Small Estate Affidavit (Affidavit for Collection of Personal Property)

Free form. Also called an “Affidavit for Collection of Personal Property,” “Probate Code 13100 Affidavit,” “Probate Code 13101 Affidavit, or “Affidavit for Collection, Receipt, or Transfer of Personal Property.” Heirs can use this form to collect money and other personal property after a death without probate or a court order, as long as the total estate is valued at less than a maximum amount set by law (as of April 1, 2025, this amount is $208,850; see California Judicial Council form DE-300 (https://www.courts.ca.gov/documents/de300.pdf) for current values).

Use the DOCX (word processing format) if you need to make changes to the form before filling it out, such as adding additional room for legal description, additional names of signatories, or additional details. Be aware that changing the language on this form may affect its validity and enforceability, since it contains required language from California Probate Code section 13100.

Disclaimer!

These forms have been adapted from California statutes and highly-regarded practice guides to fit common situations. The law librarians have attempted to provide instructions, definitions, and examples to assist non-lawyers in understanding the purpose of the form, and what type of information to include when filling it out.

However, only lawyers (attorneys) can advise you of the correct forms for your particular situation, and what specific information to include on your forms.

It is your responsibility to determine whether this form is suited to your needs. If you have questions about what form to use, or how to fill them out, visit your local law library to do your own legal research, or consult a lawyer.