# New Rules to Avoid Probate! Key Info on AB 2016 & Non-Probate Transfers of a Decedent's Home up to $750,000

Anna Soliman, Special Counsel

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## Speakers

**Judith Tang** is a Director and the Co-Vice Chair of the Trusts and Estates Practice group at Fennemore. She has 29+ years' experience and breadth of knowledge providing comprehensive personalized estate planning and trust and estate administration services. She is one of very few Certified Specialists in Estate Planning, Trust and Probate law by the State Bar of California Board of Legal Specialization who speaks fluent Cantonese. She also speaks conversational Mandarin. Judith is a graduate of the University of California, Berkeley, and University of California College of the Law, San Francisco (formerly, known as Hastings), and a recognized speaker and author on various trusts and estates topics.

**Anna Soliman** is Special Counsel in the Tax/Employee Benefits/Trusts & Estates Practice Group in the Sheppard Mullin Los Angeles office, specializing in estate planning and trust administration for high-net-worth individuals. Anna previously was the Chief Fiduciary Officer, Trust Counsel, and Managing Director at Fiduciary Trust International of California in Los Angeles. Prior to joining Fiduciary Trust International, Anna was an estate tax attorney for the Internal Revenue Service. She is a member of the Executive Committee for the Trust and Estates Section of the California Lawyers Association.

**Lisa Roper** is a partner in the Estate and Trust Litigation Group and Trust Administration and Probate Group at Henderson, Caverly & Pum LLP. She is a Certified Legal Specialist in Estate Planning, Trust and Probate Law by the State Bar of California Board of Specialization and a member of the Executive Committee for Trusts and Estates Section of the California Lawyers Association. She is a frequent speaker and writer in the field of trusts and estates and co-authored two articles in the California Trusts and Estates Quarterly, with Kristen Caverly related to AB 2016.

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# Roadmap

**AB 2016 Background**

- CLA/TEXCOM
- Intent Behind AB 2016
- Opposition to AB 2016
- How AB 2016 has Evolved

**The New Law**

- Pre-AB 2016 Procedures
- Amended Probate Code Provisions
- Summary Disposition Procedures
- Anticipated Impact

**Practical Applications**

- Which Judicial Forms to Use
- When not to Use the Summary Procedure
- Attorney's Fees

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# What is the California Lawyers Association?

- The California Lawyers Association (CLA) is a member-driven, mission-focused organization dedicated to the professional advancement of attorneys practicing in the state of California.
- Established in 2018, CLA is a nonprofit, voluntary bar association serving thousands of licensed attorneys throughout California.
- California Lawyers Association has 18 Sections, including Trusts and Estates.

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## What is TEXCOM?

- Practicing lawyers throughout California all specializing in Trusts and Estates.
- CLA Section Executive Committees (ExComm) play a vital role in carrying out a section's basic functions while also acting as an important pillar in the organization's overall structure. In addition to handling fundamental responsibilities behind the scenes, such as budgeting and strategic planning, executive committees collaborate on delivering programs, publications, services, and benefits to section members.
- Legislation review, commentary and advocacy.





## AB 2016

- Introduced by Assembly Member Maienschein January 31, 2024
- Sponsor is the Housing and Economic Rights Advocates

# Intent behind AB 2016

- Given California's 'rapid escalation of home values, many estates, even those with modest family homes, exceed the current small estate limit of $184,500. This disproportionately affects households of color, who rely heavily on intergenerational transfer of assets to build wealth.' The author contends that, 'an increase in the small estate value threshold to $750,000 [will] protect the financial security of low- and middle-income heirs, ensuring they can utilize the expedited probate process and safeguard their family homes and assets.'
- "will help protect the intergenerational transfer of wealth for low- and middle-income families by updating the value of estates that qualify for the state's expedited small estate probate process. This would ensure that heirs are not trapped in California's lengthy probate court process when trying to establish title to the family home after a loved one passes away."
- "the small estate process, the timeline for establishment of and transfer of title from the date of death of the property owner to the time of completion of the transfer is 60 to 90 days. In comparison, the full probate process takes nine months at its fastest but more typically takes over than two years."
- "while wealthier people have access to professional estate planning that allows them to arrange for the transfer of wealth after death to avoid probate, such as through a living trust, most low- and middle-income seniors do not."
- According to Zillow, as of June 23, 2024, the average home price in California is $786,938, which is 7.2 percent higher than 2023.

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# Opposition to AB 2016

The California Probate Referee Association:

- reduce the number of cases going through probate by more than 50%, thus leaving post death transfer to be managed by family members;
- lead to more litigation due to self-dealing and inter-family disputes, which could disrupt families and put unnecessary burdens on the courts;
- lacks a robust claims procedure for creditors and instead relies on a representation by the beneficiary that all unsecured debts have been paid;
- raising the limit to $750,000 will create more opportunities for parties to game the system; and
- create more situations where title companies will be concerned about title and may be unwilling to issue a title policy without a full probate proceeding, as sometimes companies will not issue a title insurance policy where the transfer was by "set aside" and will insist on an order from the probate court approving the transfer.

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# AB 2016 History

**AB-2016 Decedents' estates.** (2023-2024)

Text | Votes | **History** | Bill Analysis | Today's Law As Amended | Compare Versions | Status | Comments To Author

