

Affidavit for Collection of Personal Property



Use this form and instructions only if the following factors apply to your situation:

- You are related to a person who died or you have a legal interest in the person's property
- The person had a will or did not have a will
- The person only had a small and modest sum of money or property when he/she died.
- You want to transfer the property without going through a court probate case.

If you are not sure that this form and instructions apply to your situation, see a lawyer for help.

AFFIDAVIT INSTEAD OF PROBATE - SMALL ESTATE

A. WHEN CAN YOU USE AN AFFIDAVIT:

You might not have to go to probate court at all, if the estate of the person who died is small enough. Generally, you can file an affidavit to claim personal property without going to probate IF:

1. **You have legal standing** to submit an affidavit to persons who have the property of the person who died, or owe money to the person who died, as follows:
 - a) You are named as recipient of the property in a will of the person who died;
 - b) The person who died had no will, but you are entitled to the property under law. Examples include the following:
 - You are the spouse of the person who died;
 - You are a living child of the person who died, and there is no living spouse;
 - You are the living parent of the person who died, and there are no living children or spouse;
 - You are a living brother or sister of the person who died, and there are no living children, spouse, or parents.
 - You are otherwise entitled to the property pursuant to the Probate Code
2. **The value of all the property** in the estate of the person who died, wherever located, minus the amount of liens and encumbrances on the property, is not greater than \$50,000.00.
3. **The property is listed only** in the name of person who died. (There is no beneficiary or joint tenant.)
4. **There is no real property** in the probate estate of the person who died. Real property (land and buildings) requires you to go to probate court to transfer it.
5. **30 days have passed** since the person died.

B. WHAT TO DO AFTER YOU HAVE COMPLETED THE AFFIDAVIT:

(NOTE: You must attach a certified copy of the death certificate to the affidavit.)

1. **To collect personal property**, take the affidavit to the person who has the property or owes the debt. (bank, stock company, etc.)
2. **To transfer title** to a motor vehicle, take the affidavit, with attached death certificate, to the motor vehicle division.

STATE OF MINNESOTA

COUNTY OF OLMSTED

DISTRICT COURT
PROBATE DIVISION
SECOND JUDICIAL DISTRICT

Estate of

**AFFIDAVIT FOR COLLECTION
OF PERSONAL PROPERTY**

_____ ,

Decedent

I, _____, Affiant,
state:

1. My address is:

2. Decedent died on _____. A certified copy of Decedent's death certificate is attached to this Affidavit.
3. I am the successor of the Decedent because:

4. The value of the probate estate, wherever located, involving any contents of a safe deposit box, less liens and encumbrances, does not exceed \$50,000.
5. Thirty days have elapsed since the death of the Decedent, or in the event the property to be delivered is the contents of a safe deposit box, 30 days have elapsed since the filing of an inventory of the contents of said box.
6. No application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.
7. I, as claiming successor, am entitled to payment or delivery of the following described property:

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

Affiant Date

Signed and sworn to (or affirmed) before me on

(date) _____ by

(name of Affiant) _____

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL