

DECEDENT FUNDS REQUEST

RE 239 (Rev. 7/18)

INSTRUCTIONS	<i>DRE Use Only</i>
<ul style="list-style-type: none">• Please read reverse side before completing this request.• Complete and submit this form to: Department of Real Estate P.O. Box 137000 Sacramento, CA 95813-7000	

AFFIDAVIT

Pursuant to Sections 13101 and 13105 of the Probate Code, I the undersigned, an adult, hereby request the State Treasurer to pay and deliver to me the money on deposit and other personal property described below.

NAME OF DECEDENT	DATE OF DEATH	PLACE OF DEATH

At least 40 days have elapsed since the death of the decedent, as shown in a certified copy of the decedent's death certificate attached to this affidavit or declaration.

Either of the following, as appropriate:

- No proceeding is now being or has been conducted in California for administration of the decedent's estate.
- The decedent's personal representative has consented in writing to the payment, transfer, or delivery to the affiant or declarant of the property described in the affidavit or declaration.

The current gross fair market value of the decedent's real and personal property in California, excluding the property described in Section 13050 of the California Probate Code, does not exceed one hundred thousand dollars (\$100,000).

The following is a description of the funds of the decedent that is to be paid, transferred, or delivered to the affiant or declarant.

The name of the successor of the decedent (as defined in Section 13006 of the California Probate Code) to the described property.

Either of the following, as appropriate:

- The affiant or declarant is the successor of the decedent (as defined in Section 13006 of the California Probate Code) to the decedent's interest in the described property.
- The affiant or declarant is authorized under Section 13051 of the California Probate Code to act on behalf of the successor of the decedent (as defined in Section 13006 of the California Probate Code) with respect to the decedent's interest in the described property.

No other person has a superior right to the interest of the decedent in the described property.

The affiant or declarant requests that the described property be paid, delivered, or transferred to the affiant or declarant.

DECLARATION

The affiant or declarant affirms or declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

SIGNATURE OF AFFIANT OR DECLARANT	DATE
	

CALIFORNIA PROBATE CODE

§13006. Successor of the decedent

“Successor of the decedent” means:

- (a) If the decedent died leaving a will, the sole beneficiary or all of the beneficiaries who succeeded to a particular item of property of the decedent under the decedent’s will. For the purposes of this part, the trustee of a trust created during the decedent’s lifetime is a beneficiary under the decedent’s will if the trust succeeds to the particular item of property under the decedent’s will.
- (b) If the decedent died without a will, the sole person or all of the persons who succeeded to the particular item of property of the decedent under Sections 6401 and 6402.

§13050. Property excluded in determining property or estate of decedent or its value

(a) For the purposes of this part:

- (1) Any property or interest or lien thereon which, at the time of the decedent’s death, was held by the decedent as a joint tenant, or in which the decedent had a life or other interest terminable upon the decedent’s death, or which was held by the decedent and passed to the decedent’s surviving spouse pursuant to Section 13500, shall be excluded in determining the property or estate of the decedent or its value.
- (2) A multiple-party account to which the decedent was a party at the time of the decedent’s death shall be excluded in determining the property or estate of the decedent or its value, whether or not all or a portion of the sums on deposit are community property, to the extent that the sums on deposit belong after the death of the decedent to a surviving party, P.O.D. payee, or beneficiary. As used in the paragraph, the terms “multiple-party account,” “party,” “P.O.D. payee,” and beneficiary” have the same meaning as given those terms by Section 5101.

(b) For the purposes of this part, all of the following property shall be excluded in determining the property or estate of the decedent or its value:

- (1) Any vehicle registered under Division 3 (commencing with Section 4000) of the Vehicle Code or titled under Division 16.5 (commencing with Section 38000) of the Vehicle Code.
 - (2) Any vessel numbered under Division 3.5 (commencing with Section 9840) of the Vehicle code.
 - (3) Any manufactured home, mobilehome, commercial coach, truck camper, or floating home registered under Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code.
- (c) For the purposes of this part, the value of the following property shall be excluded in determining the value of the decedent’s property in this state:
- (1) Any amounts due to the decedent for services in the armed forces of the United States.
 - (2) The amount, not exceeding five thousand (\$5,000), of salary or other compensation, including compensation for unused vacation, owing to the decedent for personal services from any employment.

§13051. Guardians or conservators of persons entitled to property; trustees, custodians

For the purposes of this part:

- (a) A guardian or conservator of the estate of a person entitled to any of the decedent’s property may act on behalf of the person without authorization or approval of the court in which the guardianship or conservatorship proceeding is pending.
- (b) A trustee of a trust created during the decedent’s lifetime may act on behalf of the trust.
- (c) If the decedent’s will nominates a custodian to receive a devise to a beneficiary under the Uniform Gifts to Minors Act or the Uniform Transfer to Minors Act of any state and the nomination has not been revoked, the custodian may act on behalf of the beneficiary until such time as the custodianship terminates.