

IN THE MATTER OF THE ESTATE OF:

Deceased.

DECLARATION/AFFIDAVIT FOR TRANSFER OF
DECEDENT'S ASSETS WITHOUT PROBATE - PROBATE CODE
CODE SECTION 13100 -13115
**FOR USE WHEN ESATE DOES NOT INCLUDE ANY
REAL PROPERTY**

State of _____

County of _____

I (We), the undersigned Declarant(s) / Affiant(s), hereby declare and affirm:

That the undersigned make this Declaration/Affidavit in order to comply with the provisions of Probate Code sections 13100-13115, and to induce the "holder" of the following described property to transfer to the undersigned declarant(s) or affiant(s) the property belonging to the decedent, and to that end represent that the following is true and correct.

1. That the name of decedent is _____
That the date of death was _____
That the place of death was _____
2. That a certified copy of Death Certificate of decedent is attached thereto.
3. That the gross value of the decedent's real and personal property in California does not exceed one hundred thousand dollars (\$100,000.00) excluding the property described in Section 13050 of the California Probate Code, (Examples of property excluded in PC 13050 are certain motor vehicles, mobile homes, certain vessels, joint tenancy property, wages not exceeding \$5,000, and amounts due from the armed forces.)
4. That at least forty (40) days has elapsed since the death of decedent.
5. That the estate of decedent does not include any real property in the State of California.
6. That no probate proceeding is now being or has been conducted in California for administration of decedent's estate.
7. That a description of the property of decedent that is to be paid, transferred or delivered from the "holder" to the following names successor(s) is as follows: _____

Affidavit pursuant to P.C. 13100

8. That the name(s) of the successor(s) and the successor(s) share of within described property of decedent is/are as follows:

<u>Name and Address</u>	<u>Relationship</u>	<u>Share of Property</u>
Name: _____		
Address: _____		
Name: _____		
Address: _____		
Name: _____		
Address: _____		
9. That the declarant(s) or affiant(s) is/are the successor(s) of the decedent (as defined in Probate Code 13006) to the decedent's interest in the described property.
10. That no other person has a right to the interest of the decedent in the described property.
11. That the declarant(s) or affiant(s) request that the described property be paid, delivered, or transferred to the successor(s).

12. That this Declaration/Affidavit is executed by all successors of the decedent who have an interest in the described property.

That the declarant(s)/ affiant(s) affirm or declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed On _____

Declarant/Affiant Signature

Executed On _____

Executed On _____

Executed On _____

That the above-name declarant(s) or affiant(s) hereby acknowledge the following concerning this Declaration/Affidavit.

- A. The Successor(s) of decedent's property is/are personally liable for decedent's unsecured debts to the extent provided in PC 13112. (P.C.13102).
- B. The "holder" of the property may required the declarant(s) to provide evidence of ownership, as the decedent would have been required before death (P.C. 13102).

Affidavit pursuant to P. C. 13100

C. If probate proceedings for the administration of the decedent's estate are commenced, each person to who payment delivery or transfer of the decedent's property is made pursuant to this Declaration/Affidavit is liable for the restitution of the property to the estate. (P.C.13111).

D. Each person to whom payment, delivery or transfer of the decedent's property is made pursuant to this Declaration/Affidavit is personally liable to the extent provided in P.C. 13112 to any person having a superior right to testate or in testate succession from the decedent.

E. Any person who fraudulently secures the payment, delivery or transfer of decedent's property is liable to the person having such a superior right for three (3) times the fair market value of the property. (P.C. 13110)

F. Reasonable proof of the identity of each person executing this Declaration/Affidavit shall be provided to the "holder" of decedent's property. Reasonable proof of identity is:

1) The Declaration/Affidavit is signed in the presence of the "holder", AND one of the following:

- a. The declarant/affiant provided a current California Driver's License or Identification.
- b. The "holder" personally knows the declarant(s).
- c. Current United States Passport.
- d. Out of State documents as described in P.C. 13104.

2) OR, a Notary Public's CERTIFICATE OF ACKNOWLEDGMENT identifying the person(s) executing the Declaration/Affidavit is reasonable proof of identity of the person(s) executing the Affidavit or Declaration. (P.C. 13104).