PRINT-AND-SIGN FORM · CALIFORNIA

Personal Property Memorandum

A statutory form for distributing tangible personal property under your California will. Print, fill it out, sign and date it, and store it with your will. No witnesses or notary required by statute. Statutory value limits apply.

ABOUT THIS GUIDE

This Personal Property Memorandum is a statutory form authorized by Probate Code section 6132 of the California Probate Code. It supplements your Last Will and Testament, allowing you to direct the distribution of tangible personal property without amending your will each time you change your mind. California places dollar limits on what can pass this way; those limits are explained inside. This template is provided for informational purposes only. Bancroft does not provide legal, tax, or financial advice. Consult with an estate attorney for advice tailored to your circumstances.

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About This Form

A Personal Property Memorandum is a separate, dated and signed document referred to in your will that lets you distribute tangible personal property to specific people. California recognizes this form under Probate Code section 6132. It is the cleanest way to give your china to one child, your jewelry to another, and your tools to a third, without rewriting your will every time you change your mind.

Use this form for items of sentimental or modest monetary value. California caps what can pass this way, so higher-value items belong in the will or trust itself. The next section explains the limits, and they are the single most important thing to understand about this form in California.

> **Your will must reference this memorandum.** For this memorandum to take effect, your existing will must refer to a separate written memorandum. Probate Code section 6132 gives the writing effect only if an unrevoked will refers to it. If your will does not contain that reference, this form has no legal effect. Talk to your estate attorney about adding the reference language. Bancroft-generated wills already include the reference clause.

> **The writing can come before or after the will.** Section 6132 allows the memorandum to be prepared either before or after your will is executed, and it may be altered after it is prepared. You do not need to redo your will to write, rewrite, or replace this memorandum. What you cannot do is skip the reference clause in the will itself.

The California Value Limits

This is where California differs from most states. Probate Code section 6132 sets two hard dollar limits on what can pass under a personal property memorandum. Exceed either one and the statute, not your memorandum, decides where the property goes.

LIMIT	AMOUNT	WHAT HAPPENS IF YOU EXCEED IT
Single item	$5,000	That item does not pass under the memorandum. It passes under the residuary or other applicable provisions of your will.

LIMIT	AMOUNT	WHAT HAPPENS IF YOU EXCEED IT
All items combined	$25,000	Value above $25,000 in the aggregate passes under the residuary or other applicable will provisions rather than under this memorandum.

> **The limits operate by statute, not by your intent.** If you list a $9,000 painting, the memorandum does not partially transfer it and it does not fail as a whole document. That single item simply falls out of the memorandum and passes under your will instead, by operation of Probate Code section 6132. The rest of your listed items are unaffected. This is why high-value items belong in the will or trust as specific bequests, where no cap applies.

> **How to handle an item near the line.** Value is judged at your death, not on the day you sign. An item comfortably under $5,000 today can cross the line later, and appreciating categories like jewelry, art, and collectibles are the usual culprits. If an item is close to either limit, or if you expect it to appreciate, ask your attorney to name it in the will or trust directly rather than relying on this memorandum.

What You Can and Cannot Distribute With This Form

Probate Code section 6132 limits this memorandum to tangible personal property other than money, and only property your will does not otherwise specifically dispose of. Use the table below as a quick reference.

ALLOWED (TANGIBLE PERSONAL PROPERTY)	NOT ALLOWED
Jewelry, watches, and family heirlooms	Cash or money in any form
Furniture, household goods, and decor	Bank, brokerage, or retirement accounts
Artwork, collectibles, and antiques	Real property, deeds, or land (transfer separately)
Vehicles, boats, recreational equipment	Stocks, bonds, mutual funds, certificates of deposit
Tools, equipment, sporting goods	Life insurance proceeds
Books, instruments, photographs	Promissory notes and other evidences of indebtedness

ALLOWED (TANGIBLE PERSONAL PROPERTY)	NOT ALLOWED
Clothing and personal effects	Anything your will already specifically gives to someone

A note on California vehicle titles. You may use this memorandum to direct who receives a vehicle, subject to the $5,000 single-item limit. California vehicle titles are transferred separately by your personal representative through the California DMV after your death. The memorandum tells the personal representative who should receive the vehicle; the DMV transfer is what actually changes ownership.

