AFFIDAVIT FOR COLLECTION OF PERSONAL PROPERTY PURSUANT TO

SMALL ESTATE PROCEEDING

(Idaho Code Section 15-3-1201)

STATE OF IDAHO )

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County of \_\_\_\_\_\_\_\_\_\_ )

AFFIANT, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, being sworn, states that:

1. This Affidavit is made under the provisions of Idaho Code Section 15-3-1201 for the purpose of collection of personal property of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereinafter referred to as “Decedent” who died on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. A true and correct copy of Decedent’s death certificate is attached to this Affidavit and incorporated by reference herein as if fully set forth.
2. Affiant makes this Affidavit as successor of the decedent.
3. The fair market value of the entire estate of the decedent subject to administration, wherever located less liens and encumbrances, does not exceed one hundred thousand dollars ($100,000.00 U.S.).
4. At least thirty (30) days have elapsed since the death of the decedent.
5. No Application or Petition for the Appointment of a Personal Representative is pending or has been granted in any jurisdiction.
6. The successor of the decedent is entitled to payment or delivery of any indebtedness owed to the decedent, any tangible personal property belonging to the decedent, and any instruments evidencing a debt, obligation, stock, or chose in action belonging to the decedent.
7. Such indebtedness, personal property, and instruments include the following:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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1. The Affiant requests the property listed in Paragraph Seven (7) above be issued in the name, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Trustee of the (Insert Name of Trust) Trust, UTA (Insert date of the will).

OR

8. The Affiant requests that the property listed in Paragraph Seven (7) above be issued in the name, (insert name of person).

DATED this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2020.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Insert: Affiant/Person Filing this Affidavit

Street

City, State, Zipcode

Home Phone

STATE OF IDAHO )

 :ss

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

 On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, before me personally appeared,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

 IN WITNESS THEREOF, I have hereunto set my hand and seal the day and year in the certificate above written.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public in and for Idaho

Residing at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attachments:

 Certified Copy of \_\_\_\_\_\_\_\_\_\_\_\_\_’s Death Certificate

 Copy of Idaho Code Section 15-3-1201

 Idaho Driver’s License for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Idaho Code Statutes**

**Section 15-3-1201. COLLECTION OF PERSONAL PROPERTY BY AFFIDAVIT.**

(a) Thirty (30) days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock or chose in action to a person or entity claiming to be the successor of the decedent upon being presented an affidavit made by or on behalf of the successor stating that:

(1)  The fair market value of the entire estate of the decedent which is subject to probate, wherever located, less liens and encumbrances, does not exceed one hundred thousand dollars ($100,000);

(2)  Thirty (30) days have elapsed since the death of the decedent;

(3)  No application or petition for the appointment of a personal representative or for summary administration is pending or has been granted in any jurisdiction; and

(4)  The claiming successor is entitled to payment or delivery of the property, including entitlement as a trust pursuant to a will of the decedent.

(b)  A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit as provided in subsection (a) of this section.

(c)  For the purposes of this section, for the recovery of medical assistance, the department of health and welfare shall be deemed a successor to the estate provided:

(1)  Prior to the presentation of the affidavit, the department shall give notice, by regular mail, to any person known to the department to be an heir, successor or creditor of the estate, and the department shall certify such notice in writing to the person described in subsection (a) of this section.

(2)  Within sixty (60) days of mailing the notice, any person who claims the right to reimbursement for priority estate expenses, as permitted by section [15-3-805](https://legislature.idaho.gov/statutesrules/idstat/Title15/T15CH3/SECT15-3-805)(a)(1) through (4), Idaho Code, may submit a written demand for payment of such expenses, together with any documentation of the expenses, to the department. Upon receipt of the funds, and up to the amount received, the department shall pay priority claims which it determines would be allowed in a probate proceeding, if any. The department shall notify each claimant of the disposition of his claim. The provisions of [chapter 52, title 67](https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH52), Idaho Code, shall apply to determinations made by the department under this section.

History:

[15-3-1201, as added by 1971, ch. 111, sec. 1, p. 233; am. 1993, ch. 253, sec. 1, p. 879; am. 1995, ch. 167, sec. 1, p. 650; am. 1997, ch. 212, sec. 1, p. 631; am. 2002, ch. 216, sec. 1, p. 595; am. 2006, ch. 160, sec. 1, p. 480; am. 2006, ch. 179, sec. 1, p. 553.]

**Section 15-3-1202.  EFFECT OF AFFIDAVIT**.

The person paying, delivering, transferring, or issuing personal property or the evidence thereof pursuant to affidavit is discharged and released to the same extent as if he dealt with a personal representative of the decedent. He is not required to see to the application of the personal property or evidence thereof or to inquire into the truth of any statement in the affidavit. If any person to whom an affidavit is delivered refuses to pay, deliver, transfer, or issue any personal property or evidence thereof, it may be recovered or its payment, delivery, transfer, or issuance compelled upon proof of their right in a proceeding brought for the purpose by or on behalf of the persons entitled thereto. Any person to whom payment, delivery, transfer or issuance is made is answerable and accountable therefor to any personal representative of the estate or to any other person having a superior right.

History:

[I.C., sec. 15-3-1202, as added by 1971, ch. 111, sec. 1, p. 233.]