

House Engrossed

small estate; affidavit; limits

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

# **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.