CLERK OF SUPERIOR COURT
CHRISTINA SPURLOCK, CLERK

Mohave County Courthouse
415 East Spring Street
Post Office Box 7000
Kingman, Arizona 86402

(928) 753-0713 Phone
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cspurlock@courts.az.gov

INSTRUCTIONS FOR USING REAL PROPERTY AFFIDAVIT

1. The decedent must be deceased more **than six months** prior to the filing of the Affidavit.

2. Only ONE decedent per application.

3. You must file a **certified copy** of the death certificate with the Affidavit.

4. If you have a Will or know of a Will, you must file the **original Will** with your Affidavit. (You can request certified copies of the original Will upon filing it with the Clerk's Office)

5. If there is an active probate matter in another state, use the ancillary procedures listed below.

6. You must pay a filing fee of $371.00 and a certification fee of $35.00, for a total of **$406.00** upon filing of the Affidavit, made payable to **CLERK OF SUPERIOR COURT**. The Affidavit, Death Certificate and Will, plus one copy of all papers, along with the filing fee and a self-addressed stamped envelope (for the return of certified and recorded document) should be mailed to:

   CLERK OF SUPERIOR COURT
   PO BOX 7000
   KINGMAN AZ 86402-7000

7. You must send an **additional fee,** made payable to **Mohave County Recorder**. **The fee is $30.00.** If you have any questions concerning the recordation of your documents, you may contact the Recorder at (928) 753-0701.

8. You cannot use the Affidavit if the assessed value of the real property is valued at more than $300,000.00. The value of the decedent's interest shall be determined from the full cash value of the property as shown on the assessment rolls for the year in which the decedent died.

9. This office cannot give you legal advice. If you are in doubt, you should contact an attorney and follow his or her instructions.

ANCILLARY PROBATE PROCEDURES

If there is currently an active probate matter in another state, you may file a Proof of Authority A.R.S. §14-4204. The document is available on our website at www.mohavecourts.az.gov, then go to Forms and Form Kits, Probate, then Proof of Authority.

You will need to attach a certified copy of the Letters issued to you from the Probate Court as well as a certified copy of the bond (if there was one posted). Filing fees are listed above in items 6 and 7.

This procedure does not transfer the property title. It only gives you the authority to prepare a deed to transfer the property title.

Reset

Name of Person Filing: _____
Mailing Address (if not protected): _____
City, State, Zip Code: _____
Daytime Phone Number: _____
Email Address: _____
State Bar Number (if applicable): _____
Represented by: ☐ **Self (no Attorney) or** ☐ **Attorney**

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA
MOHAVE COUNTY

In the Matter of the Estate of:

_____

_____

(deceased)

Case Number: _____

AFFIDAVIT FOR TRANSFER OF REAL PROPERTY TITLE

STATE OF ARIZONA)
COUNTY OF MOHAVE) ss.

I am signing this affidavit, being first duly sworn, and on my oath I state as follows:

1. INFORMATION ABOUT PERSON WHO DIED.

(Name of person who died) _____ died on (date) _____.

2. PLACE OF DEATH. (Check one box)

☐ At the time of death, decedent was living in Mohave County in Arizona, **OR**

☐ At the time of death, decedent was not living in Mohave County but was living at (city and state) _____, and owned real property located in Mohave County in Arizona.

3. RELATIONSHIP. This is my relationship to the person who died: (explain)

_____

_____

_____

4. REASON WHY I AM ENTITLED TO THE PROPERTY. That the person(s) signing the affidavit are entitled to the real property because (check the boxes that apply):

☐ I am decedent's spouse and I am claiming the allowance in lieu of homestead ($18,000) exempt property ($7,000.00) and family allowance ($12,000.00). (A.R.S. 14-2401 through 14-2405)

☐ There is no surviving spouse of the decedent and I am the living dependent or minor child of the person who died. I am claiming the allowance in lieu of homestead ($18,000.00) exempt property ($7,000.00), and family allowance (reasonable allowance for maintenance of family during administration of estate, generally up to one year). (A.R.S. 14-2401-03). All other dependent children of my parent with equal or greater right than I have to the property, who are listed above, have all assigned their entire

interests in the estate to me, which is proven by the copy of the document they signed to this effect that I am attaching to this affidavit or they have signed this affidavit indicating their interest in the property.

☐ I am named in the will dated _____ of the person who died, the original of which is filed with this affidavit, or a certified copy of the Will which has been probated as follows (name, court, and case number):

_____

☐ The person who died had no will, but I am entitled to the property under law because (check one box)

- ☐ I am the spouse of the person who died;
- ☐ I am a child of the person who died, and there is no living spouse;
- ☐ I am the parent of the person who died, and there are no living children or spouse;
- ☐ I am a brother or sister of the person who died, and there are no living children, spouse, or parents.

☐ The person died without a will and I am the sole heir.

☐ The person died without a will and the people with equal or greater right than I have to the property have all assigned their entire interests in the estate to me, which is proven by the copy of the documents they signed to this effect that I am attaching to this affidavit or have signed this affidavit indicating their interest in the property.

☐ The person died and left a valid will giving the entire estate to me.

☐ The person died and left a valid will and the people with equal or greater right than I have to the property have all assigned their entire interests in the estate to me, which is proven by the copy of the documents they signed to this effect that I am attaching to this affidavit or have signed this affidavit indicating their interest in the property.

5. DESCRIPTION OF REAL PROPERTY. The legal description as written on the Deed of Title of the real property located in Mohave County Arizona is:

_____

_____

6. INTEREST IN PROPERTY OF PERSON WHO DIED. The interest of the person who died in the real property is (list how person who died had title to the property or other interest in the property).

_____

_____

7. VALUE OF ESTATE. The assessed value in the estate of the person who died of all real property located in this state, including any debt secured by a lien on real property, less liens and encumbrances against the real property as of the date of decedent's death, does not exceed $300,000.00.

8. SIX MONTH REQUIREMENT. Six months have elapsed since the death of the person who died as shown in a certified copy of the death certificate submitted with this affidavit.

9. **PERSONAL REPRESENTATIVE**. An application or petition for appointment of a personal representative is not pending or has not been granted in any jurisdiction OR an application has been granted but the personal representative has been discharged or more than one year has elapsed since a closing statement has been filed and the $300,000.00 limit on the value of the property has not been exceeded.

10. **FUNERAL EXPENSES**. Funeral expenses, expenses of last illness, and all unsecured debts of the person who died have been paid.

11. **OTHER PERSONS.** No other person has a right to the interest of the decedent in the described property.

12. **TAXES.** No Federal or Arizona estate tax is due on the estate of the person who died.

13. **TRUE STATEMENTS.** All statements in this affidavit are true and material.
I acknowledge that any false statement may subject me to penalties relating to perjury.

Signature of Affiant _____ Date _____

SUBSCRIBED AND SWORN TO before me on this _____ day of _____.

My commission expires: _____ _____
Notary Public/Deputy Clerk