

YAVAPAI COUNTY
Self-Service Center

INFORMATION: MAKING A CLAIM AGAINST AN ESTATE

CHECKLIST

USE THE FORMS AND INSTRUCTIONS in this packet only if the following factors apply to your situation:

- ✓ You received notice about a court case involving the property of a person who died (Formal or Informal Probate);

OR

- ✓ You believe a person who died owes you money, and you want to make a claim against the estate before all the property is transferred, sold or distributed to others.

AND

- ✓ The person had a will or did not have a will.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing.

1. **WHO CAN MAKE A CLAIM:** Generally, you must believe that the person who died owes you money, and you should be able to prove your claim.
2. **WHEN A CLAIM MUST BE MADE:** You are not required to make a claim against the estate if the Personal Representative has paid you or is making arrangements with you to pay what is owed from the property of the person who died. But here is what the law currently provides as to creditors:
 - ✓ All **persons unknown** to the Personal Representative having claims against the Estate are required to present their claims to the Personal Representative **within four months** after the date of the first publication of the Notice to Creditors, or the claims will be forever barred.
 - ✓ All **persons known** to the Personal Representative to have claims against the Estate are required to present their claims to the Personal Representative **within four months** after receipt of the Notice to Creditors by mail or the claims will be forever barred.

- ✓ **Claims MUST be presented by delivering or mailing a written statement of the claim to the Personal Representative at his or her address; ARS § 14-3804(1)**

YOU DO NOT NEED TO FILE THE CLAIM IN COURT, UNLESS YOU WANT TO DO SO.

3. **HOW TO FILE A CLAIM AGAINST THE ESTATE WITH THE COURT:** If you are a person to whom the estate owes money, and you want to file the claim with the Court, complete a Claim Against the Estate, which is included in this packet. A filing fee will be due at time of filing. Filing of the Claim in court does not constitute valid presentation of the Claim.