

CLARK COUNTY CIVIL LAW RESOURCE CENTER

INSTRUCTIONS FOR PREPARING THE

AFFIDAVIT OF ENTITLEMENT TO ESTATE

THIS PACKET CONTAINS

**INSTRUCTIONS AND SAMPLE FORMS ALONG WITH THE FOLLOWING BLANK
DOCUMENTS**

1. Affidavit of Entitlement to Estate

**REVIEW THE CONTENTS OF THIS PACKET BEFORE FILLING OUT ANY OF THE
FORMS. YOU MAY NEED TO MAKE ADDITIONAL COPIES OF THE BLANK FORMS
BEFORE YOU START.**

**THE PERSON ENTITLED TO THE ESTATE MUST COMPLETE THESE FORMS.
TO DETERMINE IF THIS IS THE RIGHT FORMS PACKET FOR YOUR USE, READ
“PROBATE AND ADMINISTRATION OF SMALL ESTATES: A GUIDE FOR NON-
LAWYERS.”**

USE ONLY THE MOST RECENT VERSION OF THESE FORMS.

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IMPORTANT

**THIS PACKET IS IN NO WAY INTENDED TO SUBSTITUTE FOR THE
ADVICE OF A PRIVATE ATTORNEY**

The law allows any person to represent him or herself in a legal action. However, filing an action with the court and representing yourself in the courtroom can be a complicated legal procedure and this packet does not attempt to address all the legal issues involved in bringing your matter before the court. This packet is created to help you access the legal system without the assistance of an attorney.

When representing yourself, you are responsible for understanding the law that governs your case and for filing and serving the proper 'legal documents. The laws and rules are set out in the Nevada Revised Statutes, The Rules of Civil Procedure, and the local rules governing the jurisdiction in which you are filing your documents.

When you sign these documents and present them for filing with the court, it is assumed by the court that you have carefully read the documents, that you understand all the terms in the documents, that you agree with all the provisions in the documents, and that you are aware of all the consequences those provisions may produce.

Read all the materials contained in this packet before filling in any portion of the documents. Use black ink and type or print clearly when filling out documents. The Clerk's Office will not accept documents that are hard to read. For more information on document preparation read the "Document Preparation Pamphlet" on the County Clerk's web page, on-line at: [HTTP://accessclarkcounty.com/clerkhome/htm](http://accessclarkcounty.com/clerkhome/htm) or at the County Clerk's Office located on the third floor of the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada.

THIS INFORMATION IS PROVIDED AS A COURTESY ONLY. THE COURT, SELF-HELP CENTER, NON-PROFIT ORGANIZATION OR LAW LIBRARY THAT MAY PROVIDE THIS INFORMATION SHALL NOT BE LIABLE FOR ERRORS CONTAINED HEREIN OR FOR DIRECT, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH THE FURNISHING OF THIS MATERIAL.

AFFIDAVIT OF ENTITLEMENT TO ESTATE

This document will allow you to transfer title to assets such as securities, vehicles, bank accounts, etc., that do not pass directly to a named beneficiary by operation of law.

PREPARING THE AFFIDAVIT

You may use the blank Affidavit of Entitlement to Estate included in this packet or obtain a copy from the Clark County website. The person legally entitled to the estate must complete the affidavit.

Print or type your full legal name on the first line of the Affidavit of Entitlement to Estate.

Complete statement #1 by inserting the full legal name of the decedent, the name of the county in which he or she died and the name of the county where his or her personal property is located in the space provided. Include a full description of the property in the decedent's estate, the value of the property and the portion you are claiming on the lines following the statement. A sample property list is shown below:

Property Description	Value
50% community property share of Ford pickup truck vin#57483929385765	\$ 4000.00
50% Community property share of ABC Bank account #xxxx12345***	\$ 688.72
25 Shares XYZ stock (EZ Exchange account #P23Y984F) @ \$5.00 share	\$ 125.00
State & City Works check #573000224	\$ 379.34
Acme Life Insurance check #97531	<u>\$ 5000.00</u>
Total Estate Value	\$10,193.06

* IF YOU ARE CLAIMING 100% OF THE PROPERTY YOU DO NOT HAVE TO SPECIFY THE PORTION CLAIMED.

