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How to Complete Your California Small Estate Affidavit

Affidavit for Collection of Personal Property Without Probate (Probate Code Section 13100)

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR SMALL ESTATE AFFIDAVIT.

About this form. If someone dies leaving a **small estate** in California, their heirs or beneficiaries can collect bank accounts, vehicles, and other personal property **without probate** by giving the holder this sworn affidavit. For deaths on or after April 1, 2025, the estate's gross value in California (not counting certain property such as joint tenancy, trust, and beneficiary-designated assets) must be **$208,850 or less**. Earlier deaths have lower limits: $184,500 (April 1, 2022 – March 31, 2025) and $166,250 (2020 – March 31, 2022).

1. **Wait at least 40 days after the death**
   The affidavit cannot be used until 40 days have passed. You will need a certified copy of the death certificate to attach.
2. **Confirm the estate qualifies**
   Add up the gross value (debts are not subtracted) of the decedent's California property that would go through probate. Enter the limit that applies to the date of death in item 4.
3. **Describe the property and successor(s)**
   List each item to be collected — for example, "Checking account at First Bank ending 1234" — and the person(s) entitled to it under the will or, if there is no will, under California inheritance law.
4. **Mark the boxes that apply**
   Item 3 (no probate case) and item 8 (your role) need a checkmark. If the decedent owned California real estate, attach an inventory and appraisal (item 5).
5. **Sign under oath in front of a notary**
   The notary will place you under oath and complete the jurat. Do **not** sign ahead of time. Bring a current government-issued photo ID. We come to your home, office, hospital, or care facility.
6. **Present it to each holder**
   Give the bank, broker, or other holder the notarized affidavit with the certified death certificate. Each holder may also ask for its own form or proof of your identity.

Good to Know

- This affidavit cannot transfer real estate. California has separate court procedures for real property and for a primary home.
- A person who collects property this way can be responsible for the decedent's unpaid debts up to the value received.
- If the decedent received Medi-Cal, the State may have a claim (Probate Code § 215). Ask an attorney before distributing property.

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Questions about this document? Talk to an attorney. Gavrilov & Brooks Law Firm has attorneys licensed in California, Nevada, and other states. Phone and video consultations are available. **(916) 504-0529** · **www.gavrilovlaw.com**

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AFFIDAVIT FOR COLLECTION OF PERSONAL PROPERTY

Small Estate Affidavit (California Probate Code Sections 13100–13116)

State of California)
County of _____) ss.

The undersigned affiant, being first duly sworn, states:

1. The decedent's name and the date and place of death are:

_____ _____ _____
(full name of decedent) (date of death) (place of death: city, county, state)

2. At least 40 days have elapsed since the death of the decedent, as shown in a certified copy of the decedent's death certificate attached to this affidavit.

3. (Mark one) ☐ No proceeding is now being or has been conducted in California for administration of the decedent's estate. ☐ The decedent's personal representative has consented in writing to use of the procedure provided by this chapter by the successor of the decedent (copy of consent and letters attached).

4. The current gross fair market value of the decedent's real and personal property in California, excluding the property described in Section 13050 of the California Probate Code and any property included in a petition filed under Section 13151 of the California Probate Code, does not exceed $ _____, the adjusted dollar amount in effect on the date of the decedent's death.

5. (If the decedent owned real property in California) An inventory and appraisal of the decedent's real property in California is attached. ☐ Attached ☐ Not applicable

6. The following property of the decedent is to be paid, delivered, or transferred to the affiant:

7. The successor(s) of the decedent, as defined in Section 13006 of the California Probate Code, to the described property is/are:

_____
(name(s) of successor(s))

8. (Mark one) ☐ The affiant is the successor of the decedent (as defined in Section 13006 of the California Probate Code) to the decedent's interest in the described property. ☐ The affiant is authorized under Section 13051 of the California Probate Code to act on behalf of the successor of the decedent (as defined in Section 13006 of the California Probate Code) with respect to the decedent's interest in the described property.

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9. No other person has a superior right to the interest of the decedent in the described property.

10. The affiant requests that the described property be paid, delivered, or transferred to the affiant.

11. The affiant affirms under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ (date) , at _____ (city and state)

_____ (signature of affiant)

_____ (printed name and address of affiant)

Sign only in front of the notary, who will place you under oath and complete the jurat on the next page. Each successor who is collecting property may sign this affidavit or a separate one.

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JURAT

Attach a certified copy of the death certificate and any required attachments.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

Subscribed and sworn to (or affirmed) before me on this _____ day of _____ , 20 _____

by _____

(name(s) of signer(s))

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(Seal)

Signature _____