| Date | Action |
|---|---|
| 09/21/24 | Chaptered by Secretary of State - Chapter 331, Statutes of 2024. |
| 09/21/24 | Approved by the Governor. |
| 09/05/24 | Enrolled and presented to the Governor at 4 p.m. |
| 08/27/24 | Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 77. Noes 0. Page 6620.). |
| 08/27/24 | Assembly Rule 77 suspended. (Page 6600.) |
| 08/26/24 | In Assembly. Concurrence in Senate amendments pending. May be considered on or after August 28 pursuant to Assembly Rule 77. |
| 08/26/24 | Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0. Page 5401.). |
| 08/20/24 | Read second time. Ordered to third reading. |
| 08/19/24 | Read third time and amended. Ordered to second reading. |
| 08/05/24 | Read second time. Ordered to third reading. |
| 07/03/24 | From committee: Do pass. (Ayes 10. Noes 0.) (July 2). |
| 06/06/24 | From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD. |
| 05/01/24 | Referred to Com. on JUD. |
| 04/18/24 | In Senate. Read first time. To Com. on RLS. for assignment. |
| 04/18/24 | Read third time. Passed. Ordered to the Senate. (Ayes 72. Noes 0. Page 4880.) |
| 04/11/24 | Read second time. Ordered to Consent Calendar. |
| 04/10/24 | From committee: Do pass. To Consent Calendar. (Ayes 14. Noes 0.) (April 10). |
| 03/12/24 | From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 0.) (March 12). Re-referred to Com. on APPR. |
| 03/12/24 | Coauthors revised. |
| 02/12/24 | Referred to Com. on JUD. |
| 02/01/24 | From printer. May be heard in committee March 2. |
| 01/31/24 | Read first time. To print. |





# AB 2016, as introduced

~~**SECTION 1.** Section 890 of the Probate Code is amended to read:~~

**890.** ~~(a) On April 1, 2022, and at each three-year interval ending on April 1 thereafter, the dollar amounts specified in Chapter 6 (commencing with Section 6600) of Part 3 of Division 6 and in Division 8 (commencing with Section 13000) in effect immediately before that date shall be adjusted as provided in subdivision (b).~~

~~(b) (1) On April 1, 2022, and at each three-year interval ending on April 1 thereafter, through March 31, 2025, the Judicial Council shall determine the amount of the adjustment based on the change in the United States city average of the "Consumer Price Index for All Urban Consumers," as published by the United States Bureau of Labor Statistics, from the December that is 40 months prior to the adjustment to the December immediately preceding the adjustment, with each adjusted amount rounded to the nearest twenty-five dollars ($25).~~

~~(2) For the period starting April 1, 2025, through March 31, 2028, the adjusted amount shall be seven hundred fifty thousand dollars ($750,000).~~

~~(3) On April 1, 2028, and at each three-year interval on April 1 thereafter, the Judicial Council shall determine the amount of the adjustment based on the change in the United States city average of the "Consumer Price Index for All Urban Consumers," as published by the United States Bureau of Labor Statistics, from the December that is 40 months prior to the adjustment to the December immediately preceding the adjustment, with each adjusted amount rounded to the nearest twenty-five dollars ($25).~~

~~(c) Beginning April 1, 2022, the Judicial Council shall, after adjusting the amounts as directed in subdivision (b), publish a list of the current dollar amounts for the provisions identified in subdivision (a), together with the date of the next scheduled adjustment.~~

~~(d) Adjustments made under subdivision (a) do not apply when the decedent's death preceded the date of adjustment.~~

~~**SEC. 2.** Section 6602 of the Probate Code is amended to read:~~

**6602.** ~~A petition may be filed under this chapter requesting an order setting aside the decedent's estate to the decedent's surviving spouse and minor children, or one or more of them, as provided in this chapter, if the net value of the decedent's estate, over and above all liens and encumbrances at the date of death and over and above the value of a probate homestead interest set apart out of the decedent's estate under Section 6520, does not exceed seven hundred fifty thousand dollars ($750,000), as adjusted periodically in accordance with Section 890.~~

~~**SEC. 5.** Section 13200 of the Probate Code is amended to read:~~

**13200.** ~~(a) No sooner than six months from the death of a decedent, a person or persons claiming as successor of the decedent to a particular item of property that is real property may file in the superior court in the county in which the decedent was domiciled at the time of death, or if the decedent was not domiciled in this state at the time of death, then in any county in which real property of the decedent is located, an affidavit in the form prescribed by the Judicial Council pursuant to Section 1001 stating all of the following:~~

~~(1) The name of the decedent.~~

~~(2) The date and place of the decedent's death.~~

~~(3) A legal description of the real property and the interest of the decedent therein.~~

# AB 2016 Evolved

*Major Provisions*

1) Provides that for the period starting April 1, 2025, through March 31, 2028, the adjusted amount of the value of a decedent's real property, as specified, that may be disposed of outside of probate administration, as specified, be $750,000. Requires the Judicial Council beginning April 1, 2028, and at each three-year interval on April 1 thereafter, to determine the amount of the adjustment to this value, according to the Consumer Price Index as specified.
2) Excludes real property from existing affidavit requirements when a successor files a petition with the probate court to dispose of decedent's real property outside of probate.
3) Changes the petition procedure in 2) above to apply only to real property that was the decedent's primary residence in this state and has a gross value that does not exceed $750,000 or any amount subsequently specified by the Judicial Council. Specifies that 'primary residence' is not limited to the decedent's residence at the time of their death.
4) Requires a successor who files a petition to deliver notice of the petition to each heir and devisee named in the petition.

**Senate Amendments**

1) Exclude from the probate process and affidavit requirements only real property that was the decedent's primary residence and has a gross value that does not exceed $750,000.
2) Make corresponding changes in the process for petitioning the court for the small-estate probate exception.
3) Require a successor who files a petition to deliver notice of the petition to each heir and devisee named in the petition.

CONCURRENCE IN SENATE AMENDMENTS
AB 2016 (Maienschein)
As Amended August 19, 2024
Majority vote

**SUMMARY**

Raises the threshold of the small-estate exception, which allows for the distribution of estate assets outside of probate, to $750,000, as specified.

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New Rules to Avoid Probate!

Key Info on AB 2016 & Non-Probate Transfers of a Decedent's Home up to $750,000

**Lisa B. Roper, Esq.**

- **Henderson, Caverly & Pum LLP**
- **San Diego, California**

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# Agenda:

- Pre-AB 2016 Procedures
- Amended Probate Code Provisions
- Summary Disposition Procedures
- Anticipated Impact

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## So What does AB 2016 Do?

