

INSTRUCTIONS FOR COMPLETING AFFIDAVIT FOR THE COLLECTION OF PERSONAL PROPERTY OF A DECEDENT

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 Successor of the Decedent can collect 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 by presenting an Affidavit (JDF 999). All of this can be done without seeking court appointment as personal representative for the estate in certain circumstances.
- ◆ The Affidavit is not filed with the Court. Instead, the Affidavit must be presented to any person that is indebted to the Decedent or having possession of Decedent's tangible personal property or having an instrument evidencing a debt, obligation, stock, chose in action, or stock brand.
- ◆ When the Affidavit made by a Successor is presented to the person indebted to the Decedent or in possession of Decedent's personal property, the person shall make payment or deliver the property to the Successor.
- ◆ If you complete the Affidavit, you are responsible for distributing the property to all claiming Successors in the proportion identified in the Affidavit.
- ◆ You can complete the Affidavit (JDF 999) if the value of the property of the estate, less liens and encumbrances, does not exceed, for the Decedent's year of death (Y.O.D.) 2013 \$63,000.00, and for Y.O.D. 2012, 2011 or 2010 \$60,000.00, and there is no real estate.
- ◆ The Affidavit can be completed at any time ten or more days after the date of death of the Decedent.
- ◆ 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.
- ◆ For additional information about collecting personal property, please review §15-12-1201, C.R.S. and §15-12-1202, C.R.S.

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.
- ⊗ Successor: Persons other than creditors, who are entitled to property of a Decedent under a Will or by a statute, e.g. spouse, children. (§15-10-201(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 **Trusts, Estates, Wills - 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.