



# County of El Dorado

## OFFICE OF AUDITOR-CONTROLLER

360 FAIR LANE  
PLACERVILLE, CALIFORNIA 95667  
Phone: (530) 621-5470 x4

### DECLARATION UNDER PROBATE CODE COMMENCING WITH §13100) AFFIDAVIT FOR DECEASED PERSON TO SUPPORT CLAIM FOR EXCESS PROCEEDS (R&T Code §4675)

This affidavit is presented to the holder (hereinafter El Dorado County) to support a claim for excess proceeds pursuant to Revenue and Taxation Code §4675 and Probate Code §13100 et seq. I furnish this affidavit and all the following information as true and accurate under penalty of perjury under the laws of the State of California:

Decedent's full legal name: \_\_\_\_\_

Decedent's maiden name (if applicable): \_\_\_\_\_

Date of the decedent's death: \_\_\_\_\_

Place of decedent's death: \_\_\_\_\_

At least 40 days have elapsed since the death of the decedent, as shown in a certified copy of the decedent's death? A copy of certified death certificate must be attached to this affidavit:

- True
- False

Check applicable box:

- 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. A copy of the consent and of the personal representative's letters must be attached to this affidavit.

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:

- \$166,250 for a person whose date of death is prior to April 1, 2022, pursuant to California Probate Code §13101.
- \$\_\_\_\_\_, as specified by Probate Code §13101(g) and adjusted in accordance with California Probate Code §890(c), for a person whose date of death is on or after April 1, 2022.

Description of the property of the decedent that is to be paid, transferred, or delivered to the affiant or declarant: \_\_\_\_\_

Name of the successor of the decedent (as defined in Section 13006 of the California Probate Code) to the described property: \_\_\_\_\_

Check applicable box:

- 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.

- True
- False

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

- True
- False

*I/we, the affiant or declarant, affirms or declares under penalty of perjury under the laws of the State of California that all statements contained in this form and any accompanying documents are true and correct, with full knowledge that all statements are subject to investigation and that any false or dishonest statement may be grounds for denial of the claim submitted in addition to the penalty of perjury.*

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

### **Important Information**

*If evidence of ownership by the decedent is not presented to El Dorado County, El Dorado County may require, as a condition for the payment, delivery, or transfer of the property, that the person presenting the affidavit provide El Dorado County with a bond or undertaking in a reasonable amount determined by El Dorado County to be sufficient to indemnify El Dorado County against all liability, claims, demands, loss, damages, costs, and expenses that El Dorado County may incur or suffer by reason of the payment, delivery, or transfer of the property. Nothing in this subdivision precludes El Dorado County and the person presenting the affidavit from dispensing with the requirement that a bond or undertaking be provided and instead entering into an agreement satisfactory to El Dorado County concerning the duty of the person presenting the affidavit to indemnify El Dorado County.*

*Each person to whom payment, delivery, or transfer of the decedent's property is made under this chapter may be personally liable to the extent provided to any person having a superior right by testate or intestate succession from the decedent.*

*In addition to any other applicable liability the person has under, any person who fraudulently secures the payment, delivery, or transfer of the decedent's property under this chapter may be liable to the person having such a superior right for three times the fair market value of the property.*

*If the claim for excess proceeds is to partially/fully satisfy a debt or other obligation secured by a lien on real property and the instrument creating the lien has been recorded in the office of the county recorder of the county where the real property is located, the affidavit shall be recorded by the claimant in the office of the county recorder of El Dorado County. The following documents shall be included in the recording:*

- *The recording reference of the instrument creating the lien.*
- *A notary public's certificate of acknowledgment identifying each person executing the affidavit.*

*Reasonable proof of the identity of each person executing the affidavit shall be provided to El Dorado County of the decedent's property. Reasonable proof of identity is:*

- *The person executing the affidavit is personally known to the current staff at El Dorado County, and the person executes the affidavit in the presence of the El Dorado County staff.*
- *The person executes the affidavit in the presence of the El Dorado County staff, and presents a written statement under penalty of perjury by a person personally known to the staff of El Dorado County affirming the identity of the person executing the affidavit.*
- *The affidavit is executed in the presence of El Dorado County staff and one of the following IDs is presented:*
  - *Identification card or driver's license issued by the Department of Motor Vehicles of this state that is current or was issued during the preceding five years.*
  - *A passport issued by the Department of State of the United States that is current or was issued during the preceding five years.*
  - *Any of the following documents if the document is current or was issued during the preceding five years and contains a photograph and description of the person named on it, is signed by the person, and bears a serial or other identifying number.*
  - *A passport issued by a foreign government that has been stamped by the United States Immigration and Naturalization Service.*
  - *A driver's license issued by a state other than California.*
  - *An identification card issued by any branch of the armed forces of the United States.*
  - *A notary public's certificate of acknowledgment identifying the person executing the affidavit.*