court cannot notarize this form.

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

Downtown Phoenix:
Central Court Building, 1st Floor
201 West Jefferson
Phoenix, AZ 85003

Northeast Phoenix:
Northeast Regional Court Facility
18380 North 40th Street
Phoenix, AZ 85032

Surprise:
Northwest Regional Court Facility
14264 West Tierra Buena Lane
Surprise, AZ 85374

Mesa:
Southeast Court Facility, 1st Floor
222 East Javelina Avenue
Mesa, AZ 85210

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.

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