

## SAM—DISBURSEMENTS

### RELEASE OF PERSONAL PROPERTY PURSUANT TO PROBATE CODE SECTION 13100

8477.31

(Renumbered from 8429.72 12/89)

Probate Code Section 13100 provides for the collection or transfer of a decedent's personal property without the administration of the estate or probate of the will. To effect the transfer of the decedent's personal property, the successor of the decedent must furnish an affidavit or declaration, under penalty of perjury under the laws of this State (declaration), to the holder of the decedent's personal property.

Departments may prepare a request form similar to SAM Section 8477.32 Illustration I that, when completed by the successor of the decedent, may serve as the declaration. The final form is left up to the department as long as the form is typewritten and includes, as a minimum, the information in Probate Code Section 13101.

The State department holding a decedent's personal property will verify that the affidavit or declaration is in accordance with Probate Code Section 13101 and that a copy of the inventory and appraisal of the decedent's real property is attached (Probate Code Section 13103).

Disposition of the original affidavit or declaration and necessary copies will be as follows:

1. Retain the original as the department's record of and authority for releasing the decedent's personal property;
2. Attach a copy to checks or warrants payable to the decedent when released; and
3. Attach a copy to each claim schedule submitted to the State Controller's Office requesting issuance of a warrant payable to the successor of the decedent.

Funds due a decedent may be released to the successor of the decedent in the form of checks or warrants made payable (1) to the successor of the decedent or (2) to deceased employees or other deceased persons. Departments will not release funds due a deceased State employee pursuant to this section when the department has on file an unrevoked Designation of Person Authorized to Receive Warrants, Std. Form 243, except as provided for in SAM Section 8477.25.

Checks drawn or warrants claimed that are to be made payable to the successor of the decedent will show the payee as follows:

(Name of Successor of Decedent)—Successor of Decedent

(Name of Decedent)—Deceased

Before the decedent's personal property is released, the successor shall present to the department:

1. reasonable proof of his or her identity (Probate Code Section 13104); and
2. evidence of the decedent's ownership in the property, if available (Probate Code Section 13102).

Questions regarding the submission of affidavits or declarations may be referred to the State Treasurer's Office. However, questions regarding the decedents ownership or interest in real or personal property, for the purpose of this law, should be referred to an attorney.