- AB 2016 amends multiple provisions of Division 8, Part 1, Chapter Three (relating to small estate affidavits) and Chapter Four (relating to petitions to determine succession of real property).
- Beginning April 1, 2025, where an estate does not otherwise require a formal probate, the decedent's personal residence, valued at $750,000 or less, may be transferred to the decedent's heirs or beneficiaries utilizing a Real Property Petition.
- Conforming amendments to the small estate affidavit procedure to exclude the value of any personal residence transferred pursuant to a Real Property Petition from the gross value of the decedent's estate.
- As of April 1, 2025, Decedents can transfer up to $958,650 in assets without probate administration!

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## Summary Administration Procedures Available Pre-AB 2016

| | Decedents Dying Before April 1, 2022 | Decedents Dying April 1, 2022 – March 31, 2025 |
|---|---|---|
| **Small Estate Affidavit** Prob. Code §§ 13100, 13101 | Gross value of all real and personal property in California cannot exceed $166,250 | Gross value of all real and personal property in California cannot exceed $184,500 |
| **Affidavit for Real Property of Small Value** Prob. Code § 13200 | Gross value of all real property in California cannot exceed $55,425 | Gross value of all real property in California cannot exceed $61,500 |
| **Petition Determining Succession to Real Property** Prob. Code §§ 13150, *et seq.* | Gross value of all real and personal property in California is greater than $55,425 but less than $166,250 | Gross value of all real and personal property in California is greater than $61,500 but less than $184,500 |
| **Full Probate Administration** | Real and/or personal property in California greater than $166,250 | Real and/or personal property in California greater than $184,500 |

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## Detailed Look at What's Changed: Petition Determining Succession to Real Property

Section 13150. When procedure provided by chapter may be used:

The procedure provided by this chapter may be used only if one of the following requirements is satisfied:

(a) No proceeding is being or has been conducted in this state for administration of the decedent's estate.

(b) ***(1)*** The decedent's personal representative consents in writing to use of the procedure provided by this chapter to determine that real property ~~of the decedent~~ ***that was the decedent's primary residence*** is property passing to the petitioners.

***(2) For purposes of this chapter, "primary residence" is not limited to the decedent's residence at the time of their death.***

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## Detailed Look at What's Changed: Petition Determining Succession to Real Property

Section 13151. Estates not exceeding specified amount; petition requesting court order without procuring letters of administration or awaiting probate; determination of succession:

~~Exclusive of the property described in Section 13050, if~~ ***(a) If*** a decedent dies leaving real property ***that was their primary residence*** in this state and the gross value of ~~the decedent's real and personal property in this state~~ ***that real property*** does not exceed ~~one hundred sixty six thousand two hundred fifty dollars ($166,250),~~ ***seven hundred fifty thousand dollars ($750,000)***, as adjusted periodically in accordance with Section 890, and 40 days have elapsed since the death of the decedent, the successor of the decedent to an interest in ~~a particular item of property that is~~ ***that*** real property, without procuring letters of administration or awaiting the probate of the will, may file a petition in the superior court of the county in which the estate of the decedent may be administered requesting a court order determining that the petitioner has succeeded to that real property. ~~A petition under this chapter may include an additional request that the court make an order determining that the petitioner has succeeded to the personal property described in the petition.~~

***(b) A successor who files a petition pursuant to subdivision (a) shall deliver a notice of the petition to each heir and devisee named in the petition pursuant to paragraph (7) of subdivision (a) of Section 13152 within five business days of filing the petition.***

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## Detailed Look at What's Changed: Petition Determining Succession to Real Property

Section 13152. Contents of petition; inventory and appraisal; copy of will:

(a)(2) The gross value of the ~~decedent's real and personal property~~ ***real property that was the decedent's primary residence*** in this state, ~~excluding the property described in Section 13050,~~ as shown by the inventory and appraisal attached to the petition, does not exceed the dollar amount specified in subdivision (f).

(3) A description of the particular item of real property in this state that the petitioner alleges is property of the decedent passing to the ~~petitioner, and a description of the personal property that the petitioner alleges is property of the decedent passing to the petitioner if the requested order also is to include a determination that the described personal property is property passing to the petitioner.~~ ***petitioner and the facts upon which the petitioner bases the allegation that the described real property was the decedent's primary residence.***

…

(b) An inventory and appraisal in the form set forth in Section 8802 of the ~~decedent's real and personal property in this state, excluding the property described in Section 13050,~~ ***real property that was the decedent's primary residence in this state*** shall be attached to the petition. The appraisal shall be made by a probate referee selected by the petitioner from those probate referees appointed by the Controller under Section 400 to appraise property in the county where the real property is located. The appraisal shall be made as provided in Part 3 (commencing with Section 8800) of Division 7. ~~The petitioner may appraise the assets that a personal representative could appraise under Section 8901.~~

…

(f)(2) If the decedent dies on or after April 1, 2022, ***through March 31, 2025,*** the dollar amount for paragraph (2) of subdivision (a) is the adjusted dollar amount, published in accordance with subdivision (c) of Section 890, in effect on the date of the decedent's death.

***(3) If the decedent dies on or after April 1, 2025, through March 31, 2028, the dollar amount for paragraph (2) of subdivision (a) is seven hundred fifty thousand dollars ($750,000).***

***(4) If the decedent dies on or after April 1, 2028, the dollar amount for paragraph (2) of subdivision (a) is the adjusted dollar amount, published in accordance with subdivision (c) of Section 890, in effect on the date of the decedent's death.***

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## Detailed Look at What's Changed: Petition Determining Succession to Real Property

Section 13154. Court order for transfer of property; determinations; estate not exceeding specified amount:

(a) If the court makes the determinations required under subdivision (b), the court shall issue an order determining ~~(1) that real property,~~ ***that the real property that was the decedent's primary residence,*** to be described in the order, ~~of the decedent~~ is property passing to the petitioners and the specific property interest of each petitioner ~~in the described property and (2) if the petition so requests, that personal property, to be described in the order, of the decedent is property passing to the petitioners and the specific property interest of each petitioner~~ in the described property.

