

ALASKA AFFIDAVIT FOR COLLECTION OF PERSONAL PROPERTY OF DECEDENT

I, _____, being duly sworn, state the following:

1. I am the successor of _____ who died on _____, 20 _____. I am the successor by reason of the fact that _____.
(state basis upon which you claim to be successor)
2. The entire estate of the decedent, wherever located, less liens and encumbrances, consists only of not more than
 - a. vehicles subject to registration under AS 28.10.011 with a total value that does not exceed \$100,000; and
 - b. personal property, other than vehicles described in (a) above, that does not exceed \$50,000.
3. The decedent's estate includes no real estate or the decedent had real estate that passed automatically to someone else. Title to property may transfer automatically based on how it was titled. For example, the property was held as tenants by the entirety (common for married couples) or there was a Transfer on Death Deed.
4. Thirty days have elapsed since the death of the decedent.
5. No application or petition for the appointment of a personal representative of the decedent's estate is pending or has been granted in any jurisdiction.
6. I, as successor of the decedent, am entitled to the payment of any sums of money due and owing the decedent and to the delivery of all tangible personal property belonging to the decedent and to the delivery of all instruments evidencing a debt, obligation, stock or chose in action belonging to the decedent.
7. I understand that when I receive the decedent's assets, I am accountable for them to any personal representative of the estate (if one is appointed) and to any other person who has a superior right. AS 13.16.685
8. I understand I may be asked to show a copy of the decedent's death certificate to the holder of the property before any property is transferred to me.

Signature

Mailing Address

City State ZIP

Telephone

Subscribed and sworn to or affirmed before me at _____, Alaska on _____ (date).

(SEAL) _____
Notary Public or other person authorized to administer oaths.
My commission expires: _____

Sec. 13.06.050. General definitions

(48) "successor" means a person, other than a creditor, who is entitled to property of a decedent under the decedent's will or AS 13.06 - AS 13.36;

Sec. 13.16.680. Collection of personal property by affidavit.

(a) Thirty days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent upon being presented an affidavit made by or on behalf of the successor stating that

- (1) the entire estate, wherever located, less liens and encumbrances, consists only of not more than
 - (A) vehicles subject to registration under AS 28.10.011 with a total value that does not exceed \$100,000; and
 - (B) personal property, other than vehicles described in (A) of this paragraph that does not exceed \$50,000;
- (2) 30 days have elapsed since the death of the decedent;
- (3) no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction; and
- (4) the claiming successor is entitled to payment or delivery of the property.

(b) A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit as provided in (a) of this section. (§ 1 ch 78 SLA 1972; am § 4 ch 80 SLA 1984; am § 1 ch 100 SLA 2008)

Sec. 13.16.685. Effect of affidavit. The person paying, delivering, transferring, or issuing personal property or the evidence of it under affidavit is discharged and released to the same extent as if the person dealt with a personal representative of the decedent. The person is not required to see to the application of the personal property or evidence of it or to inquire into the truth of any statement in the affidavit. If any person to whom an affidavit is delivered refuses to pay, deliver, transfer, or issue any personal property or evidence of it, it may be recovered or its payment, delivery, transfer, or issuance compelled upon proof of their right in a proceeding brought for the purpose by or on behalf of the persons entitled to it. Any person to whom payment, delivery, transfer, or issuance is made is answerable and accountable for it to any personal representative of the estate or to any other person having a superior right. (§ 1 ch 78 SLA 1972)

Sec. 28.10.011. Vehicles subject to registration.

Every vehicle driven, moved, or parked upon a highway or other public parking place in the state shall be registered under this chapter except when the vehicle is

- (1) driven or moved on a highway only for the purpose of crossing the highway from one private property to another, including an implement of husbandry as defined by regulation;
- (2) driven or moved on a highway under a dealer's plate or temporary permit as provided for in AS 28.10.031 and 28.10.181(j);
- (3) special mobile equipment as defined by regulation;
- (4) owned by the United States;
- (5) moved by human or animal power;
- (6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil Relief Act);
- (7) driven or parked only on private property;
- (8) the vehicle of a nonresident as provided under AS 28.10.121;
- (9) transported under a special permit under AS 28.10.151;
- (10) being driven or moved on a highway, vehicular way, or a public parking place in the state that is not connected by a land highway or vehicular way to
 - (A) the land-connected state highway system; or
 - (B) a highway or vehicular way with an average daily traffic volume greater than 499;
- (11) an implement of husbandry operated in accordance with the provisions of AS 19.10.065;
- (12) an electric personal motor vehicle.