INSTRUCTIONS FOR AFFIDAVIT FOR COLLECTION OF PERSONAL PROPERTY FORM (Small Estate – No Real Estate) Minnesota Statutes § 524.3-1201

USE THIS FORM AND INSTRUCTIONS ONLY IF THE FOLLOWING FACTORS APPLY TO YOUR SITUATION:

- You are a blood relative to the person who died or you have a legal interest in the person's property.
- The person only had a small and modest sum of money or personal property when he/she died.
- The person had a will or did not have a will

If you are not sure whether this form applies to your situation, see a lawyer for help.

WHEN CAN YOU USE AN AFFIDAVIT FOR COLLECTION OF PERSONAL PROPERTY?

If the estate of the person who died is small enough, you might not have to file a case in the probate court. Generally, you can complete an affidavit for collection of personal property if:

- 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 \$75,000.
- **2.** The property is listed only in the name of person who died. (There is no beneficiary or joint tenant.)
- **3.** 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.
- 4. 30 days have passed since the person died.
- 5. You have legal standing to submit an affidavit to persons or businesses 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, grandchildren, spouse, or parents.
 - You are otherwise entitled to property pursuant to the Probate Code.

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 or business that has the property or owes the debt. (bank, stock company, etc.)
- 2. To transfer title to a motor vehicle, take the affidavit, with the attached death certificate, to the motor vehicle division.

Helpful materials may be found at your public county law library. For a directory, see http://mn.gov/law-library/research-links/county-law-libraries.jsp . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.

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Estate of:

_____, Decedent. STATE OF MINNESOTA)) SS COUNTY OF _____ I. state that: My name is: 1. 2. My address is: _____ Decedent died on _____. A certified copy of Decedent's death 3. certificate is attached to this Affidavit. I am the successor of the Decedent and I have legal standing to complete this form 4. because: 5. The value of the probate estate, determined as of the date of death, wherever located, involving any contents of a safe deposit box, less liens and encumbrances, does not exceed \$75.000. Thirty days have elapsed since the death of the Decedent, or in the event the property to 6. 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. No application or petition for the appointment of a personal representative is pending or 7. has been granted in any jurisdiction. I, as claiming successor, am entitled to payment or delivery of the following described 8. property: Dated: (Signature of person who filled out this form) E-mail address Sworn/affirmed before me this _____ Day of ______, _____ Notary Public / Deputy Court Administrator