

CHECKLIST FOR FILING AFFIDAVIT FOR SUCCESSION TO REAL PROPERTY UNDER A.R.S. §14-3971

PLEASE READ EACH SECTION OF THE AFFIDAVIT CAREFULLY. FAILURE TO COMPLETE THE FOLLOWING STEPS MAY CAUSE YOUR PAPERS TO BE RETURNED TO YOU.

- ☐ **Pursuant to A.R.S. §14-3971(E), the affidavit must be filed in the court in the county in which the decedent was domiciled at the time of death, or if the decedent was not domiciled in this state, then in any county in which real property of the decedent is located.**
- ☐ **Six months have elapsed since date of death.**
- ☐ **Value of decedent's interest in property is less than \$100,000.00.**
- ☐ **If decedent left Last Will and Testament, is it attached? The Court will not accept a photocopy.**
- ☐ **All names, addresses of heirs and relationship to decedent are listed, including surviving spouse and any step-children of decedent.**
- ☐ **If you are not the surviving spouse, and there is no Last Will and Testament, is a notarized nomination or authorization from all other heirs attached?**
- ☐ **Have you attached a certified copy of the death certificate?**
- ☐ **Have you attached a copy of Gila County tax bill to show value of property?**
- ☐ **No other application or appointment of Personal Representative of decedent's estate is pending or has been granted in any jurisdiction, or if granted, the Personal Representative has been discharged or more than a year has elapsed since the closing statement was filed.**
- ☐ **Affidavit is signed and notarized.**
- ☐ **Order is completed and needs only Judge's signature and date.**
- ☐ **Filing fee of \$224.00 is attached.**
- ☐ **Take to courthouse and file.**

NOTE: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee can be found on the www.azbar.org web site.

Name of Person Filing: _____
Mailing Address: _____
City, State, Zip Code: _____
Daytime Phone Number: _____
State Bar Number (if applicable): _____
Represented by: ☐ Self (no Attorney) or ☐ Attorney

For Clerk's Use Only

**SUPERIOR COURT OF ARIZONA
GILA COUNTY**

In the Matter of the Estate of:

Case Number: _____

**AFFIDAVIT FOR TRANSFER OF
REAL PROPERTY TITLE**

(deceased)

STATE OF ARIZONA)
COUNTY OF GILA) ss.

I am signing this affidavit, being first duly sworn, and on my oath I state as follows:

1. INFORMATION ABOUT PERSON WHO DIED.

(Name of person who died) _____ died on (date) _____.

2. PLACE OF DEATH. (Check one box)

- ☐ At the time of death, decedent was living in Gila County in Arizona, **OR**
☐ At the time of death, decedent was not living in Gila County but was living at (city and state)
_____, and owned real property located in
Gila County in Arizona.

3. RELATIONSHIP. This is my relationship to the person who died: (explain)

4. REASON WHY I AM ENTITLED TO THE PROPERTY. That the person(s) signing the affidavit are entitled to the real property because (check the boxes that apply):

- ☐ I am decedent's spouse and I am claiming the allowance in lieu of homestead (\$18,000) exempt property (\$7,000.00) and family allowance (\$12,000.00). (A.R.S. 14-2401 through 14-2405)
- ☐ There is no surviving spouse of the decedent and I am the living dependent or minor child of the person who died. I am claiming the allowance in lieu of homestead (\$18,000.00) exempt property (\$7,000.00), and family allowance (reasonable allowance for maintenance of family during administration of estate, generally up to one year). (A.R.S. 14-2401-03). All other dependent children of my parent with equal or greater right than I have to the property, who are listed above, have all assigned their entire interests in the estate to me, which is proven by the copy of the document they signed to this effect that I am attaching to this affidavit or they have signed this affidavit indicating their interest in the property.
- ☐ I am named in the will dated _____ of the person who died, the original of which is attached to this affidavit, or a certified copy of the Will which has been probated as follows (name, court, and case number):

- ☐ The person who died had no will, but I am entitled to the property under law because (check one box)
 - ☐ I am the spouse of the person who died;
 - ☐ I am a child of the person who died, and there is no living spouse;
 - ☐ I am the parent of the person who died, and there are no living children or spouse;
 - ☐ I am a brother or sister of the person who died, and there are no living children, spouse, or parents.
- ☐ The person died without a will and I am the sole heir.
- ☐ The person died without a will and the people with equal or greater right than I have to the property have all assigned their entire interests in the estate to me, which is proven by the copy of the documents they signed to this effect that I am attaching to this affidavit or have signed this affidavit indicating their interest in the property.
- ☐ The person died and left a valid will giving the entire estate to me.
- ☐ The person died and left a valid will and the people with equal or greater right than I have to the property have all assigned their entire interests in the estate to me, which is proven by the copy of the documents they signed to this effect that I am attaching to this affidavit or have signed this affidavit indicating their interest in the property.

5. **DESCRIPTION OF REAL PROPERTY.** The legal description as written on the Deed of Title of the real property located in Gila County Arizona is:
- _____
- _____
6. **INTEREST IN PROPERTY OF PERSON WHO DIED.** The interest of the person who died in the real property is (list how person who died had title to the property or other interest in the property).
- _____
- _____
7. **VALUE OF ESTATE.** The assessed value in the estate of the person who died of all real property located in this state, including any debt secured by a lien on real property, less liens and encumbrances against the real property as of the date of decedent's death, does not exceed \$100,000.00.
8. **SIX MONTH REQUIREMENT.** Six months have elapsed since the death of the person who died as shown in a certified copy of the death certificate attached to this affidavit.
9. **PERSONAL REPRESENTATIVE.** An application or petition for appointment of a personal representative is not pending or has not been granted in any jurisdiction OR an application has been granted but the personal representative has been discharged or more than one year has elapsed since a closing statement has been filed and the \$100,000.00 limit on the value of the property has not been exceeded.
10. **FUNERAL EXPENSES.** Funeral expenses, expenses of last illness, and all unsecured debts of the person who died have been paid.
11. **OTHER PERSONS.** No other person has a right to the interest of the decedent in the described property.
12. **TAXES.** No Federal or Arizona estate tax is due on the estate of the person who died.
13. **TRUE STATEMENTS.** All statements in this affidavit are true and material.
I acknowledge that any false statement may subject me to penalties relating to perjury.

Signature of Affiant _____ Date _____

SUBSCRIBED AND SWORN TO before me on this _____ day of _____, _____.

My commission expires: _____
Notary Public/Deputy Clerk

The original Will or a certified copy of a previously probated Will and a certified copy of the death certificate must be attached to this Affidavit.