

GUIDE TO DECLARATION FOR COLLECTION OF PERSONAL PROPERTY



If there is a will, the original will should be lodged with the Superior Court within the first 30 days using Receipt for Will (RI-PR043).

[Probate Self Help Legal Services](#)

Declaration for Collection of Personal Property

In certain circumstances, personal property may be transferred to the decedent's successors without a formal probate. If the decedent's estate qualifies under California Pro. Code §§ 13100-13116, the person(s) entitled to the property may present a Small Estate Declaration, commonly known as a Declaration for Collection of Personal Property, to the person or institution having custody of the property, requesting that the property be delivered or transferred to the successor.

Personal property refers to anything that is not real estate. Common types of personal property include furniture, jewelry, and household goods, as well as bank accounts, stocks, and money due to the decedent.

If death occurred before April 1, 2022, the maximum value of the property cannot exceed \$166,250.

If death occurred on or after April 1, 2022, the maximum value of the property cannot exceed \$184,500.

For a complete list of what is not included as Personal Property, see [Probate Code § 13050](#).

Step 1

- **Determine if this is the appropriate procedure.**

- *Personal property may be collected using the Declaration for Collection of Personal Property if:*
 - At least 40 days have elapsed since the death of the decedent,
 - No administrative proceedings are pending or have been conducted for the decedent's estate, and
 - Estate does not exceed the max value above.

Step 2

- **Complete the Declaration for Collection of Personal Property.**

- Instructions for completing the Declaration for Collection of Personal Property are included at the end of this guide. If more than one person is entitled to inherit a particular asset, all heir/beneficiaries must sign the Declaration.
- This form needs to have all signatures notarized after completion with acknowledgment(s) of notary public attached.
- *Note: This document does not get filed with the court.*

Step 3

- **Collect the Decedent's Property.**

- Present the completed Declaration and required attachments to the person or institution having custody of the property.
- The Declaration for Collection of Personal Property must be accompanied by:
 - A certified copy of the death certificate and Maximum Values For Small Estate Set-Aside & Disposition of Estate Without Administration (DE-300)
 - Evidence that the decedent owned the property (e.g., stock certificate, bank passbook, storage receipt), and
 - Reasonable proof of the identity of the person(s) signing the Declaration (e.g., driver's license, passport).

Please Note: If the holder of the decedent's property does not accept the Declaration of Personal Property please see the probate codes [13105\(a\)](#), [13105\(b\)](#) for further steps.

Instructions on how to complete the form:

Item 1	Complete the name of the person who passed away (<i>decedent</i>), the date the person passed away and the city and state the person passed away in.
Item 3	Mark one of first the box that applies.
Item 4	Mark only 1 box that applies.
Item 5	Describe the property you wish to collect. Use enough detail to make the property easily identifiable. If the form does not provide enough space, write in "See Attachment 5," and on a blank piece of paper (labeled Attachment 5) describe the property to be collected.
Item 6	Write the name of person or persons entitled to the property. If a living trust is an heir/beneficiary, list the name(s) of the successor trustee(s) and the name of the trust (e.g., John Smith, successor trustee of the Smith Family Trust dated xx/xx/xxxx)
Item 7	Mark all the applicable boxes. <input type="checkbox"/> Check if the person(s) named in 6 will sign the form. <input type="checkbox"/> Check other box, if a guardian or conservatorship will sign on their behalf.

At the bottom of the page:
 Date, print name(s) and sign the form in front of a Notary Public. (All heir/beneficiaries should have their signature notarized.)
 If there are more than 2 people to sign the document, please use a sperate sheet of paper.

Fillable form is attached herein.

RI-PR012

Declaration for Collection or Transfer of Small Estate without Administration under Probate Code 13101

The undersigned state(s) as follows:

- _____ died on _____ at _____
(Decedent's Name) (Date of Death) (City and State)
- At least 40 days have elapsed since the death of the decedent, as shown by the attached certified copy of the decedent's death certificate;
- The following section applies (*check one*):
 - No proceeding is now being or has been conducted in the State of California for administration of the decedent's estate;
 - The decedent's personal representative has consented in writing to the payment, transfer or delivery to the affiant or declarant of the property described below.
- The gross value of decedent's interest in real and personal property located in California, excluding the property described in Probate Code section 13050—at the time of decedent's death did not exceed; (*check one*)
 - \$166,250 if the decedent died before April 1, 2022,
 - \$184,500 if the decedent died on or after April 1, 2022
- The following property is to be paid, transferred or delivered to the undersigned under the provisions of California Probate Code Section 13100 (please describe the property in below space):
- The successor(s) of the decedent, as defined in California Probate Code Section 13006, is/are:
- The undersigned (please check which box(s) applies):
 - Is successor(s) of the decedent to the decedent's interest in the described property, or
 - Is authorized under California Probate Code Section 13051 to act on behalf of the successor(s) of the decedent with respect to the decedent's interest in the described property;
- No other person has a superior right to the interest of the decedent in the described property;
- The undersigned request that the described property be paid, delivered or transferred to the undersigned.