(b) The court may make an order under this section only if the court makes all of the following determinations:

> (1) The gross value of the ~~decedent's real and personal property in this state, excluding the property described in Section 13050,~~ ***real property that was the decedent's primary residence in this state*** does not exceed ~~one hundred six thousand two hundred fifty dollars ($166,250),~~ ***seven hundred fifty thousand dollars ($750,000),*** as adjusted periodically in accordance with Section 890.
>
> (2) Not less than 40 days have elapsed since the death of the decedent.
>
> (3) Whichever of the following is appropriate:
>
> > (A) No proceeding is being or has been conducted in this state for administration of the decedent's estate.
> >
> > (B) The decedent's personal representative has consented in writing to use of the procedure provided by this chapter.
>
> (4) The property described in the order is property of the decedent passing to the petitioner.

(c) If the petition has attached an inventory and appraisal that satisfies the requirements of subdivision (b) of Section 13152, the determination required by paragraph (1) of subdivision (b) of this section shall be made on the basis of the verified petition and the attached inventory and appraisal, unless evidence is offered by a person opposing the petition that the gross value of the decedent's real and personal property in this state, excluding the property described in Section 13050, ***real property that was the decedent's primary residence in this state*** ~~exceeds one hundred sixty six thousand two hundred fifty dollars ($166,250)~~ ***seven hundred fifty thousand dollars ($750,000),*** as adjusted periodically in accordance with Section 890.

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## Detailed Look at What's Changed: Small Estate Affidavit

Section 13100. Estates not exceeding specified amount; authorization to act without procuring letters of administration or awaiting probate:

Excluding the property described in Section ~~13050,~~ ***13050 and any property included in a petition filed under Section 13151****,* if the gross value of the decedent's real and personal property in this state does not exceed one hundred sixty-six thousand two hundred fifty dollars ($166,250), as adjusted periodically in accordance with Section 890, and if 40 days have elapsed since the death of the decedent, the successor of the decedent may, without procuring letters of administration or awaiting probate of the will, do any of the following with respect to one or more particular items of property:

> (a) Collect any particular item of property that is money due the decedent.
>
> (b) Receive any particular item of property that is tangible personal property of the decedent.
>
> (c) Have any particular item of property that is evidence of a debt, obligation, interest, right, security, or chose inaction belonging to the decedent transferred, whether or not secured by a lien on real property.

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## Detailed Look at What's Changed: Small Estate Affidavit

Section 13101. Affidavit or declaration; contents; requirements; attachments:

(a) To collect money, receive tangible personal property, or have evidences of a debt, obligation, interest, right, security, or chose in action transferred under this chapter, an affidavit or a declaration under penalty of perjury under the laws of this state shall be furnished to the holder of the decedent's property stating all of the following:

…

(5) "The current gross fair market value of the decedent's real and personal property in California, excluding the property described in Section 13050 of the California Probate ~~Code,~~ ***Code and any property included in a petition filed under Section 13151 of the California Probate Code,*** does not exceed [Insert dollar amounts specified in subdivision (g) of Section 13101 of the California Probate Code]."

…

(7) The name of the successor of the ~~decedent (as~~ ***decedent, as*** defined in Section ~~13006 of the California Probate Code)~~ *13006,* to the described property.

…

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## Detailed Look at What's Changed: Small Estate Affidavit

Section 13158 (REPEALED):

~~Nothing in this chapter excuses compliance with Chapter 3 (commencing with Section 13100) by the holder of the decedent's personal property if an affidavit or declaration is furnished as provided in that chapter~~

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# Summary Administration Procedures Available Post-AB 2016

| | **Decedents Dying April 1, 2022 – March 31, 2025** | **Decedents Dying April 1, 2025 or later** |
|---|---|---|
| **Small Estate Affidavit** Prob. Code §§ 13100, 13101 | Gross value of all real and personal property (excluding value of primary residence transferred under section 13150) in California cannot exceed $184,500 | Gross value of all real and personal property (excluding value of primary residence transferred under section 13150) in California cannot exceed $208,850 |
| **Affidavit for Real Property of Small Value** Prob. Code §§ 13200 | Gross value of all real property in California cannot exceed $61,500 | Gross value of all real property in California cannot exceed $69,625 |
| **Petition Determining Succession to Real Property** Prob. Code §§ 13150, *et seq.* | Gross value of value of Decedent's primary residence in California cannot exceed $184,500 | Gross value of Decedent's primary residence in California cannot exceed $750,000 |
| **Full Probate Administration** | Personal property in California greater than $184,500 and/or real property that cannot qualify for summary administration | Personal property in California greater than $208,850 and/or real property that cannot qualify for summary administration |

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# Agenda

- Which Judicial Council forms to use
- When not to use the summary procedure
- Attorneys' fees

Expect MORE.





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# Which Judicial Council forms to use

- Judicial Council forms DE-160 and DE-161
  Inventory and Appraisal
- Judicial Council form DE-310 (* use 4/2025 updated version)
  Petition to Determine Succession to Primary Residence in California
- Judicial Council form DE-300
  Maximum Values for Small Estate Set-Aside & Disposition
- Judicial Council form DE-315 (* use 4/2025 updated version)
  Order Determining Succession to Primary Residence in California
- Judicial Council form DE-120
  Notice of Hearing

Expect MORE.

