



# Sample Affidavit

**Affidavit for Collection of Personal Property**  
California Probate Code Section 13100

The undersigned state(s) as follows:

**1** *Doria Doe* died on (date) *Jan. 21, 2025* in County of *Sacramento* State of California

**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 or declaration.

**3**  No proceeding is now being or has been conducted in California for administration of the decedent's estate.  
OR  
 The decedent's personal representative has consented in writing to the payment, transfer, or delivery to the affiant or declarant of the property described in the affidavit or declaration.

**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 *\$184,500*, the adjusted dollar amount in effect on the date of the decedent's death. A list of adjusted dollar amounts, published in accordance with subdivision (c) of [Probate Code] Section 890, is attached to this affidavit.

**5**  An inventory and appraisal of the real property included in the decedent's estate is attached.  
 There is no real property in the estate.

**6** The following property is to be transferred, delivered, or paid to the affiant under the provisions of California Probate Code Section 13100:  
*All funds held by Wells Fargo in Decedent's name, including but not limited to funds in Checking Account No. 0132456 and Savings Account No. 0654231*

**7** The successor(s) of the decedent, as defined in California Probate Code Section 13006, is/are:  
*Chas Doe, adult daughter  
Chris Doe, adult son*

**8**  The affiant or declarant 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 or declarant 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.

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

**10** The affiant or declarant requests that the described property be paid, delivered or transferred to the affiant or declarant:

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

**\*** Dated, *March 3, 2025*

Signed: \_\_\_\_\_  
*Chas Doe*

\_\_\_\_\_  
*Chris Doe*

**NOTICE TO HOLDER OF DECEDENT'S PROPERTY**

When properly filled out, this form meets California requirements under Probate Code Sections 13100-13117.

1. You are required to transfer the described property to the affiant/declarant. You must pay the claimant's attorney fees if a lawsuit is necessary because you refuse. Cal. Prob. C. 13105.

2. You are discharged from all liability for the money or property when you transfer it based on good faith reliance on this affidavit. Cal. Prob. C. 13106.

3. When you rely in good faith on the affidavit, you have no duty to inquire into the truth of the statements in it. Cal. Prob. C. 13106.

**AFFIDAVIT FOR COLLECTION OF PERSONAL PROPERTY**  
CALIFORNIA PROBATE CODE SECTIONS 13100

MONJ0308, Updated 07/2022  
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**1** Insert the name of the deceased person and the date and county of death.

**3** Check "no" if no one will be filing a probate case in court. If there is already a court case, ask the executor or administrator for a letter of consent, check "Yes," and attach the letter.

**4** Fill in the amount listed on page 3 for the time period when the deceased person died.

**5** If the deceased person owned real estate, check the first box and attach your Inventory and Appraisal (DE-160).

If there is no real estate, or it was all transferred outside of probate, check the second box.

**6** Describe the property you wish to collect, with identifying details such as account numbers.

**7** Insert the name(s) of the person(s) entitled to the property (the legal heirs).

**8** Check the first box if the person(s) named in item 7 will sign the affidavit. Check the second box if a guardian, conservator, or custodian will sign on their behalf.

**\*** Print Name and Date.  
**Wait to sign until you are in front of the notary**

**Affidavit for Collection of Personal Property (Small Estate Affidavit) (page 1)**



DE-300

**MAXIMUM VALUES FOR SMALL ESTATE SET-ASIDE & DISPOSITION OF ESTATE WITHOUT ADMINISTRATION**

This form lists the maximum dollar values of a decedent's estate or specific property in that estate, as of the date of the decedent's death, for purposes of determining eligibility for

- (1) an order of
- (2) disposition

**NOTE:** The value in the right column of this form is the maximum value of the decedent's estate or specific property in that estate, as of the date of the decedent's death.

The amount of the decedent's estate or specific property in that estate, as of the date of the decedent's death, for purposes of determining eligibility for the three-year period ending December 31, 2024, with each adjusted value rounded to the nearest \$25. (See Prob. Code, § 890(b).) Unless otherwise provided by statute after April 1, 2025, these values will next be adjusted April 1, 2028.

Use the amounts in effect on the date the decedent died.

| <u>Probate Code Section</u>   | <u>Description</u>   | <u>Amount</u><br>(death between Apr. 1, 2022, and Mar. 31, 2025) | <u>Amount</u><br>(death on or after Apr. 1, 2025) |
|---|--|--|---|
| <b>1. SMALL ESTATE SET-ASIDE UNDER PROBATE CODE SECTIONS 6600–6613</b>            |  |  |   |
| §§ 6602, 6609   | The net value of the decedent's estate, excluding all liens and encumbrances at the date of death and the value of any probate homestead set apart under Probate Code section 6520, must not exceed:   | \$ 95,325  | \$ 107,900  |
| <b>2. DISPOSITION OF ESTATE WITHOUT ADMINISTRATION UNDER SECTIONS 13000–13606</b> |  |  |   |
| <b>a. PROPERTY EXCLUDED FROM DETERMINING VALUE OF ESTATE</b>                      |  |  |   |
| § 13050(c)  | The amount of any salary or other compensation owed to the decedent for personal services from any employment, not to exceed:  | \$ 18,450  | \$ 20,875   |
| <b>b. AFFIDAVIT FOR COLLECTION, RECEIPT, OR TRANSFER OF PERSONAL PROPERTY</b>     |  |  |   |
| §§ 13100, 13101   | The gross value of the decedent's real and personal property in California—excluding any property described in Probate Code section 13050 and any property included in a petition filed under Probate Code section 13151—must not exceed:  | \$ 184,500   | \$ 208,850  |
| <b>c. PETITION &amp; COURT ORDER DETERMINING SUCCESSION TO PRIMARY RESIDENCE</b>  |  |  |   |
| §§ 13151, 13152, 13154  | The gross value of the decedent's primary residence in California must not exceed:   | \$ 184,500   | \$ 750,000  |
| <b>d. AFFIDAVIT FOR SUCCESSION TO REAL PROPERTY OF SMALL VALUE</b>                |  |  |   |
| § 13200   | The gross value of all real property in the decedent's estate located in California—excluding any real property described in Probate Code section 13050—must not exceed:   | \$ 61,500  | \$ 69,625   |
| <b>e. AFFIDAVIT FOR COLLECTION OF COMPENSATION OWED TO DECEASED SPOUSE</b>        |  |  |   |
| §§ 13600, 13601   | Net salary or other compensation owed, in aggregate, by one or more employers for personal services of the deceased spouse, must not exceed:<br><i>(This limit does not apply if the decedent was a firefighter or peace officer described in Government Code section 22820(a).)</i> | \$ 18,450  | \$ 20,875   |

**NOTICE**

If the decedent died on or after April 1, 2022, this form must be attached to

- an affidavit or declaration furnished under Probate Code section 13101;
- a *Petition to Determine Succession to Primary Residence* (form DE-310) filed under Probate Code section 13151;
- an *Affidavit re: Real Property of Small Value* (form DE-305) filed under Probate Code section 13200; or
- an affidavit or declaration furnished under Probate Code section 13601.

Affidavit for Collection of Personal Property (Small Estate Affidavit) (page 3)