I/We declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(Date)

(TYPE OR PRINT NAME OF PARTY MAKING DECLARATION)

(SIGNATURE)

(TYPE OR PRINT NAME OF PARTY MAKING DECLARATION)

(SIGNATURE)

Additional Signature(s) Attached

Approved for Optional Use
 Riverside Superior Court
 RI-PR012 [Rev. 4/1/22]

Declaration for Collection or Transfer of Small Estate without Administration under Probate Code 13101

Probate Code §§ 13100 - 13116
 riverside.courts.ca.gov/localfrms/localfrms.shtm

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Declaration for Collection or Transfer of Small Estate without Administration under Probate Code 13101

The undersigned state(s) as follows:

1. _____ died on _____ at _____
(Decedent's Name) (Date of Death) (City and State)
2. At least 40 days have elapsed since the death of the decedent, as shown by the attached certified copy of the decedent's death certificate;
3. The following section applies (*check one*):
 - No proceeding is now being or has been conducted in the State of California for administration of the decedent's estate;
 - The decedent's personal representative has consented in writing to the payment, transfer or delivery to the affiant or declarant of the property described below.
4. The gross value of decedent's interest in real and personal property located in California, excluding the property described in Probate Code section 13050—at the time of decedent's death did not exceed; (*check one*)
 - \$166,250 if the decedent died before April 1, 2022,
 - \$184,500 if the decedent died on or after April 1, 2022
5. The following property is to be paid, transferred or delivered to the undersigned under the provisions of California Probate Code Section 13100 (please describe the property in below space):
6. The successor(s) of the decedent, as defined in California Probate Code Section 13006, is/are:
7. The undersigned (please check which box(s) applies):
 - Is successor(s) of the decedent to the decedent's interest in the described property, or
 - Is authorized under California Probate Code Section 13051 to act on behalf of the successor(s) of the decedent with respect to the decedent's interest in the described property;
8. No other person has a superior right to the interest of the decedent in the described property;
9. The undersigned request that the described property be paid, delivered or transferred to the undersigned.

I/We declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(Date)

(TYPE OR PRINT NAME OF PARTY MAKING DECLARATION)

(SIGNATURE)

(TYPE OR PRINT NAME OF PARTY MAKING DECLARATION)

(SIGNATURE)

Additional Signature(s) Attached

**MAXIMUM VALUES FOR SMALL ESTATE SET-ASIDE
& DISPOSITION OF ESTATE WITHOUT ADMINISTRATION**

This form lists the maximum dollar values of a decedent's estate or specific property in that estate, as of the date of the decedent's death, for purposes of determining eligibility for

- (1) an order setting the estate aside for the decedent's surviving spouse and minor children; or
- (2) disposition of the estate or specific real or personal property in the estate informally, without full administration.

NOTE: The values in the left column apply to the estate of a decedent who died before April 1, 2022. The values in the right column apply to property of a decedent who died on or after April 1, 2022.

The amount of the adjustment of the prior values is based on the change in the United States city average of the Consumer Price Index for All Urban Consumers for the three-year period ending December 31, 2021, with each adjusted value rounded to the nearest \$25. (See Prob. Code, § 890(b).) Unless otherwise provided by statute after April 1, 2022, these values will next be adjusted April 1, 2025.

<u>Probate Code Section</u>	<u>Description</u>	<u>Amount</u> (for death before Apr. 1, 2022)	<u>Amount</u> (for death on or after Apr. 1, 2022)
1. SMALL ESTATE SET-ASIDE UNDER PROBATE CODE SECTIONS 6600–6613			
§§ 6602, 6609	As of the date of the decedent's death, the net value of the decedent's estate, excluding all liens and encumbrances at the date of death and the value of any probate homestead set apart under Probate Code section 6520, must not exceed:	\$ 85,900	\$ 95,325
2. DISPOSITION OF ESTATE WITHOUT ADMINISTRATION UNDER SECTIONS 13000–13606			
a. PROPERTY EXCLUDED FROM DETERMINING VALUE OF ESTATE			
§ 13050(c)	The amount of any salary or other compensation owed to the decedent, not to exceed:	\$ 16,625	\$ 18,450
b. AFFIDAVIT FOR COLLECTION, RECEIPT, OR TRANSFER OF PERSONAL PROPERTY			
§§ 13100, 13101	The gross value of the decedent's real and personal property in California, excluding the property described in Probate Code section 13050, must not exceed:	\$ 166,250	\$ 184,500
c. PETITION & COURT ORDER DETERMINING SUCCESSION TO PROPERTY			
§§ 13151, 13152, 13154	The gross value of the decedent's real and personal property in California, excluding the property described in Probate Code section 13050, must not exceed:	\$ 166,250	\$ 184,500
d. AFFIDAVIT FOR SUCCESSION TO REAL PROPERTY OF SMALL VALUE			
§ 13200	The gross value of all real property in the decedent's estate located in California, excluding the real property described in Probate Code section 13050, must not exceed:	\$ 55,425	\$ 61,500
e. AFFIDAVIT FOR COLLECTION OF COMPENSATION OWED TO DECEASED SPOUSE			
§§ 13600, 13601	Net salary or other compensation owed, in aggregate, by one or more employers for personal services of the deceased spouse, must not exceed: <i>(This limit does not apply if the decedent was a firefighter or peace officer described in Government Code section 22820(a).)</i>	\$ 16,625	\$ 18,450

NOTICE

If the decedent died on or after April 1, 2022, this form must be attached to

- an affidavit or declaration furnished under Probate Code section 13101;
- a *Petition to Determine Succession to Real Property* (form DE-310) filed under Probate Code section 13151;
- an *Affidavit re: Real Property of Small Value* (form DE-305) filed under Probate Code section 13200; or
- an affidavit or declaration furnished under Probate Code section 13601.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)