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Expect **MORE.**

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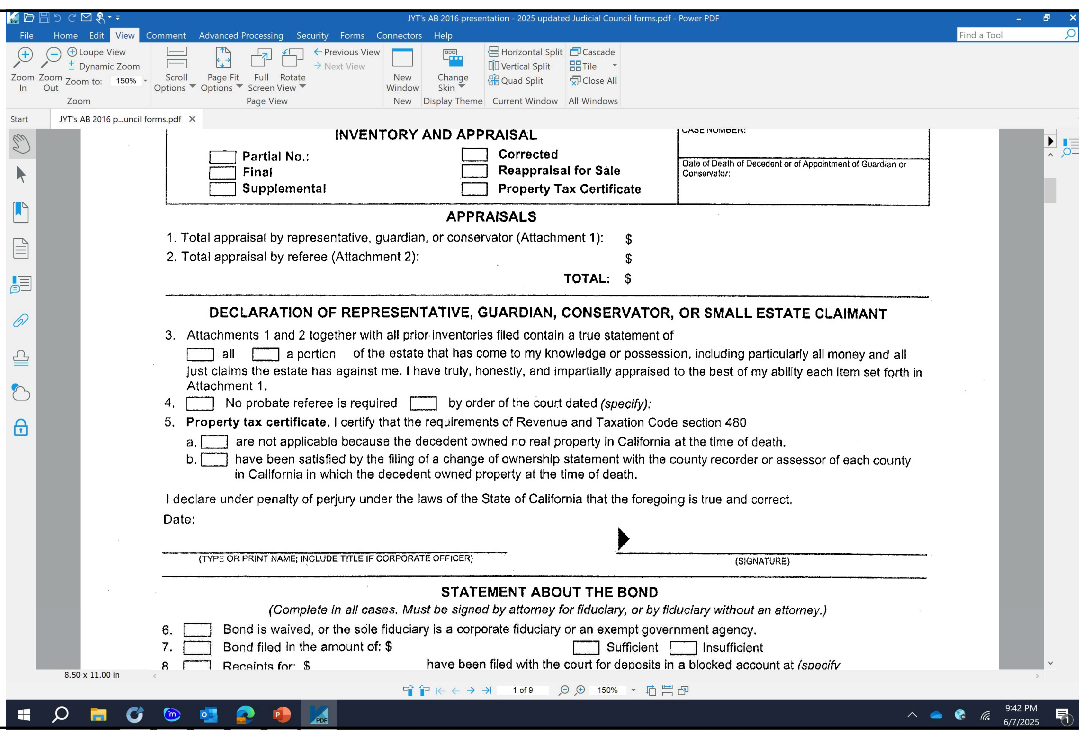


**INVENTORY AND APPRAISAL**

CASE NUMBER:

- ☐ Partial No.:
- ☐ Final
- ☐ Supplemental
- ☐ Corrected
- ☐ Reappraisal for Sale
- ☐ Property Tax Certificate

Date of Death of Decedent or of Appointment of Guardian or Conservator:

**APPRAISALS**

1. Total appraisal by representative, guardian, or conservator (Attachment 1): $
2. Total appraisal by referee (Attachment 2): $

**TOTAL:** $

**DECLARATION OF REPRESENTATIVE, GUARDIAN, CONSERVATOR, OR SMALL ESTATE CLAIMANT**

3. Attachments 1 and 2 together with all prior inventories filed contain a true statement of ☐ all ☐ a portion of the estate that has come to my knowledge or possession, including particularly all money and all just claims the estate has against me. I have truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 1.
4. ☐ No probate referee is required ☐ by order of the court dated *(specify):*
5. **Property tax certificate.** I certify that the requirements of Revenue and Taxation Code section 480
   a. ☐ are not applicable because the decedent owned no real property in California at the time of death.
   b. ☐ have been satisfied by the filing of a change of ownership statement with the county recorder or assessor of each county in California in which the decedent owned property at the time of death.

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

Date:

(TYPE OR PRINT NAME; INCLUDE TITLE IF CORPORATE OFFICER) (SIGNATURE)

**STATEMENT ABOUT THE BOND**

*(Complete in all cases. Must be signed by attorney for fiduciary, or by fiduciary without an attorney.)*

6. ☐ Bond is waived, or the sole fiduciary is a corporate fiduciary or an exempt government agency.
7. ☐ Bond filed in the amount of: $ ☐ Sufficient ☐ Insufficient
8. ☐ Receipts for: $ have been filed with the court for deposits in a blocked account at *(specify*

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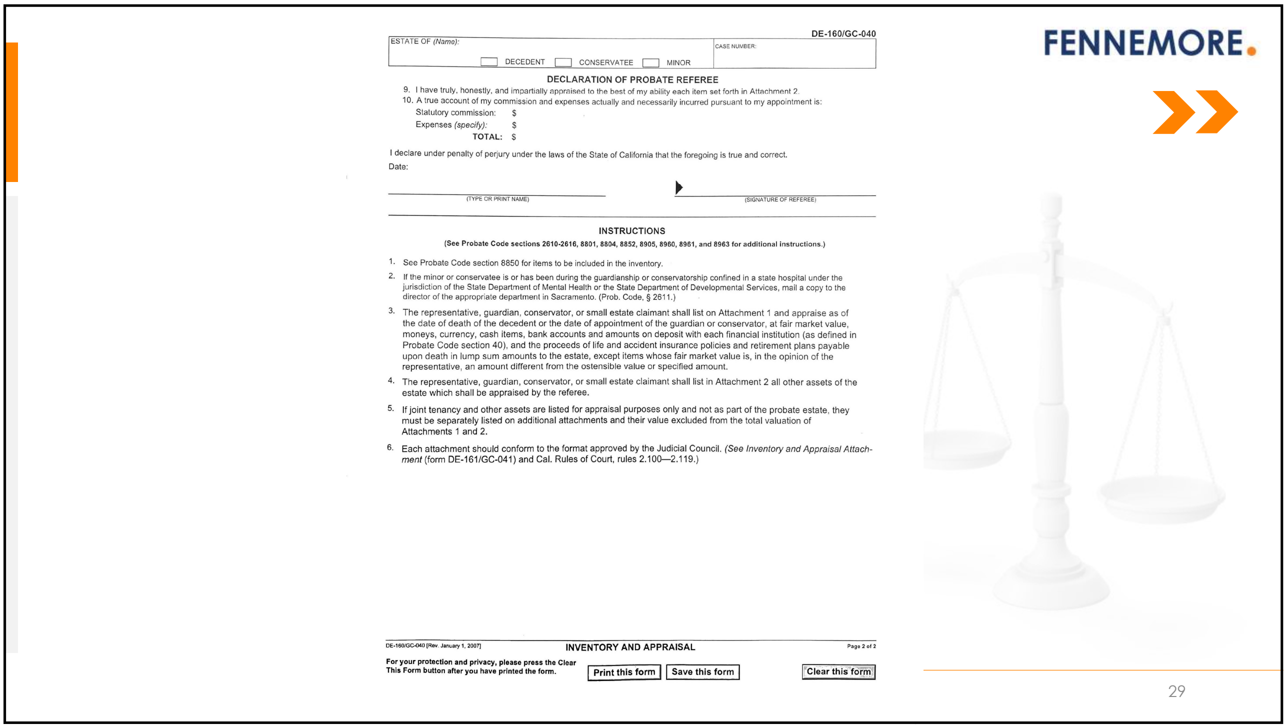