** YOU MUST PROVIDE THE VIN FOR MOTOR VEHICLES AND SERIAL NUMBER FOR BOATS AND TRAILERS.

*** LIMIT PERSONAL IDENTIFYING INFORMATION (BANK ACCOUNT NUMBERS, DRIVER'S LICENSE NUMBER, ETC.) TO THE LAST FIVE DIGITS OF THE NUMBER. REMEMBER TO BLOCK-OUT REFERENCES TO SOCIAL SECURITY NUMBERS, BANK ACCOUNT NUMBERS OR OTHER PERSONAL IDENTIFYING INFORMATION BEFORE ATTACHING MEDICAL, FINANCIAL, OR OTHER RECORDS AS EXHIBITS.

****INCLUDE THE VALUE OF LIFE INSURANCE POLICIES **ONLY** IF THERE IS NO NAMED BENEFICIARY OR IF THE BENEFICIARY DIED BEFORE THE POLICYHOLDER. INSURANCE POLICIES PASS OUTSIDE THE PROBATE ESTATE WHEN THERE IS A NAMED BENEFICIARY TO CLAIM THE PROCEEDS OF THE POLICY.

If there is not enough space to describe all of the decedent's property, you may attach a page to the affidavit showing the complete property list and write "**SEE ATTACHED PROPERTY LIST**" in the space provided on the affidavit. Write the total value of the estate at the end of the property listing and on the affidavit. Do not use the back of the affidavit to provide information. Only one side of any paper filed with the Clerk's office may be used.

Statement #2 requires you to identify the transfer agent(s) responsible for transferring the decedent's property. Using the examples above, the transfer agents are: **Nevada Department of Motor Vehicles** (for title to the Ford pickup), **ABC Bank** (for the account balance), and **EZ Exchange** (holder of the XYZ stock). The Acme Life Insurance and State & City Works checks were paid directly to the named beneficiary.

It is your responsibility to make the notifications, inquiries, and other actions required to ensure that all of the remaining statements (3 through 8) on the affidavit are true. By completing and signing the Affidavit of Entitlement to Estate, you are stating that everything contained in that document is true. The affidavit must be completed (typed or printed clearly) and signed in black ink. You must sign the affidavit in the presence of a notary public who will attest to the authenticity of your signature.

MAKING A FALSE STATEMENT IN THE AFFIDAVIT CONSTITUTES A FELONY IN THE STATE OF NEVADA

Notifications

Statement #6 requires you to give notice of the death to the Nevada State Department of Human Resources. You may provide notice by mailing a copy of the completed affidavit (with a certified death certificate attached) to:

State of Nevada Department of Human Resources
Division of Health Care Financing & Policy
100 East Williams Street, Suite #102
Carson City, Nevada 89701

You may also use a copy of the affidavit to send notice to others as required by statement #6. Retain the certified mail or personal service receipts for your records.

Using the Affidavit to Transfer Title

You must provide each transfer agent identified in statement #2 with the completed affidavit and certified death certificate by regular mail. Upon receipt of proof of death and the Affidavit of Entitlement to Estate the transfer agent will complete the process of transferring title to the decedent's personal property to the legal successor.

**AFFIDAVIT OF ENTITLEMENT FOR ESTATES
THAT DO NOT EXCEED \$20,000
NRS 146.080**

STATE OF

) ss:

COUNTY OF

_____, being first duly sworn upon oath says:

1. That he/she is the person who has a right to succeed to the property of the decedent or is a beneficiary under the last will and testament of the decedent, _____, who died in the County of _____, State of _____, leaving an estate in the County of _____ Clark _____, State of Nevada, which is not real property nor a lien thereon, of a gross value that does not exceed \$20,000 consisting of the following:

_____.

2 That xx/she has the right pursuant to the provisions of NRS 146.080, to succeed to said property of said decedent, and to have any evidence of interest, indebtedness or right transferred to him or her by: _____

3. That at least 40 days has elapsed since the date of death of decedent.

4. That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.

5. That all debts of decedent, including funeral and burial expenses, and money owed to the department of human resources as a result of payment of benefits for Medicaid, have been paid or provided for.

6. That affiant has given written notice, by personal service or by certified mail, identifying his claim and describing the property claimed, to every person who's right to succeed to the decedent's property is equal or superior to that of affiant, and that at least 14 days have elapsed since the notice was served or mailed.

7. That affiant is personally entitled to full payment or delivery of the property claimed or is entitled to payment or delivery on behalf of and with the written authority of all other successors who have an interest in the property.

8. That affiant acknowledges that he/she understands that filing a false affidavit constitutes a felony in the State of Nevada.

Subscribed and sworn to before me
this _____ day of _____, 20____.

(Signature)

(Name, printed or typed)

(Street Address)

Notary Public in and for said County
And State

(City, State, & Zip Code)