AFFIDAVIT TO COLLECT COMPENSATION OF DECEASED (UP TO $5,000 NET)

(The surviving spouse, registered domestic partner, guardian, or conservator of the estate must complete this form.)

Under California Probate Code § 13601(a), to collect salary or other compensation of a deceased spouse or registered domestic partner ("Decedent"), the surviving spouse, registered partner, guardian or conservator of the estate must complete this Affidavit under penalty of perjury under the laws of California.

I, _____ (name) do hereby declare that:

1) On _____ (date), _____ (Decedent), hereinafter referred to as "Decedent", died in _____ (city), _____ (county), _____ (state).

2) Check one of the following, as appropriate:

- ☐ I, _____, am the surviving spouse or registered domestic partner of the Decedent.
- ☐ I, _____, am the guardian or conservator of the estate of the surviving spouse of the Decedent.

3) The Affiant is entitled to the earnings of the Decedent under the Decedent's will or by intestate succession and no one else has a superior right to the earnings.

4) No proceeding is now being or has been conducted in California for administration of the Decedent's estate.

5) California Probate Code Sections 13600 to 13605 require that the earnings of the Decedent, including compensation for unused vacation, not in excess of five thousand dollars ($5,000) net, be paid promptly to the Affiant.

6) The maximum net amount of $5,000 may be adjusted to reflect any increase in the cost of living adjustments (COLA) occurring after January 1 of the year preceding Decedent's death. _____ (year)_____% (adjustment percentage). The *Consumer Price Index for all Urban Consumers*, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living. The cost-of-living increase shall equal or exceed 1 percent before any adjustment is made. The net amount payable may not be decreased as a result of the cost-of-living adjustment.

7) Neither the surviving spouse or registered domestic partner, nor anyone acting on behalf of the surviving spouse/registered domestic partner, has a pending request to collect compensation owed by another employer for personal services of the Decedent under Sections 13600 to 13605 of the California Probate Code.

8) Neither the surviving spouse or registered domestic partner, nor anyone acting on behalf of the surviving spouse/registered domestic partner, has collected any compensation owed by an employer for personal services of the Decedent under Sections 13600 to 13605, inclusive, of the California Probate Code *except the sum* of _____dollars ($_____) which was collected from _____.

9) The affiant requests that he or she be paid the salary or other compensation owed by _____ (company) for personal services of the Decedent, including compensation for unused vacation, not to exceed five thousand dollars ($5,000) net, less the amount of _____ dollars($_____) which was previously collected.

I, _____, affirm under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____ _____

Signature of Affiant Date