

Affidavit for Collection of Personal Property (Small Estate Affidavit) Step by Step Guide

In certain circumstances, personal property may be transferred to the decedent's successors without a formal probate. If the decedent's estate qualifies under [California Pro. Code Â§Â§ 13100-13116](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13100) (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13100), the person(s) entitled to the property may present a *Small Estate Affidavit*, commonly known as an *Affidavit for Collection of Personal Property*, to the person or institution having custody of the property, requesting that the property be delivered or transferred to the successor.

Templates and Forms

- [Small Estate Affidavit \(Affidavit for Collection of Personal Property\) PDF](https://saclaw.org/wp-content/uploads/2023/03/form-affidavit-for-collection-of-personal-property-25.pdf) (<https://saclaw.org/wp-content/uploads/2023/03/form-affidavit-for-collection-of-personal-property-25.pdf>)
- [Small Estate Affidavit \(Affidavit for Collection of Personal Property\) RTF](https://saclaw.org/wp-content/uploads/2023/04/form-affidavit-for-collection-of-personal-property.rtf) (<https://saclaw.org/wp-content/uploads/2023/04/form-affidavit-for-collection-of-personal-property.rtf>)
- [Maximum Values For Small Estate Set-Aside & Disposition of Estate Without Administration \(DE-300\)](https://www.courts.ca.gov/documents/de300.pdf) (<https://www.courts.ca.gov/documents/de300.pdf>)

Procedures in this guide apply only to personal property valued under \$166,250/\$184,500/\$208,850

This guide only applies to personal property (money and moveable property like jewelry, vehicles, tools, etc.) For **Real Property (real estate)** valued under \$166,250 (4/1/2022), \$184,500 (4/2/2022), or \$208,850 (4/1/2025), you cannot use this form, but there may be alternatives to formal probate, such as a Petition for Succession to Real Property.

Read *How to Probate an Estate in California*, Chapter 8, for more information.

Personal property refers to anything that isn't real estate. Common types of personal property include furniture, jewelry, and household goods, as well as bank accounts, stocks, and money due to the decedent.

Step-by-Step Instructions

1.

Determine If This Is the Appropriate Procedure

Personal property may be collected using the Affidavit for Collection of Personal Property if:

- At least 40 days have elapsed since the death of the decedent
- No administrative proceedings are pending or have been conducted for the decedent's estate
- Estate does not exceed \$166,250 in value (if death occurred before April 1, 2022) \$184,500 (death on or after April 1, 2022) or \$208,850 (death on or after April 1, 2025). Many types of property are excluded when calculating the value of the estate (see [Pro. Code Â§ 13050](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13050) (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13050) for exclusions).
- All people entitled to inherit must sign the affidavit (or provide the person signing with a notarized power of attorney; it can limit the power to collection of this specific property).

2.

Complete the Affidavit

Instructions for completing the *Affidavit for Collection of Personal Property* are included at the end of this guide.

Although [Pro. Code Â§ 13101](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13101) (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13101) states that a declaration under penalty of perjury is sufficient, many institutions require a notarized affidavit, especially when securities are involved. Contact the institution to determine if notarization is necessary.

If there are several assets to be transferred, they may all be included on one affidavit, or a separate affidavit may be used for each. If more than one person is entitled to inherit a particular asset, all of them must sign a single affidavit.

The *Affidavit for Collection of Personal Property* must be accompanied by:

- [DE 300 Maximum Values for Small Estate Set-Aside & Disposition of Estate Without Administration](https://www.courts.ca.gov/documents/de300.pdf) (<https://www.courts.ca.gov/documents/de300.pdf>)
- A certified copy of the death certificate
- Evidence that the decedent owned the property (e.g., stock certificate, bank passbook, storage receipt)
- Reasonable proof of the identity of the person(s) signing the affidavit (e.g., driver's license, passport)
- An Inventory and Appraisal of all real property owned by the decedent in California, if any. This appraisal must be performed by an approved probate referee. [Pro. Code Â§ 13103](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13103&lawCode=PROB) (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13103&lawCode=PROB)

The court can provide you a list of approved referees. For more information about the Inventory and Appraisal, see *How to Probate an Estate in California* (KFC 205 .N57).

If stocks or bonds are being transferred, you will also need to attach:

- An *Affidavit of Domicile* signed by the person(s) entitled to the securities
- A *Transmittal Letter* signed by the person(s) entitled to the securities
- A *Stock or Bond Power*, signed by the person(s) entitled to the securities

More Information:

Samples of these additional attachments are available in *How to Probate an Estate in California* from [Nolo Press](https://web.p.ebscohost.com/lirc/publication) (<https://web.p.ebscohost.com/lirc/publication>), Chapter 11.

3.

Collect the Decedent's Property

Present the completed Affidavit and required attachments to the person or institution having custody of the property.

Tips

When the Bank Insists on the Letters To Transfer Property

Adapted, with the kind permission of author Richard Wills, from Washington State Probate at his (<https://www.small-estate-affidavit.com/small-estate-affidavit-proc/>) *Washington State Probate website.* (<https://www.small-estate-affidavit.com/small-estate-affidavit-proc/#Practical>)

Probably the most popular use of a Small Estate Affidavit, also called Affidavit for Collection of Personal Property, is to access a Decedent's bank or securities account. The practical (as opposed to legal) problem is that banks, brokerages, transfer agents, and institutions in general are used to transferring such accounts through a probate proceeding, in which the Personal Representative delivers a copy of his/her Letters to the institution and requests the transfer. That's the method that institutions are familiar with, and they have come to see it as the proper (and only) procedure for making the transfer. Consequently, far too often, when a Successor presents a Small Estate Affidavit to an institution, the institution responds "We need Letters to make the transfer."

