

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 and 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.
- ☒ 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.
- ☒ Personal Representative: A person at least 21 years of age, resident or non-resident, who has been appointed by the court to administrate an estate, with or without a will.
- ☒ Estate: Property, personal or real, belonging to the deceased.
- ☒ Small Estate: Estate with a value, less liens and encumbrances, that is not more than \$50,000.00
- ☒ 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 "Self-Help Center". The Affidavit is available in PDF or WORD by selecting **Probate (Decedent – Collection of Personal Property by Affidavit)**. You may complete a form online or you may print it and type or print legibly in black ink.

- ☐ Complete Affidavit.
- ☐ Have your signature(s) notarized. Each entity you work with will keep a copy of the Affidavit. You may wish to have your signature(s) notarized on several copies.
- ☐ Attach copy of death certificate. Some entities may require a certified copy of the death certificate.
- ☐ Present affidavit and death certificate to holder of assets, e.g. bank.

SAMPLE

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

1. I, John Smith, swear/affirm under oath that the following statements are true and correct:
2. That the fair market value of 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.
3. That no Application or Petition for the appointment of a personal representative is pending or has been granted in any jurisdiction. However, 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.
4. 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 belonging to the Decedent, in the following respective proportions:

Name of Successor	Proportion/Value
John Smith	XX%
Joe Smith	XX%
Susie Smith	XX%
George Smith	XX%

Signature of AffiantJohn Smith

Signature of Affiant

Signature of Affiant

Signature of Affiant

Subscribed and affirmed, or sworn to before me in the County of Jefferson, State of Colorado, this xx day of Month, 20 Year.

My Commission Expires: DateNotary Public

Notary Public

Note:

This Affidavit can be used either by one Affiant on behalf of all Successors or by all Successors as Affiants, or any combination thereof. It cannot be used to transfer the title to real property.