

California Small Estate Affidavit Checklist (2026)

Step-by-step collection checklist for a Probate Code 13100 affidavit or declaration

Before you sign

- ☐ At least 40 days have passed since the date of death.
- ☐ The declaration can state that no probate proceeding is now being or has been conducted in California, or that the personal representative has consented in writing.
- ☐ Countable gross estate is \$208,850 or less (deaths on or after April 1, 2025) after the section 13050 exclusions.
- ☐ You are the successor (the sole beneficiary or all beneficiaries under the will, or the heirs by intestacy), or authorized to sign for one under section 13051 (guardian, conservator, trustee, agent under a durable power of attorney).
- ☐ If several successors inherit the same item, plan on all of them signing the declaration together.
- ☐ If the person received Medi-Cal after turning 55, contact DHCS Estate Recovery before you collect or divide the property, and send DHCS a Notice of Death with a copy of the death certificate within 90 days of the date of death.

Statements the declaration must contain (section 13101)

- ☐ Decedent's name, date and place of death.
- ☐ That 40 days have passed since the death.
- ☐ That no probate proceeding is now being or has been conducted in California (or that the personal representative consented in writing).
- ☐ That the current gross fair market value of the estate (not counting section 13050 property or a home in a section 13151 petition) does not exceed the limit.
- ☐ A description of the property you are collecting.
- ☐ The name of each successor, and that you are the successor or authorized to act for them.
- ☐ That no one else has a better right to the property.
- ☐ That you ask for the property to be paid or delivered to you.
- ☐ Signed as true under penalty of perjury under California law (a notary's acknowledgment also serves as reasonable proof of identity under section 13104).

Attachments

- ☐ Certified copy of the death certificate.
- ☐ Judicial Council list of adjusted dollar amounts (Form DE-300).
- ☐ If a personal representative was appointed: a copy of the written consent and the letters (section 13101).

☐ If the decedent owned any California real estate: inventory and appraisal by a probate referee (section 13103).

☐ Photo ID; for stock transfer agents, an affidavit of domicile and a stock power if requested.

Presenting it to each holder

☐ Bank / credit union: _____ Date presented: _____

☐ Brokerage / transfer agent: _____ Date presented: _____

☐ Employer (unpaid wages; a surviving spouse uses sections 13600-13601):
_____ Date presented: _____

☐ Other holder: _____ Date presented: _____

☐ If a holder refuses a proper affidavit, note that section 13105 lets you sue to recover the property, with attorney's fees if the refusal was unreasonable.

☐ Keep copies of every declaration you hand out (sections 13109 and 13111 liability).

INSTRUCTIONS FOR USE

Rules verified in October 2026 against the California Probate Code (leginfo.legislature.ca.gov) and California Courts self-help. This checklist is general information, not legal advice; laws change. For advice on your situation, consult a licensed California attorney. Companion guide: clearlegaltips.com/california-small-estate-affidavit/