Real property is never covered. Tangible personal property excludes real property entirely. A house, a condominium, a parcel of land, or a timeshare cannot pass under this memorandum regardless of value. Real property transfers require a deed or a trust. Talk to your attorney.

How To Use This Form

1. Confirm your will contains a clause referring to a separate written memorandum of tangible personal property. If it does not, do not use this form. See your attorney.
2. On the memorandum page, write your full legal name and the date your will was originally executed. Those two facts identify which will this memorandum supplements.
3. Check each item against the $5,000 single-item limit before you list it, and keep a running total against the $25,000 aggregate limit.
4. On the items page, list each item, the recipient's full legal name, and any explanatory notes. Describe each item with reasonable certainty. "The diamond solitaire ring my mother left me" beats "the ring."
5. If you need more space, use the Continuation page. Initial each items page in the space provided so it is clear all pages belong to the same memorandum.
6. Sign AND date the signature page in pen. Probate Code section 6132 requires a typed memorandum to be dated and signed. An undated or unsigned typed memorandum is not effective.
7. Store the signed memorandum with your will so your personal representative can find it.

The date is not optional in California. Section 6132 requires the writing to be dated and to be either in the handwriting of the testator or signed by the testator. Because this form is typed rather than handwritten, both the signature and the date are required. This is a common way a memorandum fails: the client signs it and forgets to date it. Check the date line before you file it away.

Updating this memorandum. You can replace this memorandum at any time by signing and dating a new one. Where two or more otherwise effective writings exist, the most recent controls any inconsistent provisions in the earlier ones. Destroy superseded versions so nobody has to reconcile them at distribution time. Do not strike out or initial changes on a signed memorandum. Sign a fresh one instead.

If your will conflicts with this memorandum. Where the will itself specifically gives a particular item to someone, the will controls and this memorandum has no effect on that item. Use this memorandum for items the will does not already address.

No witnesses or notary required. California does not require witnesses or notarization for a personal property memorandum given effect under Probate Code section 6132. Your dated signature, together with descriptions of reasonable certainty, is what the statute requires. You may add a witness or a notary for additional evidentiary weight, but neither is necessary.

Personal Property Memorandum

Pursuant to California Probate Code section 6132

I, ____ (full legal name), declare that this is the Personal Property Memorandum referred to in my Last Will and Testament dated _________________.

I direct that the items of tangible personal property listed in this memorandum be distributed to the persons named. I understand that under Probate Code section 6132 no single item passing under this memorandum may exceed $5,000 in value, and that the total value of all property passing under this memorandum may not exceed $25,000. I understand that this memorandum does not dispose of money, real property, financial accounts, securities, or any property my will specifically disposes of.

This memorandum revokes and replaces any prior Personal Property Memorandum I have signed.

Items

Describe each item with reasonable certainty. Confirm each is under $5,000 and that the running total stays under $25,000.

ITEM DESCRIPTION	RECIPIENT (FULL LEGAL NAME)	NOTES

Initials: ______________ Page ______ of ______

Continuation

Use this page only if you need more room. Initial it as well.

ITEM DESCRIPTION	RECIPIENT (FULL LEGAL NAME)	NOTES

Initials: ______________ Page ______ of ______

Signature

Probate Code section 6132 requires this typed memorandum to be both dated and signed by the testator. Sign in pen and fill in the date. An unsigned or undated typed memorandum has no effect.

Signature: ____

Printed name: _____________________________________

Date: ___________________

Optional witnesses. Not required by statute. Some families add them anyway so there is a second person who can confirm the circumstances of signing if the memorandum is ever questioned.

Witness 1 signature: ________________________ Date: __________

Witness 2 signature: ________________________ Date: __________