

INSTRUCTIONS FOR COMPLETING AFFIDAVIT FOR THE COLLECTION OF PERSONAL PROPERTY

**These standard instructions are for informational purposes only and do not constitute legal advice.
If you do not understand this information, please contact an attorney.**

This type of Probate Administration is handled exclusively between the person holding the Decedent's property and the person(s) entitled to the property. This process does not require a filing with the Court.

GENERAL INFORMATION

- ◆ Any interested person can collect all of the assets, take care of any obligations outstanding at the time of the Decedent's death, and distribute the remaining assets to the persons entitled to receive distributions. All of this can be done without seeking court appointment as personal representative for the estate.
- ◆ The Affidavit can be completed at any time ten or more days after the date of death of the Decedent.
- ◆ You can complete the Affidavit (JDF 999) if the estate is less than \$50,000.00 and does not contain real estate, regardless of the value.
- ◆ If you complete the Affidavit, you are responsible for distributing the property in the proportion as identified in the Affidavit.
- ◆ You cannot use the Affidavit (JDF 999) if there is an appointment of a Personal Representative pending or an appointment of Personal Representative has been granted, by a Court in this, or any other State.
- ◆ The Affidavit is not filed with the Court.
- ◆ For additional information, please review §15-12-1201, C.R.S. and §15-12-1202, C.R.S.
- ◆ A sample completed Affidavit is identified on page two of the instructions.

COMMON TERMS

- ⊗ Affiant: A person who is making a sworn statement, e.g. the person(s) signing an Affidavit.
- ⊗ Estate: All of the property (real or personal) owned by a person on the date of death.
- ⊗ Personal Representative: A person at least 21, resident or non-resident of Colorado, who has been appointed to administer the estate of the Decedent.
- ⊗ Small Estate: Estate with a value, less liens and encumbrances, that is not more than \$50,000.00.
- ⊗ Successor: Persons other than creditors, who are entitled to property of a Decedent under a Will or by statute, e.g. spouse, children. (§15-10-102(51), C.R.S.)
- ⊗ Tangible property: Property which can be possessed physically, such as goods, wares and merchandise.

FEES

No filing fee is required, as this document is not filed with the Court.

COMPLETE AFFIDAVIT

To access the Affidavit form online go to www.courts.state.co.us and click on the "Forms" tab. The Affidavit is available in PDF or WORD by selecting **Probate (Decedent Estate – Affidavit for Collection of Personal Property)**. You may complete a form online or you may print it and type or print legibly in black ink.

- Complete the Affidavit.
- Sign the Affidavit before a Notary Public. Each entity you work with will keep a copy of the Affidavit. You may wish to have your signature notarized on several copies.
- Attach a copy of the death certificate. Some entities may require a certified copy of the death certificate.
- Present the Affidavit and death certificate to the holder of the assets, e.g. bank. You may wish to have a copy of these instructions to present to the bank identifying the authority to file the Affidavit.

SAMPLE

COLLECTION OF PERSONAL PROPERTY BY AFFIDAVIT PURSUANT TO §15-12-1201, C.R.S.

1. I, John Smith, am a Successor and swear/affirm under oath that the following statements are true and correct and that I am 18 years of age or older:
2. At least ten days have elapsed since the death of Mary Smith (Decedent).
3. The Decedent did not own any real property. The total fair market value of all property owned by the Decedent and subject to disposition by Will or intestate succession at the time of the Decedent's death, wherever that property is located, less liens and encumbrances, does not exceed \$50,000.00.
4. No Application or Petition for the appointment of a personal representative is pending or has been granted in any jurisdiction. I understand that I am answerable and accountable to any subsequently appointed personal representative of the estate or any other person having a superior right to the estate.
5. The Successor(s), listed below, is/are entitled to the payment of any sums of money due and owing to the Decedent, and to the delivery of all tangible personal property belonging to the Decedent and in the possession of another, and to the delivery of all instruments evidencing a debt, obligation, stock or chose in action (right to bring legal action) belonging to the Decedent. Identify the proportion/percentage that each Successor will receive for each asset listed below:

Description of Asset	Name of Successor	Proportion or Percentage
Bank Account at Wells Fargo (Account #234 Balance \$10,000.00)	John Smith	50% = \$5,000.00
Bank Account at Wells Fargo (Account #234 Balance \$10,000.00)	Joe Smith	50% = \$5,000.00
Gold Corvette, VIN 1788263ZX	Susie Smith	100%
VW Bug, VIN 23888XC22	George Smith	100%

Your Signature _____ Date Signed
Signature of Successor Date

Subscribed and affirmed, or sworn before me in the
County of **Jefferson**, State of **Colorado**, this
xx day of **Month**, **20year**, by the Successor.

My Commission Expires: **Date**

Signature of Notary Public
Notary Public