

**YAVAPAI COUNTY**  
**Self-Service Center**

**COLLECTING PERSONAL PROPERTY IN A SMALL ESTATE**  
**IMPORTANT INFORMATION**

<b>DEFINITIONS:</b>	<b>Decedent:</b>	the person who has died
	<b>Estate:</b>	the property owned by a decedent at the time of death
	<b>Personal property:</b>	items such as vehicles, furniture, jewelry, cash, stocks, etc.
	<b>Real property:</b>	real estate or <b>payments being received from a person on loans secured by real estate</b>
	<b>Affidavit:</b>	a sworn statement
	<b>Affiant:</b>	a person who signs an Affidavit in front of a Notary Public A claiming successor

1. WHO CAN EXECUTE (sign) AN AFFIDAVIT FOR COLLECTION OF PERSONAL PROPERTY IN A SMALL ESTATE?

- ✓ A person who can prove he/she is named in a Will to receive the property

**OR**

- ✓ If there is no Will, a person who is:

- The spouse of the decedent; **OR**

- A living child of the decedent, and there is no living spouse; **OR**

- The living parent of the decedent, and there are no living children or spouse;

- OR**

- A living brother or sister of the decedent, and there are no living children, spouse, or parents.

2. WHAT IS A "SMALL ESTATE"?

- ✓ The value of **ALL OF THE PERSONAL PROPERTY** in the decedent's estate, wherever it is, minus any debts owed on the property, **cannot be more than \$75,000.**

3. WHO IS ENTITLED TO THE PROPERTY?

- ✓ **PERSONAL PROPERTY:** If you are the claiming successor to the personal property and are entitled to payment or delivery of the property

**AND** any one of the following:

- You are the spouse of the decedent;

**OR**

- You are the living dependent child of the person who died;

**OR**

- The decedent left no will and you are the sole heir;  
**OR**
- The decedent left no will and the people with equal or greater right than you have to the property have all assigned their interests in the personal property to you, which is proven by copies of legal documents they signed to this effect that will be attached to **each** Affidavit;  
**OR**
- The decedent left a valid Will leaving the entire estate to you;  
**OR**
- The decedent left a valid Will and the people with equal or greater right than you have to the property have all assigned their interests in the personal property to you, which is proven by copies of legal documents they signed to this effect that will be attached to **each** Affidavit;  
**OR**
- All the heirs sign the Affidavit for Collection of Personal Property.

#### 4. HOW TO GET THE PROPERTY

- Complete an original AFFIDAVIT FOR COLLECTION OF PERSONAL PROPERTY for each person or agency from whom you want to collect property; for instance, a bank, stock broker, Dept. of Motor Vehicles, etc.
- Attach copies of documents signed by any other heirs (if any) to each AFFIDAVIT  
**OR**
- all the heirs sign the Affidavit
- Take a completed AFFIDAVIT with attached copies (if any) to each person or agency from whom you want to collect personal property. Give the AFFIDAVIT to the person or agency for their records.
- Collect the personal property.

**IF THERE IS ALSO REAL PROPERTY (not to exceed \$100,000), GET PACKET #93 “Small Estate: Real Property”. THE PROCEDURE TO SUCCEED TO REAL PROPERTY IS VERY DIFFERENT.**