How to respond? In a word, be persistent and play broken record (repeat items 2 through 7 below over and over to the agent):

1. To prepare for the transfer, download and print out a copy of the relevant statutes: [Pro. Code Â§ 13100-13116](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13100) (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13100).
2. Include the copies in your written request or hand the copies to the agent and politely ask the agent to read them, especially [Pro. Code Â§ 13100](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13100)

(http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13100).

3. If you are dealing with a securities transfer agent, politely ask the agent to read [Pro. Code Â§Â§ 13100\(c\)](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13100) (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13100) and [13105\(a\)\(2\)](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13105). (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13105)
4. Politely inform the agent that your use of a Small Estate Affidavit complies with California law, and that California law does not require either a probate proceeding or the delivery of Letters for the transfer to be made.
5. If further resistance is met, politely inform the agent that if the institution refuses to make the transfer, California law allows you to bring an action in Court against the institution to compel the transfer and for it to reimburse you for your attorney's fees and costs to obtain a Court Order to Compel the Transfer. [Pro. Code Â§13105\(b\)](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13105). (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=13105)
6. If further resistance is met, ask to speak to their manager.
7. If further resistance is met, ask to speak to their legal department.

Be forewarned, so that you may properly prepare. In your author's experience, the grand champions of resistance to Small Estate Affidavits are downtown branches of large banks (e.g., Bank of America, US Bank, etc.), and East Coast (particularly New York) securities transfer agents.

For More Information

On the Web

California Courts Self-Help Website: [Simplified Procedures to Transfer An Estate](http://www.courts.ca.gov/10440.htm) (<http://www.courts.ca.gov/10440.htm>)

At the Law Library

How to Probate an Estate in California KFC 205 .N57 (Self Help)

Electronic Access: From any computer (Library or home) via the [Legal Information Reference Center](https://www.saclaw.org/services/borrowing-from-the-library/download-e-books/). (<https://www.saclaw.org/services/borrowing-from-the-library/download-e-books/>)



Sample Affidavit

Affidavit for Collection of Personal Property California Probate Code Section 13100	
The undersigned state(s) as follows:	
1	1. <i>Doria Doe</i> died on (date) <i>Jan. 21, 2025</i> , in County of <i>Sacramento</i> , 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	3. <input checked="" type="checkbox"/> No proceeding is now being or has been conducted in California for administration of the decedent's estate. OR <input type="checkbox"/> 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	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 <i>\$184,500</i> , 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	5. <input type="checkbox"/> An inventory and appraisal of the real property included in the decedent's estate is attached. <input checked="" type="checkbox"/> 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:	
6	6 <i>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</i>
7. The successor(s) of the decedent, as defined in California Probate Code Section 13006, is/are:	
7	7 <i>Chas Doe, adult daughter</i> <i>Chris Doe, adult son</i>
8. <input checked="" type="checkbox"/> 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.	
8 <input type="checkbox"/> 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: <i>March 3, 2025</i>	
Signed: _____	
<i>Chas Doe</i>	
_____ <i>Chris Doe</i>	
NONJC-239 Updated 07/25/2025	
CEB Essential ceb.com Forms	
AFFIDAVIT FOR COLLECTION OF PERSONAL PROPERTY CALIFORNIA PROBATE CODE SECTIONS 13100	

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 values

in the right column

decedent who

The amount of

for All Urban Consumers

(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.**

5. The values
property of a

Consumer Price Index

nearest \$25.

Probate Code Section

Description

1. SMALL ESTATE SET-ASIDE UNDER PROBATE CODE SECTIONS 6600–6613

- §§ 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:

2. DISPOSITION OF ESTATE WITHOUT ADMINISTRATION UNDER SECTIONS 13000–13606

a. PROPERTY EXCLUDED FROM DETERMINING VALUE OF ESTATE

- § 13050(c) The amount of any salary or other compensation owed to the decedent for personal services from any employment, not to exceed:

b. AFFIDAVIT FOR COLLECTION, RECEIPT, OR TRANSFER OF PERSONAL PROPERTY

- §§ 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:

c. PETITION & COURT ORDER DETERMINING SUCCESSION TO PRIMARY RESIDENCE

- §§ 13151, 13152, 13154 The gross value of the decedent's primary residence in California must not exceed:

d. AFFIDAVIT FOR SUCCESSION TO REAL PROPERTY OF SMALL VALUE

- § 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:

e. AFFIDAVIT FOR COLLECTION OF COMPENSATION OWED TO DECEASED SPOUSE

- §§ 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:
(This limit does not apply if the decedent was a firefighter or peace officer described in Government Code section 22820(a).)

Amount (death between Apr. 1, 2022, and Mar. 31, 2025)	Amount (death on or after Apr. 1, 2025)
\$ 95,325	\$ 107,900
\$ 18,450	\$ 20,875
\$ 184,500	\$ 208,850
\$ 184,500	\$ 750,000
\$ 61,500	\$ 69,625
\$ 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.