

YAVAPAI COUNTY
Self-Service Center

INFORMATION: AFFIDAVIT OF SUCCESSION TO REAL PROPERTY

The Affidavit is used only to transfer title of a deceased person's **real property**, including a debt secured by a lien on real property. This method of transfer cannot be used until **six months** after the death of the person, and is available **only** if the equity in all of the deceased person's real property located in this state does not exceed \$100,000 at the date of death.

Any person(s) entitled to the real property in question, may file the Affidavit on his or her own behalf (see especially ARS § 14-3971 (E).) The signature of each person signing the Affidavit must be notarized. **When you file the Affidavit of Succession to Real Property, you must submit a certified copy of the death certificate to the Court.** If an attorney is acting on your behalf, he or she must be licensed to practice law in Arizona.

The Affidavit must be filed in the Superior Court in the Arizona county in which the deceased person was domiciled **OR** if not domiciled in Arizona, in the Arizona county in which the real property is located.

INSTRUCTIONS:

THE PROBATE COVER SHEET

Complete the following boxes on the cover sheet: "Petitioner/Applicant/Affiant Information" and "Decedent Information". This information must be completed in full. If there is more than one Petitioner, additional names and all necessary information about each person should be printed on the reverse side of the cover sheet.

THE AFFIDAVIT

READ THROUGH THE AFFIDAVIT COMPLETELY.

In completing the Affidavit, be specific as to the information that pertains to your circumstances. TYPE OR PRINT IN BLACK INK.

In the upper left corner, fill in your name, mailing address and daytime telephone number.

- #1 - Fill in name of deceased and date of death.
- #2 - Mark the correct box describing where the deceased person was living at the time of death.
- #3 - Provide description of your relationship to the person who died with enough detail to enable the reader to determine right of succession if necessary.
- #4 - Write legal description of real property. More than one parcel of real property may be included in a single affidavit, although it is recommended separate affidavits be used for parcels in different counties.

- #5 - Describe the deceased person's interest in the real property (how the person had title)
- #6 - Read each choice carefully, and mark the appropriate box **(one only)**.
- #7 - Mark the appropriate box. If you check the box that says the person died without a will (intestate), mark the one box under that selection that applies.
- #8 - Provide name, relationship to deceased person, and relationship to you of any other person who may have a right to the deceased person's real property.
- #9 - Read all choices carefully. Check the **one box** that applies.
- #10 - This statement must be true or you cannot use this Affidavit.
- #11 - This statement must be true or you cannot use this Affidavit.
- #12 - This statement must be true or you cannot use this Affidavit.
- #13 - This statement must be true or you cannot use this Affidavit.
- #14 - This statement must be true or you cannot use this Affidavit.

The Affidavit **MUST** be signed before a notary. **IF** more than one person is executing (signing) the Affidavit, each signature must be notarized. You can add additional signature and notary lines to the Affidavit. Use additional pages if necessary.

Make a copy of the Affidavit for your records. Take the original Affidavit with attached original signed document(s) from other heirs, if applicable, to the Clerk of Superior Court for filing.

FEES: When you file with the court there are fees for petitions, responses, requests, motions, objections and various other actions. The court will accept payment in the form of cash, VISA/MasterCard debit or credit cards, money orders, or personal checks made payable to "Clerk of Superior Court". Personal checks will be accepted with current picture ID. To check out the current fees go online to <http://courts.yavapai.us/clerk/fee-schedule/> or call the Clerk's Office in either Prescott at (928) 771-3312, or Camp Verde at (928) 567-7741.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a **deferral or waiver** (delay or completely waive fees and/or costs) when you file your papers with the Clerk of the Court. The **Deferral or Waiver of Court Fees and/or Costs and Consent to Entry of Judgment Application** is available at **no charge** from the Clerk's Office, though a fee for applying for the deferral will be added to your costs.

The Clerk will issue a certified copy for you to record at the Yavapai County Recorder's office. **The Clerk's office does not arrange for the Affidavit to be recorded.** The Yavapai County Recorder's office is located at 1015 Fair Street, Prescott Arizona. Business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. You may call that office at (928)771-3244.