

AFFIDAVIT OF DEATH

I, _____, being duly sworn, hereby affirm under penalty of perjury, on this _____, that I am the _____ of the Estate of _____ (the "Decedent"). The purpose of this affidavit is _____.

The Decedent died on _____. At the time of death, the Decedent's legal residence was _____, _____, County of _____, State of _____. Decedent lived at this residence for _____ years prior to death and was not a resident of any other State within the United States of America at that time. Decedent's social security number is _____.

The value of the decedent's estate is subject to probate. All debts of the decedent, including funeral expenses, have been paid or provided for. Accordingly, I am requesting the transfer or delivery of the items described above and in the accompanying exhibits. I have served notice on all other successors as per my state's laws. As exhibits to this affidavit please find a list of the bank accounts owned by the decedent, as well as a Certificate of Death.

NOTARY ACKNOWLEDGEMENT

State of _____)

) (Seal)

County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by the undersigned, _____, who is personally known to me or satisfactorily proven to me to be the person whose name is subscribed to the within instrument.

Signature

Notary Public

My Commission Expires: _____

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GENERAL INSTRUCTIONS

What is an Affidavit of Death?

An Affidavit of Death is a sworn legal statement, completed by someone with personal knowledge of another's death, declaring the person has died. Typically, the affidavit is accompanied by a certified copy of a death certificate. This affidavit may also be referred to by different names, including:

- Affidavit of Death of Joint Tenant;
- Affidavit of Death of Trustee;
- Affidavit of Death of Spouse;
- Affidavit of Death of Grantor;
- Affidavit of Death Intestate;
- Affidavit of Death and Heirship.

When Do I Need One?

After someone passes away, their legal affairs and estate must be taken care of. An affidavit of death is the appropriate legal document to legally prove someone has died. People need an affidavit of death for a variety of circumstances involving the efficient transfer and distribution of property, including:

- The authority to close a checking account;
- The ability to pass title to property from the deceased to their heirs; and
- To accomplish other tasks wherein the deceased had an interest, a debt, or a claim.

The Consequences of Not Using One

Without an affidavit of death, many businesses, agencies, people, and courts will not allow you to act on behalf of the deceased. Failing to use an affidavit of death could stop you from:

- Selling property;
- Closing bank accounts;
- Accessing safe deposit boxes;
- Transferring property to rightful heirs;
- Transferring accounts

An affidavit of death is for everyone's protection. Requiring one reduces the likelihood of fraud and defrauding a court or business. It also speeds up property transfer and distribution, easing the wind up of legal affairs and one's estate.

The Most Common Situations of Using One

By far, the most common situations for using an affidavit of death involve the transfer of property from the decedent to their heirs, through a variety of means.

- Joint Tenancy
- Trustee
- Death of Spouse
- Death of Grantor
- Death Intestate
- Affidavit of Heirship
- Other Uses: to notify a creditor of a death; to collect life insurance proceeds

What Should the Affidavit Include?

Affidavits of death all include the following basic elements:

- Location: the state and county within which the affidavit is signed;
- Affiant: the full legal name and address of the person signing the affidavit;
- Legal capacity of the affiant: an affirmation the signer is of legal age;
- Decedent: the identity of the decedent, including their full legal name;
- Decedent's date of death: the date of the decedent's birth and death;
- Probate: information regarding the location and time of probate proceedings;
- Affirmation: an affirmation, certifying under penalty of perjury, the signer believes the contents of the affidavit are true and correct;
- Notary: affidavits of death must be witnessed and signed by a notary public.

In the case of an affidavit of heirship, it should be included that the person signing is a

disinterested third party, and in the case of a revocable trust, that the person signing is the successor trustee.