

**INSTRUCTIONS FOR AFFIDAVIT FOR COLLECTION OF PERSONAL
PROPERTY FORM (Small Estate – No Real Estate)
Minnesota Statutes § 524.3-1201**

**USE THIS FORM AND INSTRUCTIONS ONLY IF THE FOLLOWING FACTORS
APPLY TO YOUR SITUATION:**

- You are a blood relative to the person who died or you have a legal interest in the person's property.
- The person only had a small and modest sum of money or personal property when he/she died.
- The person had a will or did not have a will

If you are not sure whether this form applies to your situation, see a lawyer for help.

**WHEN CAN YOU USE AN AFFIDAVIT FOR COLLECTION OF PERSONAL
PROPERTY?**

If the estate of the person who died is small enough, you might not have to file a case in the probate court. Generally, you can complete an affidavit for collection of personal property if:

1. **The value of all the property** in the estate of the person who died, wherever located, minus the amount of liens and encumbrances on the property, **is not greater than \$75,000.**
2. **The property is listed only** in the name of person who died. (There is no beneficiary or joint tenant.)
3. **There is no real property** in the probate estate of the person who died. Real property (land and buildings) requires you to go to probate court to transfer it.
4. **30 days have passed** since the person died.
5. **You have legal standing to** submit an affidavit to persons or businesses who have the property of the person who died, or owe money to the person who died, as follows:
 - a) You are named as recipient of the property in a will of the person who died:
 - b) The person who died had no will, but you are entitled to the property under law.
Examples include the following:
 - You are the spouse of the person who died;
 - You are a living child of the person who died, and there is no living spouse;
 - You are the living parent of the person who died, and there are no living children or spouse;
 - You are a living brother or sister of the person who died, and there are no living children, grandchildren, spouse, or parents.
 - You are otherwise entitled to property pursuant to the Probate Code.

WHAT TO DO AFTER YOU HAVE COMPLETED THE AFFIDAVIT:

(NOTE: You must attach a certified copy of the death certificate to the affidavit.)

1. **To collect personal property**, take the affidavit to the person or business that has the property or owes the debt. (bank, stock company, etc.)
2. **To transfer title** to a motor vehicle, take the affidavit, with the attached death certificate, to the motor vehicle division.

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.