

## ESTATES UNDER \$166,250

Complete the attached declaration; attach a certified copy of the death certificate, sign and notarize declaration.

Then take to the holder of the decedent's property.

PROBATE CODE § 13100

ESTATES UNDER \$166,250; AUTHORIZATION TO ACT WITHOUT  
PROCURING LETTERS OF ADMINISTRATION OR AWAITING PROBATE.

Excluding the property described in Section § 13050, if the gross value of the decedent's real and personal property in this state does not exceed one hundred sixty six thousand, two hundred and fifty dollars (\$166,250) and if 40 days have elapsed since the death of the decedent, the successor of the decedent may, without procuring letters of administration or awaiting probate of the will, do any of the following with respect to one or more particular items of property:

- (a) Collect any particular item of property that is money due the decedent.
- (b) Receive any particular item of property that is tangible personal property of the decedent.
- (c) Have any particular item of property that is evidence of a debt, obligation, interest, right, security, or chose in action belonging to the decedent transferred, whether or not secured by a lien on real property.

## Declaration under California Probate Code §13100-13115

The undersigned hereby declare(s):

1. (I/We) make this declaration to induce \_\_\_\_\_ (holder of property) to transfer to (me/us) the property described below under California Probate Code § 13100-13115.
2. \_\_\_\_\_ died at (city) \_\_\_\_\_ on or about (date) \_\_\_\_\_ leaving (a/no) Will.
3. 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 or declaration.
4. No proceeding is now being or has been conducted in California for administration of the decedent's estate.
5. The gross value of the decedent's real and personal property in California, excluding the property described in Section § 13050 of the California Probate Code, does not exceed one hundred sixty six thousand, two hundred fifty dollars (\$166,250) and includes the following: (describe the property to be transferred with sufficient detail to be identifiable) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. The declarant is the successor of the decedent (as defined in California Probate Code § 13006 to the decedent's interest in the described property.
7. No other person has a superior right to the interest of the decedent in the described property.
8. (My/Our) name(s); address(es) relationship(s) to the decedent, and age(s) are as follows: (list) \_\_\_\_\_  
\_\_\_\_\_
9. The declarant requests that the described property be paid, delivered or transferred to the declarant.
10. (I/We jointly and severally) agree to hold (property holder) free and harmless and indemnify (him/her) against all liability, claims, demands, loss, damages, costs, and expense whatsoever that (he/she) may incur because of the transfer, payment, or delivery to (me/us) of the property.

The declarant affirms or declares under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: \_\_\_\_\_

Signature \_\_\_\_\_

Typed Name \_\_\_\_\_

ACKNOWLEDGMENT

State of California County  
of \_\_\_\_\_

On \_\_\_\_\_, before me \_\_\_\_\_

Notary Public, personally appeared \_\_\_\_\_

\_\_\_\_\_,  
 personally known to me,  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public