Appendix 7

Small Estate Affidavit

This is drawn from the form for the state of Colorado and is intended to serve as a sample, giving you an idea what the affidavit might look like. In this case, the numbers and statute name are specific to Colorado. Different states have different rules and forms. You should be able to find the form for your state by doing an online search for your state name followed by the words “small estate affidavit.”

I, (name), the affiant, am either a successor of the decedent or a person acting on behalf of one or more of the successors of the decedent, and I am eighteen years of age or older.

At least ten days have elapsed since the death of (loved one’s name).

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, for year of death (Y.O.D.): Y.O.D. 2020 and 2021 is $70,000; Y.O.D. 2019 is $68,000; Y.O.D. 2017 and 2018 is $66,000; Y.O.D. 2016, 2015, and 2014 is $64,000; and Y.O.D. 2013 is $63,000.

This affidavit is not valid for the transfer of real estate. To transfer personal property that affects real estate see Section 15-12-1201(3.5), C.R.S.

No application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.

The successor(s), listed below, is/are entitled to any personal property belonging to the decedent, including but not limited to funds on deposit at, or any contents of, a safe deposit box at any financial institution; tangible personal property; or instrument evidencing a debt, obligation, stock chose in action (right to bring a legal action), or stock brand. The amount, proportion, or percentage that each successor is entitled to is as follows:

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| --- | --- | --- |
| Name of Successor | Description of Property | Amount |
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1. The property must be paid or delivered as described in the following table, and then the property will be distributed to successors in accordance with paragraph 6 above:

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| --- | --- | --- |
| Name of Successor or Person Collecting on Behalf of One or More Successors | Description of Property | Amount |
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1. Any person collecting property on behalf of one or more successors will be deemed an agent of such successor with all the duties of an agent under Colorado law.
2. I understand that any person who receives property pursuant to this affidavit is answerable and accountable to any subsequently appointed personal representative of the estate or any other person having a superior right to the estate.

VERIFICATION AND ACKNOWLEDGMENT

I, (name), swear/affirm under oath that I have read the foregoing COLLECTION OF PERSONAL PROPERTY BY AFFIDAVIT PURSUANT TO Section 15-12-1201, C.R.S. and that the statements set forth therein are true and correct to the best of my knowledge.

(Here you’d print your name. Sign and date in the prese