DE-160/GC-040

ESTATE OF *(Name):* CASE NUMBER:

☐ DECEDENT ☐ CONSERVATEE ☐ MINOR

**DECLARATION OF PROBATE REFEREE**

9. I have truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 2.
10. A true account of my commission and expenses actually and necessarily incurred pursuant to my appointment is:

Statutory commission: $
Expenses *(specify)*: $
TOTAL: $

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

Date:

(TYPE OR PRINT NAME) (SIGNATURE OF REFEREE)

**INSTRUCTIONS**

**(See Probate Code sections 2610-2616, 8801, 8804, 8852, 8905, 8960, 8961, and 8963 for additional instructions.)**

1. See Probate Code section 8850 for items to be included in the inventory.
2. If the minor or conservatee is or has been during the guardianship or conservatorship confined in a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services, mail a copy to the director of the appropriate department in Sacramento. (Prob. Code, § 2611.)
3. The representative, guardian, conservator, or small estate claimant shall list on Attachment 1 and appraise as of the date of death of the decedent or the date of appointment of the guardian or conservator, at fair market value, moneys, currency, cash items, bank accounts and amounts on deposit with each financial institution (as defined in Probate Code section 40), and the proceeds of life and accident insurance policies and retirement plans payable upon death in lump sum amounts to the estate, except items whose fair market value is, in the opinion of the representative, an amount different from the ostensible value or specified amount.
4. The representative, guardian, conservator, or small estate claimant shall list in Attachment 2 all other assets of the estate which shall be appraised by the referee.
5. If joint tenancy and other assets are listed for appraisal purposes only and not as part of the probate estate, they must be separately listed on additional attachments and their value excluded from the total valuation of Attachments 1 and 2.
6. Each attachment should conform to the format approved by the Judicial Council. *(See Inventory and Appraisal Attachment* (form DE-161/GC-041) and Cal. Rules of Court, rules 2.100—2.119.)

DE-160/GC-040 [Rev. January 1, 2007] **INVENTORY AND APPRAISAL** Page 2 of 2

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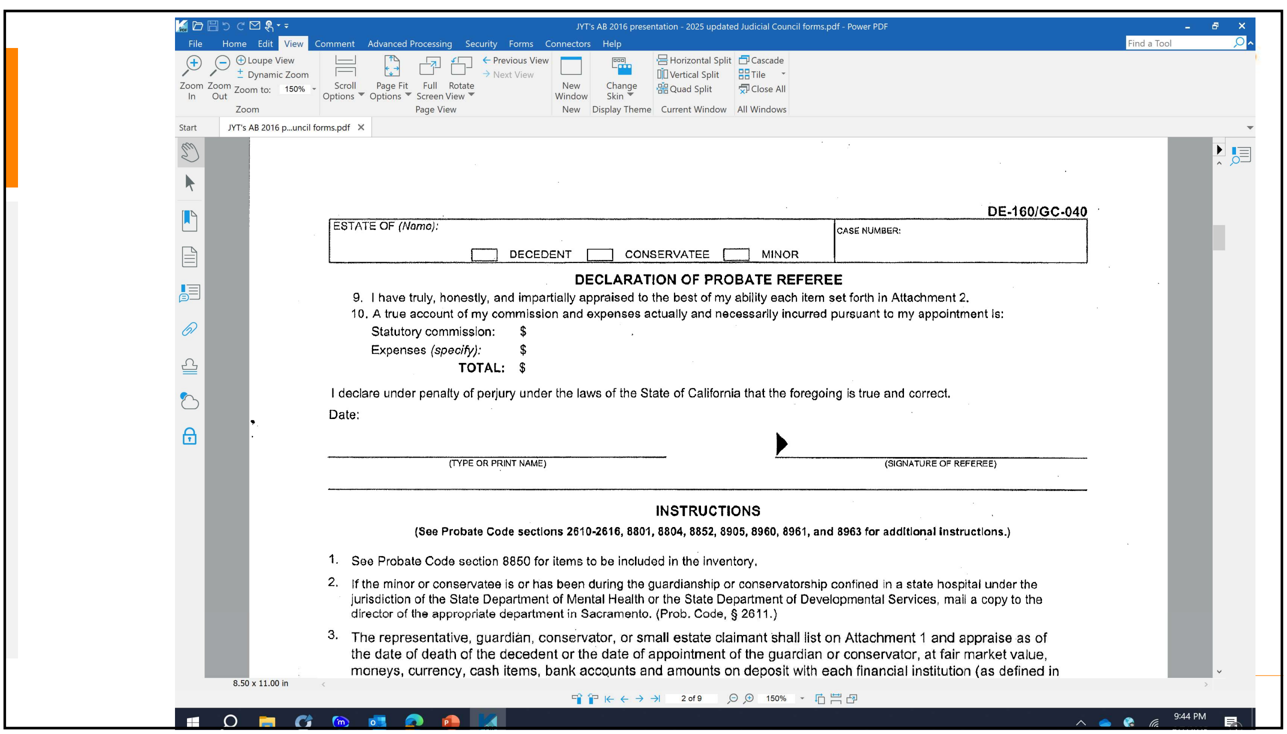




DE-160/GC-040

ESTATE OF *(Name):* CASE NUMBER:

☐ DECEDENT ☐ CONSERVATEE ☐ MINOR

**DECLARATION OF PROBATE REFEREE**

9. I have truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 2.
10. A true account of my commission and expenses actually and necessarily incurred pursuant to my appointment is:

