

INSTRUCTIONS FOR PETITION FOR ORDER DIRECTING TRANSFER OF PROPERTY UNDER NRS 146.080

The Petition for Transfer of Property is a request for the court to order the property to be turned over in an Affidavit of Entitlement. *This packet is for people who have already completed the Affidavit of Entitlement process, but now need a court order. If you have not completed that process, or you need more information on the Affidavit of Entitlement process, go to www.civillawselfhelpcenter.org for more information before moving forward.*

Think of the Petition for Transfer of Property as an extra step to the Affidavit of Entitlement process, but not always a necessary step. A common situation for when the Petition for Transfer of Property is needed is when the decedent died with stocks and bonds, but the stocks and bonds are held by a company located in another state. Because the agency is located in a different state, the agency might require a court order authorizing the transfer of the stocks and bonds to you. If this is required, or if a court order is necessary for any other reason, you can file an Ex Parte Petition for the Transfer of Property.

NOTE! You will only need the court order for transfer of property if the agency holding the property is out of state or if the agency requires the court order for some other reason. Otherwise, the Affidavit of Entitlement alone should be sufficient for the agency to transfer the property to you.

In order to obtain a court order directing the transfer of property, follow these eight steps:

Step 1: Gather the Affidavit of Entitlement.

Because this packet is for people who have already completed the Affidavit of Entitlement process, you should have your Affidavit of Entitlement ready, completed, and notarized.

Step 2: Fill out the packet.

Fill out the attached packet and complete all the forms carefully, providing all the requested information in all blanks. You, the person completing the packet, are the petitioner. Since you already collected the information about the decedent's property in the Affidavit of Entitlement process, you will plug that information into the petition. Also, since you already mailed notice to those people of equal or higher priority during the Affidavit of Entitlement process, then you will

This document has been prepared as a courtesy and to assist you with completing your court filing. It is not to be construed as providing legal advice or representation on how to prepare your case.

enter the names, ages, and addresses of those people into the petition. Do not forget to sign the petition and verification.

Step 3: Fill out affidavit.

If, while completing the Affidavit of Entitlement process, you discovered that there are people of equal or higher priority than you whose whereabouts are unknown, you will have to complete an affidavit (a different one from the Affidavit of Entitlement) explaining this to the judge. You can pick up a blank Affidavit from the Civil Law Self-Help Center free of charge or you can print one out from www.civillawselfhelpcenter.org.

You will explain in the affidavit why you did not get the consent from each of those family members (*e.g.*, no one knows how to contact that person, the person is estranged from the family, or the person consents but is deployed and can't fill out a consent, etc.). Once you have completed the affidavit, get it notarized by a notary public.

Step 4: Complete fee waiver, if necessary.

The fee to file a Petition for Transfer of Property is \$0 if the estate is less than \$2,500.00; \$185.50 if the estate is between \$2,500.00 and \$20,000.00; and \$284.50 if the estate is between \$20,000.01 and \$25,000.00. If the value of the estate is more than \$2,500.00 and you cannot afford to pay that fee, you can ask the court to waive that fee by filing an Application to Proceed in Forma Pauperis (usually called a "fee waiver application"). If the court grants your fee waiver application, the fee will be waived. However, if the fees are not waived, you will receive a call from the court clerk, who will ask you to pay the filing fee if you want the petition to move forward.

The Application to Proceed In Forma Pauperis, or fee waiver, is available free of charge at the Civil Law Self-Help Center, or you can print one out from www.civillawselfhelpcenter.org.

Step 5: Attach documents to your petition.

Gather the following documents and attach them to the back of your petition:

1. A copy of your picture ID.
2. A copy of the decedent's death certificate.
3. A copy of the will, if there was one.
4. Proof of the values of the estate property.
5. Proof of any of the decedent's liens and mortgages.
6. The Affidavit of Entitlement.

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7. An affidavit filled out by you explaining why the people of equal or higher priority than you have not been noticed, if there are such people.

Step 6: File packet.

After you complete the petition and order and the packet is ready with all the attachments, submit the entire packet with the Eighth Judicial District Court. The clerk's office where you can submit the packet is on the 3rd floor of the Regional Justice Center at 200 Lewis Avenue, Las Vegas, NV 89155. There is no fee to file.

Step 7: Check status of case.

After filing your petition, you should continuously check the court docket to see if anyone has filed an objection. You can go to the Eighth Judicial Court website (<https://www.clarkcountycourts.us/Anonymous/default.aspx>) and search under "Family Records" by the decedent's name to see if anyone has filed an objection. If an objection gets filed, the court might set the matter for hearing. Note that hearing date and attend the hearing. However, if there are no objections, generally the court will not set the matter for hearing.

You should also continuously check the probate court's matter listing or "Pickup List" to see if the court has granted your petition. Go to the probate webpage (<http://www.clarkcountycourts.us/departments/probate/>) and click on the link for "The District Court Probate Pickup List." Search for the decedent's name under the column "Name of the Estate" then follow it to the "Status" column. If your petition has been granted, you will see the list will reflect "OK," and that means the judge has signed off on the order.

Step 8: Get Order.

Once the judge has signed off on the order, you can wait for the order to be mailed to you. If there are no objections filed to your petition, you can expect to receive the order in the mail about 3 to 4 weeks after filing your petition. You will receive a plain order as well as a certified copy of the order in the mail. You can also pick up the order at the clerk's office on the 3rd floor where you filed. Once you have the order, you can use it to present to the agencies who are holding the property that you want turned over to you. Some agencies might request to see the certified copy of the order before turning property over to you.