

House Engrossed

small estate; affidavit; limits

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

CHAPTER 24
HOUSE BILL 2116

AN ACT

AMENDING SECTION 14-3971, ARIZONA REVISED STATUTES; RELATING TO SMALL
ESTATE ADMINISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 14-3971, Arizona Revised Statutes, is amended to
3 read:

4 14-3971. Collection of personal property by affidavit;
5 ownership of vehicles; affidavit of succession to
6 real property

7 A. At any time after the death of a decedent, any employer owing
8 wages, salary or other compensation for personal services of the decedent
9 shall pay to the surviving spouse of the decedent the amount owing, not in
10 excess of \$5,000, on being presented an affidavit made by or on behalf of
11 the spouse stating that the affiant is the surviving spouse of the
12 decedent, or is authorized to act on behalf of the spouse, and that no
13 application or petition for the appointment of a personal representative
14 is pending or has been granted in this state or, if granted, the personal
15 representative has been discharged or more than one year has elapsed since
16 a closing statement has been filed.

17 B. Thirty days after the death of a decedent, any person indebted
18 to the decedent or having possession of tangible personal property or an
19 instrument evidencing a debt, obligation, stock or chose in action
20 belonging to the decedent shall make payment of the indebtedness or
21 deliver the tangible personal property or an instrument evidencing a debt,
22 obligation, stock or chose in action to a person claiming to be the
23 successor of the decedent ~~upon~~ ON being presented an affidavit made by or
24 on behalf of the successor and stating that all of the following are true:

25 1. Thirty days have elapsed since the death of the decedent.

26 2. Either:

27 (a) An application or petition for the appointment of a personal
28 representative is not pending and a personal representative has not been
29 appointed in any jurisdiction and the value of all personal property in
30 the decedent's estate, wherever located, less liens and encumbrances, does
31 not exceed ~~\$75,000~~ \$200,000 as valued as of the date of death.

32 (b) The personal representative has been discharged or more than
33 one year has elapsed since a closing statement has been filed and the
34 value of all personal property in the decedent's estate, wherever located,
35 less liens and encumbrances, does not exceed ~~\$75,000~~ \$200,000 as valued as
36 of the date of the affidavit.

37 3. The claiming successor is entitled to payment or delivery of the
38 property.

39 4. The funeral expenses and expenses of the last illness of the
40 decedent have been paid.

41 C. A transfer agent of any security shall change the registered
42 ownership on the books of a corporation from the decedent to the successor
43 or successors on presentation of an affidavit pursuant to subsection B of
44 this section.

1 D. The motor vehicle division shall transfer title of a motor
2 vehicle from the decedent to the successor or successors on presentation
3 of an affidavit as provided in subsection B of this section and on payment
4 of the necessary fees.

5 E. ~~No~~ NOT sooner than six months after the death of a decedent, a
6 person or persons claiming as successor or successors to the decedent's
7 interest in real property, including any debt secured by a lien on real
8 property, may file in the court in the county in which the decedent was
9 domiciled at the time of death, or if the decedent was not domiciled in
10 this state then in any county in which real property of the decedent is
11 located, an affidavit describing the real property and the interest of the
12 decedent in that property and stating that all of the following are true
13 and material and acknowledging that any false statement in the affidavit
14 may subject the person or persons to penalties relating to perjury and
15 subornation of perjury:

16 1. Either:

17 (a) An application or petition for the appointment of a personal
18 representative is not pending and a personal representative has not been
19 appointed in any jurisdiction and the value of all real property in the
20 decedent's estate located in this state, less liens and encumbrances
21 against the real property, does not exceed ~~\$100,000~~ \$300,000 as valued at
22 the date of death. The value of the decedent's interest in that real
23 property shall be determined from the full cash value of the property as
24 shown on the assessment rolls for the year in which the decedent died,
25 except that in the case of a debt secured by a lien on real property the
26 value shall be determined by the unpaid principal balance due on the debt
27 as of the date of death.

28 (b) The personal representative has been discharged or more than
29 one year has elapsed since a closing statement has been filed and the
30 value of all real property in the decedent's estate, wherever located,
31 less liens and encumbrances, does not exceed ~~\$100,000~~ \$300,000 as valued
32 as of the date of the affidavit. The value of the decedent's interest in
33 that real property is determined from the full cash value of the property
34 as shown on the assessment rolls for the year in which the affidavit is
35 given, except that if a debt is secured by a lien on real property, the
36 value is determined by the unpaid principal balance due on the debt as of
37 the date of the affidavit.

38 2. Six months have elapsed since the death of the decedent as shown
39 in a certified copy of the decedent's death certificate attached to the
40 affidavit.

41 3. Funeral expenses, expenses of the last illness and all unsecured
42 debts of the decedent have been paid.

43 4. The person or persons signing the affidavit are entitled to the
44 real property by reason of the allowance in lieu of homestead, exempt
45 property or family allowance, by intestate succession as the sole heir or

1 heirs, or by devise under a valid last will of the decedent, the original
2 of which is attached to the affidavit or has been probated.

3 5. No other person has a right to the interest of the decedent in
4 the described property.

5 6. No federal estate tax is due on the decedent's estate.

6 F. The normal filing fee shall be charged for the filing of an
7 affidavit under subsection E of this section unless waived by the court as
8 provided by section 12-301 or 12-302. On receipt of the affidavit and
9 after determining that the affidavit is complete, the registrar shall
10 issue a certified copy of the affidavit without attachments, and the copy
11 shall be recorded in the office of the recorder in the county where the
12 real property is located.

13 G. This section does not limit the rights of heirs and devisees
14 under section 14-3901.

APPROVED BY THE GOVERNOR MARCH 31, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2025.