Statutory commission: $
Expenses *(specify)*: $
TOTAL: $

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

Date:

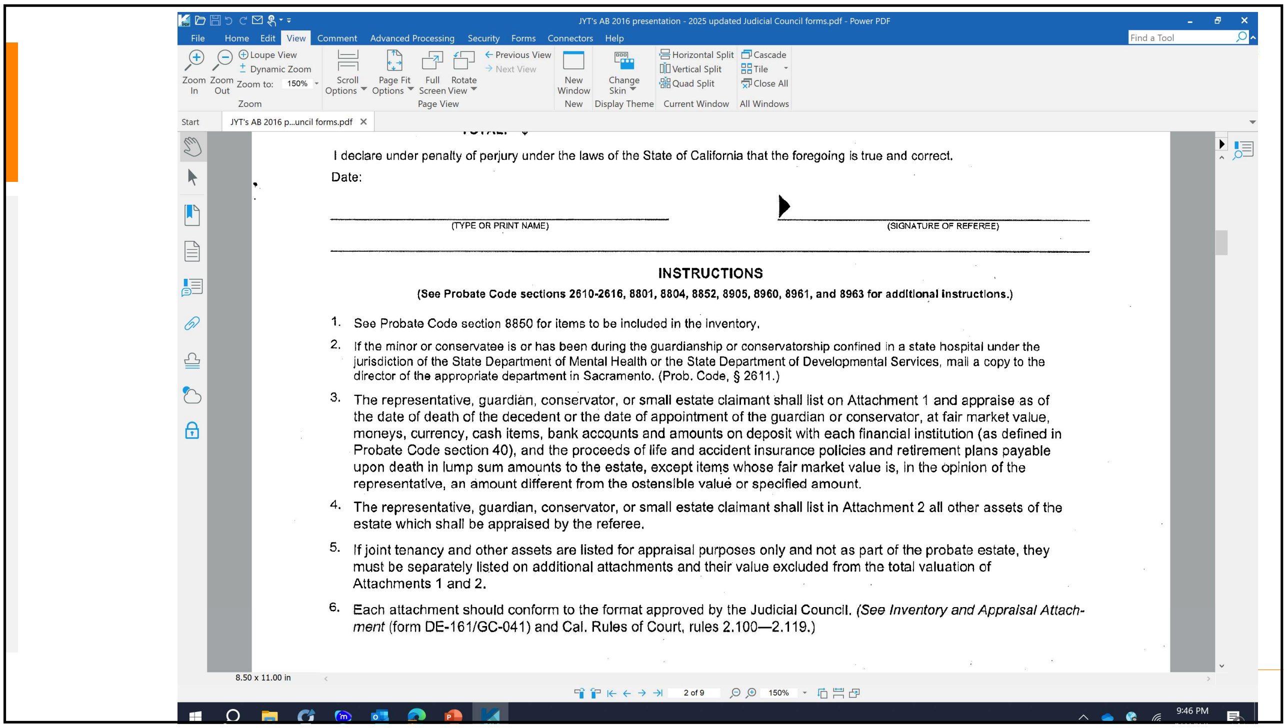
(TYPE OR PRINT NAME) (SIGNATURE OF REFEREE)

**INSTRUCTIONS**

**(See Probate Code sections 2610-2616, 8801, 8804, 8852, 8905, 8960, 8961, and 8963 for additional instructions.)**

1. See Probate Code section 8850 for items to be included in the inventory.
2. If the minor or conservatee is or has been during the guardianship or conservatorship confined in a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services, mail a copy to the director of the appropriate department in Sacramento. (Prob. Code, § 2611.)
3. The representative, guardian, conservator, or small estate claimant shall list on Attachment 1 and appraise as of the date of death of the decedent or the date of appointment of the guardian or conservator, at fair market value, moneys, currency, cash items, bank accounts and amounts on deposit with each financial institution (as defined in

30




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

Date:

(TYPE OR PRINT NAME) (SIGNATURE OF REFEREE)

**INSTRUCTIONS**

**(See Probate Code sections 2610-2616, 8801, 8804, 8852, 8905, 8960, 8961, and 8963 for additional instructions.)**

1. See Probate Code section 8850 for items to be included in the inventory.
2. If the minor or conservatee is or has been during the guardianship or conservatorship confined in a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services, mail a copy to the director of the appropriate department in Sacramento. (Prob. Code, § 2611.)
3. The representative, guardian, conservator, or small estate claimant shall list on Attachment 1 and appraise as of the date of death of the decedent or the date of appointment of the guardian or conservator, at fair market value, moneys, currency, cash items, bank accounts and amounts on deposit with each financial institution (as defined in Probate Code section 40), and the proceeds of life and accident insurance policies and retirement plans payable upon death in lump sum amounts to the estate, except items whose fair market value is, in the opinion of the representative, an amount different from the ostensible value or specified amount.
4. The representative, guardian, conservator, or small estate claimant shall list in Attachment 2 all other assets of the estate which shall be appraised by the referee.
5. If joint tenancy and other assets are listed for appraisal purposes only and not as part of the probate estate, they must be separately listed on additional attachments and their value excluded from the total valuation of Attachments 1 and 2.
6. Each attachment should conform to the format approved by the Judicial Council. *(See Inventory and Appraisal Attachment* (form DE-161/GC-041) and Cal. Rules of Court, rules 2.100—2.119.)

