

**IDAHO SMALL ESTATE AFFIDAVIT FOR COLLECTION
OF DECEDENT'S PROPERTY, POSSESSIONS, & ACCOUNTS**

(Total Value Less Than \$100,000.00)

(See Instructions on Page 4)

I, _____ (Print Full Name), being first duly sworn upon oath, depose and state as follows:

1. This Affidavit is made upon my personal knowledge.

2. I am the surviving _____ (Relationship) of _____

(Print Full Name of Deceased Person), who has passed away and who is hereafter referred to in this Affidavit as "the Deceased Person."

3. The Deceased Person died on _____ (Date).

4. A certified copy of the Death Certificate issued following the death of the Deceased Person is attached to this Affidavit.

Initial the blank next to either Option One or Two, below, to indicate which is applicable:

5. _____ (Initials) **Option One:** At the time of death, the Deceased Person left a Last Will and Testament. Under the terms of that Last Will and Testament, I am the person named as the Executor or Personal Representative who is to serve under that Last Will and Testament. A copy of that Last Will and Testament is attached to this Affidavit.

6. _____ (Initials) **Option Two:** To the best of my knowledge, when the Deceased Person passed away, he or she left no Last Will and Testament. Since there is no Last Will and Testament, I am entitled to inherit part or all of the Deceased Person's property, possessions, and accounts.

7. At the time of death, the Deceased Person was the owner of certain items of personal property, possessions, and accounts. However, the Deceased Person did not own any real property or real estate at the time of death.

8. To the best of my knowledge, the value of the Deceased Person's property, possessions, and accounts, less any liens, debts, and encumbrances, is less than \$100,000.00.

9. As is required by law, at least thirty (30) days have elapsed between the date of the death of the Deceased Person and the date that this Affidavit is presented for the collection of the Deceased Person's property, possessions, and accounts.

10. To the best of my knowledge, no Probate Application for the Appointment of an Executor or Personal Representative is pending, anticipated, or has been granted.

11. I understand that all property, possessions, and accounts inherited from the Deceased Person under this Affidavit shall continue to be subject to the claims of the Deceased Person's creditors unless and until either (a) the Decedent's Last Will and Testament has been admitted to probate and the Decedent's estate has been properly administered, or (b) the Decedent's intestate estate has been administered under the laws of intestate succession.

12. Under Section 15-3-1201 of the *Idaho Code*, this Affidavit permits me to collect property (*but not real estate*), possessions, and accounts with a total value (after the deduction of liens, debts, and encumbrances) of up to \$100,000.00 without the requirement of probate.

13. Under Section 49-514 of the *Idaho Code*, this Affidavit shall govern the disposition and transfer of any and all registered or licensed vehicles, trailers, or boats in which the Deceased Person held an interest at the time of death.

DATED this ____ day of _____, 20 ____.

Signature

Printed Name

(Notarization of your signature is required on next page. Certified Death Certificate [and a copy of the Deceased Person's Last Will & Testament, if applicable] must be attached to this Affidavit in order for it to be valid)

STATE OF IDAHO)
) ss.
County of _____)

On this _____ day of _____, 20____, before me a notary public in and for the state of Idaho, personally appeared _____ (printed name) known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he or she executed the same.

Notary Public for Idaho
Residing at _____, Idaho
My commission expires: _____

(Notary Seal)

INSTRUCTIONS FOR USE OF IDAHO SMALL ESTATE AFFIDAVIT

This Affidavit form may only be used as an alternative to the normal probate process in very limited circumstances. This form may ***not*** be used:

- if the person who passed away owned any real estate, or
- if the total value of all of his or her possessions, accounts, and other property (less the outstanding balance due under any loans or other debts) is more than \$100,000.

Use of this form if ***either*** of the foregoing circumstances applies may be a crime.

If the foregoing limitations do not apply, then the form may be used. To do so:

1. Print off the form;
2. Fill in the blanks;
3. Attach a certified Death Certificate;
4. If the person who passed away left a Last Will and Testament, attach a copy of that Will;
5. Take the completed form to a Notary Public and have your signature notarized.

The signed and notarized Affidavit may then be presented to banks, stock brokerages, and other financial institutions with a request that the accounts owned by the person who passed away be either closed or changed into the name of the person presenting the Affidavit.

The Affidavit may also be presented to the Department of Transportation with the Certificate of Title to any vehicles owned by the person who passed away in order for those titles to be either changed into the name of the person presenting the Affidavit or into the name of any person who may be acquiring the vehicles.

The Affidavit may also be presented to any other person, institution, or entity which is holding accounts, possessions, or other property of the person who passed away with the request that such items be released to the person presenting the Affidavit.