

# **AFFIDAVIT TO COLLECT PERSONAL PROPERTY**



## **PINAL COUNTY**

**COLLECTING PERSONAL PROPERTY AND/OR WAGES  
FROM AN ESTATE WITHOUT GOING TO PROBATE COURT**

### **INSTRUCTIONS AND FORMS**

**Provided as a Public Service  
By Amanda Stanford  
Clerk of the Superior Court**

# AFFIDAVIT INSTEAD OF PROBATE TO COLLECT PERSONAL PROPERTY

This packet contains court forms about the filing of an affidavit to collect personal property; whether or not there was a will. Be sure all of the documents listed below are in this packet.

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You have permission to use these documents 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.

## **AFFIDAVIT TO COLLECT PERSONAL PROPERTY**

### **AFFIDAVIT INSTEAD OF PROBATE -- SMALL ESTATE**

#### **1. WHEN CAN YOU USE AN AFFIDAVIT?**

You might not have to go to probate court at all, if the estate of the person who died is small enough. Generally, you can file an affidavit to claim personal property without going to probate court if:

**A. RIGHT TO SUBMIT AFFIDAVIT.** You have **legal standing** or the right to submit an affidavit to persons who have the property of the person who died, or owe money to the person who died, if:

1. You are named in a Will to receive the property of the person who died, and you can prove it;
2. The person who died had no will, but you are entitled to the property under law because of one of the following:
  - You are the surviving spouse;
  - You are a living child of the person who died, and there is no surviving spouse;
  - You are the surviving parent of the person who died, and there are no living children or spouse;
  - You are a living brother or sister of the person who died, and there are no living children, spouse, or parents.

**B. VALUE OF ALL PERSONAL PROPERTY.** 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 decedent's estate, wherever located, less liens and encumbrances, **does not exceed \$50,000.00 and at least 30 days have passed since the death.**

**C. ENTITLEMENT TO THE PROPERTY:**

**PERSONAL PROPERTY:** You are the claiming successor to the personal property and are entitled to payment or delivery of the property.

#### **2. WHAT TO DO AFTER YOU HAVE COMPLETED THE AFFIDAVIT: Use only black ink.**

**A. TO COLLECT PERSONAL PROPERTY,** take the Affidavit for Collection of Personal Property to the person who has the property or owes the debt. 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 \$5,000.00.

Name of Person Filing: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City, State, Zip Code: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 Email Address: \_\_\_\_\_  
 ATLAS Number (if applicable) \_\_\_\_\_  
 Representing Self (No Attorney) or  Represented by Attorney  
 If Attorney, Bar Number: \_\_\_\_\_

**AFFIDAVIT FOR COLLECTION OF PERSONAL PROPERTY**

STATE OF ARIZONA    )  
                                   )ss  
 PINAL COUNTY        )

I \_\_\_\_\_, being first duly sworn, do upon my oath, hereby state as follows:

**1. INFORMATION ABOUT PERSON WHO DIED:**

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

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

**Place of death:** \_\_\_\_\_

**2. 30-DAY REQUIREMENT:** More than thirty (30) days have elapsed 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 \$75,000.

**6. 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 person who died had no Will, but I am entitled to the property under law because

**(CHECK ONE BOX):**

- I am the spouse of the person who died;
- I am a living child of the person who died, and there is no living spouse;
- I am the living parent of the person who died, and there are no living children or spouse;
- I am a living brother or sister of the person who died, and there are no living children, spouse, or parents.
- 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 document(s) 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 document(s) 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 located in Arizona. (List all property; use extra paper 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; use extra paper if necessary)

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

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

9. This affidavit is made pursuant to Arizona Law, A.R.S. §14-3971(B), for the purpose of making claim to property of the person who died.

\_\_\_\_\_  
(Signature)

**SUBSCRIBED AND SWORN TO** before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

My Commission Expires:

By \_\_\_\_\_  
(Deputy Clerk/Notary Public)

Name of Person Filing: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City, State, Zip Code: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 Email Address: \_\_\_\_\_  
 ATLAS Number (if applicable) \_\_\_\_\_  
 Representing Self (No Attorney) or  Represented by Attorney  
 If Attorney, Bar Number: \_\_\_\_\_

**AFFIDAVIT FOR COLLECTION OF WAGES**

STATE OF ARIZONA )  
 )ss  
 PINAL COUNTY )

I \_\_\_\_\_, being first duly sworn, on oath, deposes and says:

1. \_\_\_\_\_ died on \_\_\_\_\_ 20 \_\_\_\_\_  
 in the County of \_\_\_\_\_, State of \_\_\_\_\_
2. Affiant is the spouse of the decedent, or is authorized to act on behalf of the spouse.
3. No application or petition for the appointment of a personal representative is pending or has been granted in this state.
4. The affiant is entitled to receive payment of wages, salary or other compensation for personal services owed to the decedent, in an amount not in excess of FIVE THOUSAND DOLLARS (\$5,000.00).

This affidavit is made pursuant to A.R.S. §14-3971.A. as amended, for the purpose of making claim to such wages, salary or other compensation for personal services under said statute.

\_\_\_\_\_ (Date) \_\_\_\_\_ (Signature)

**SUBSCRIBED AND SWORN TO** before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

My Commission Expires: \_\_\_\_\_  
 By \_\_\_\_\_ (Deputy Clerk/Notary Public)