



MILLE LACS BAND OF OJIBWE
Court of Central Jurisdiction
District Court

**Instructions for
Affidavit for Collection of Personal Property Form (MLBF-014)**

What is an Affidavit for Collection of Personal Property?

This is a form that can be used when the estate of the person who died is less than \$75,000--instead of filing a probate case with the Mille Lacs Band Court of Central Jurisdiction. It is also sometimes referred to as a small estate affidavit.

Who can use this form?

- Someone who is a blood relative to the person who died
- A person who has a legal interest in the property of the person who died

When can an Affidavit for Collection of Personal Property be used?

The affidavit for collection of personal property can be used if the following conditions are met:

- 1. The value of all the property** in the estate of the person who died, wherever it is located, minus the amount of loans, liens, and encumbrances on the property, **is \$75,000 or less.**
- 2. The property is listed only** in the name of the person who died. (There is no joint owner, joint tenant or beneficiary).
- 3. There is no real property** (land and/or buildings) in the estate of the person who died.
- 4. 30 days have passed** since the person died.
- 5. You have legal authority** to submit an affidavit to persons, agencies, or business who have the property of the person who died, or owe money to the person who died, as follows:
 - a) You are named as a person to receive the property or funds in the will of the person who died.
 - b) The person who died had no will, but you are entitled to the property or funds under the law. Examples include:
 - You are the spouse of the person who died
 - You are a living child of the person who died, and there is no living spouse
 - You are a living brother or sister of the person who died, and there are no living spouse, living children, grandchildren, or parents
- 6. You have a certified copy of the death certificate** of the person who died.

What do you do after you have completed the Affidavit?

Once you have completed the Affidavit, you must attach a certified copy of the death certificate to it.

1. **To collect personal property or funds**, take the Affidavit with the attached death certificate to the person or business that has the property, is holding the funds, or owes a debt to the person who died.
2. **To collect a Mille Lacs Band per capita payment** that was paid on behalf of the person who died, you will need to file a copy of the Affidavit and a certified copy of the death certificate of the person who died with the Mille Lacs Band Office of Budget and Management (OMB). OMB may not be able to release the funds for a few weeks depending on when you file the Affidavit with them.
3. **To transfer title to a motor vehicle:**
 - A. **On Band territory**-If the vehicle is registered in the decedent's name through the **Mille Lacs Band Department of Motor Vehicles** and you plan to obtain a new title and register the new vehicle through the Band's DMV, you must:
 - (1) Complete the Affidavit.
 - (2) Complete the Mille Lacs Band District Court form, **Petition to Register Affidavit for Collection of Personal Property**.
 - (3) File Petition together with the Affidavit and the death certificate, with the District Court clerk.
 - (4) Once you receive the Court's **Order to Issue New Vehicle Title**, take the Order, the Affidavit and the death certificate to the Mille Lacs Band Department of Motor Vehicles to obtain the new title.
 - B. **Not on Band territory**-If the vehicle is registered in the decedent's name and you are not eligible to register the vehicle with the Mille Lacs Band Department of Motor Vehicles, take the Affidavit with the attached death certificate, to the local **Minnesota Department of Motor Vehicles** to complete the necessary title transfer forms and pay the filing fee.