

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

CHAPTER 26

**SENATE BILL 1020**

AN ACT

AMENDING SECTION 14-3971, ARIZONA REVISED STATUTES; RELATING TO PROBATE OF WILLS AND 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 five thousand dollars, on being presented an affidavit made by or  
11 on behalf of the spouse stating that the affiant is the surviving spouse of  
12 the 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 is  
14 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 a  
16 closing statement has been filed.

17 B. Thirty days after the death of a decedent, any person indebted to  
18 the decedent or having possession of tangible personal property or an  
19 instrument evidencing a debt, obligation, stock or chose in action belonging  
20 to the decedent shall make payment of the indebtedness or deliver the  
21 tangible personal property or an instrument evidencing a debt, obligation,  
22 stock or chose in action to a person claiming to be the successor of the  
23 decedent upon being presented an affidavit made by or on behalf of the  
24 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 the  
30 decedent's estate, wherever located, less liens and encumbrances, does not  
31 exceed fifty thousand dollars as valued as of the date of death.

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

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

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

43 D. The motor vehicle division shall transfer title of a motor vehicle  
44 from the decedent to the successor or successors on presentation of an

1 affidavit as provided in subsection B of this section and on payment of the  
2 necessary fees.

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

14 1. Either:

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

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

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

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

41 4. The person or persons signing the affidavit are entitled to the  
42 real property by reason of the allowance in lieu of homestead, exempt  
43 property or family allowance, by intestate succession as the sole heir or  
44 heirs, or by devise under a valid last will of the decedent, the original of  
45 which is attached to the affidavit or has been probated.

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

3           6. No federal or Arizona estate tax is due on the decedent's estate.

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

11           G. ~~Nothing in~~ This section ~~shall~~ DOES NOT limit the rights of heirs  
12 and devisees under section 14-3901.

**APPROVED BY THE GOVERNOR MARCH 31, 2006.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2006.**