MOHAVE COUNTY

PROOF OF AUTHORITY

INFORMATION:

This form provides a method for obtaining possession of personal property or transferring Arizona real property of a non-Arizona resident decedent, without commencing an ancillary probate or appointment proceeding.

A.R.S. § 14-4204 requires that certified copies of the appointment of the foreign personal representative, letters of appointment and any official bond required by Chapter 3 of the Probate Code, be filed with the Clerk of Superior Court.

The Proof of Authority shall also be filed with the aforementioned documents. It should be noted that if the will waives the bond, or at least the bond with respect to Arizona assets, no bond would be required. However, if bond is required, the amount of the bond must equal the value of all property of the decedent in Arizona OR the amount of bond posted in the state of domicile of the decedent.

Once the foreign personal representative has complied with A.R.S. § 14-4204, he/she may exercise, as to assets in Arizona, all powers of a local personal representative without further appointment and may maintain actions and proceedings in this state, subject to any conditions generally imposed upon non-resident parties. A.R.S. § 14-4205

The power described above may be exercised only if no administration or application therefore is pending in this state. An application or petition for local administration in Arizona terminates the power of the foreign personal representative to act under A.R.S. § 14-4205, except as otherwise provided in A.R.S. § 14-4206, which also sets forth additional exceptions which apply to these procedures.

INSTRUCTIONS – Proof of Authority

1. Fill in the name of personal representative (executor), mailing address, city, state, zip code and daytime telephone number in the upper left corner of the Proof of Authority form.
2. In the caption area, fill in the name of the decedent.
3. In the body of the form, carefully read and fill in the appropriate information. If you do not know how to proceed, you may wish to consult with a legal professional.
4. Date and sign the document before a notary public.
5. Attach certified copies of Letter of Appointment, official Bond or Surety posted in the state of domicile.
6. File the completed Proof of Authority along with certified copies. You must pay a filing and certification fee upon filing the Proof of Authority, payable to the Clerk of Superior Court. **Please refer to our fee schedule at www.mohavecourts.az.gov. You must also pay a separate recording fee of $30 payable to Mohave County Recorder. Please remint two separate checks with your paperwork.** Documents may be filed by mail or in person at any of the following locations:

Clerk of the Court
Mohave County Superior Court
401 E. Spring Street
Kingman, AZ 86401
(Hours 8:00-5:00)
(928) 753-0713

Clerk of the Court
Mohave County Superior Court
2225 Trane Road
Bullhead City, AZ 86442
(Hours 8:30-12:00 & 1:30-4:30)
(928) 758-0730

Clerk of the Court
Mohave County Superior Court
2001 College Drive
Lake Havasu City, AZ 86404
(Hours 8:30-12:00 & 1:30-4:30)
(928) 453-0701

After the documents are received and filed in with the Clerk of Superior Court, the certified copy and the Recorder's check will be sent to the Recorder for recording. Once the Proof of Authority is recorded, it will be returned to you. After this process is complete, it is your responsibility to prepare a Deed to transfer the property title. If you are unsure how to proceed, you may want to seek legal advice. The property title will not be transferred until there is a Deed recorded to transfer the property title.

Reset

Name of Person Filing: _____
Mailing Address: _____
City, State, and Zip Code: _____
Day/Evening Phone Number: _____
Representing Self without an attorney

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA
MOHAVE COUNTY

In the Matter of the Estate of:

Case Number: _____

PROOF OF AUTHORITY

_____
Deceased

Pursuant to A.R.S. §14-4204, the undersigned, _____ hereby alleges as follows:

1. The name, address and daytime telephone number of the domiciliary foreign Personal Representative is: _____
_____
_____

Daytime number: _____

2. That the undersigned is the domiciliary foreign Personal Representative for the above Estate in the State of _____. A certified copy of the undersigned's Appointment and/or Letter of Appointment is/are attached hereto and filed herewith.

3. That no local Administration or Application or Petition therefore is pending in this State.

4. A. That the undersigned files no bond herewith, as the requirement for bond has been: (Check one, only if it applies to you)

☐ waived by the Will. A copy of the Will is filed herewith.

☐ waived by all of the heirs and devisees. Copy(ies) of waiver(s) is/are filed herewith.

☐ waived by Court Order

B. ☐ That pursuant to A.R.S. §§14-4204 and 14-3604, the undersigned files a certified copy of the official bond given in the domiciliary state. (Check only if filing a certified copy of the bond.)

5. That the undersigned domiciliary foreign Personal Representative files this Proof of Authority for the purpose of exercising all powers of a local Personal Representative as to assets in this state.

Case No._____

DATED this _____ day of _____. 20 _____.

_____
Signature of Personal Representative

_____
Printed Name

OATH AND VERIFICATION

STATE OF ARIZONA)
) ss.
County of Mohave)

I, _____, being duly sworn and under oath, state that I am the domiciliary Personal Representative, that the statements made in this Proof of Authority are accurate and complete to the best of my knowledge and belief.

_____
Personal Representative

SUBSCRIBED AND SWORN TO before me this _____ day of _____,20_____, by _____.

My Commission Expires:_____ _____
Notary Public / Deputy Clerk