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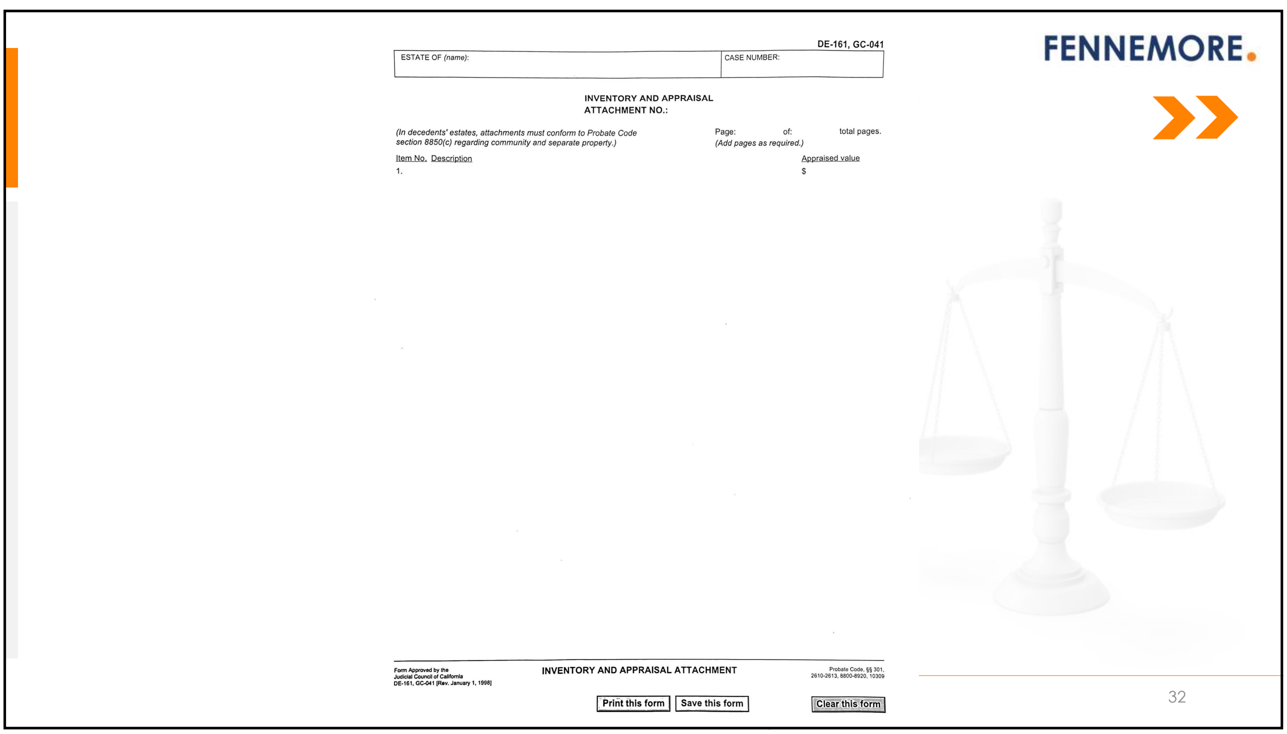


DE-161, GC-041

| ESTATE OF *(name)*: | CASE NUMBER: |
|---|---|

**INVENTORY AND APPRAISAL ATTACHMENT NO.:**

*(In decedents' estates, attachments must conform to Probate Code section 8850(c) regarding community and separate property.)*

Page: of: total pages. *(Add pages as required.)*

| Item No. | Description | Appraised value |
|---|---|---|
| 1. | | $ |

Form Approved by the Judicial Council of California DE-161, GC-041 [Rev. January 1, 1998]

**INVENTORY AND APPRAISAL ATTACHMENT**

Probate Code, §§ 301, 2610-2613, 8800-8920, 10309

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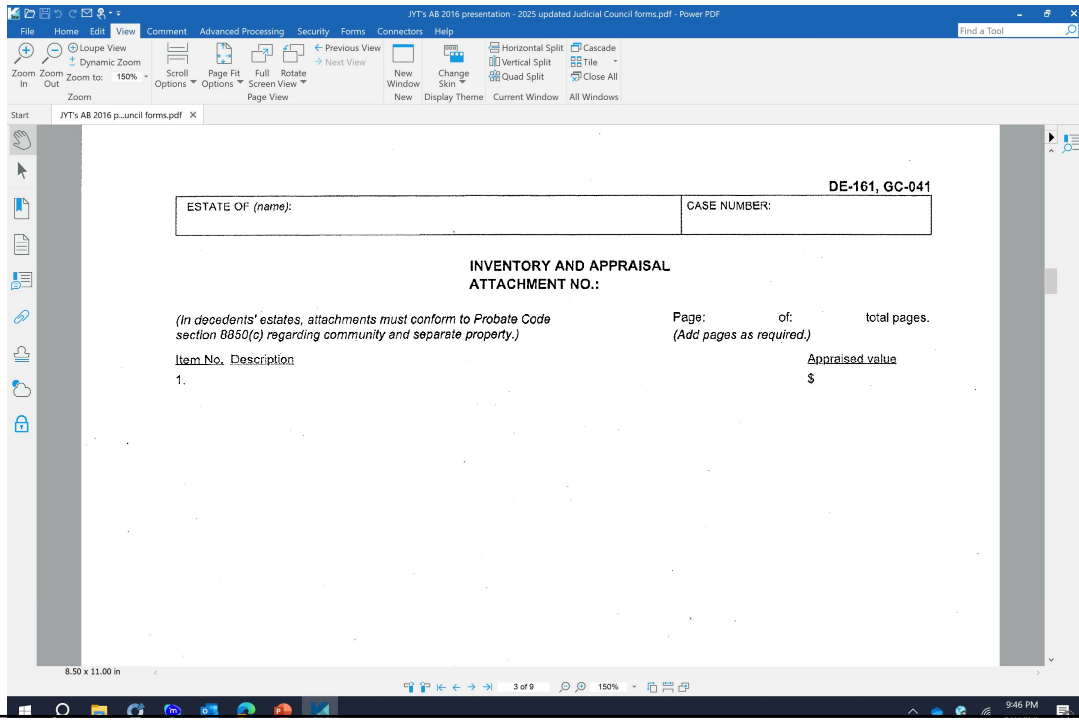

DE-161, GC-041

| ESTATE OF *(name):* | CASE NUMBER: |
| --- | --- |

**INVENTORY AND APPRAISAL**
**ATTACHMENT NO.:**

*(In decedents' estates, attachments must conform to Probate Code section 8850(c) regarding community and separate property.)*

Page: of: total pages.
*(Add pages as required.)*

Item No. Description — Appraised value

1. $

33

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Expect MORE.

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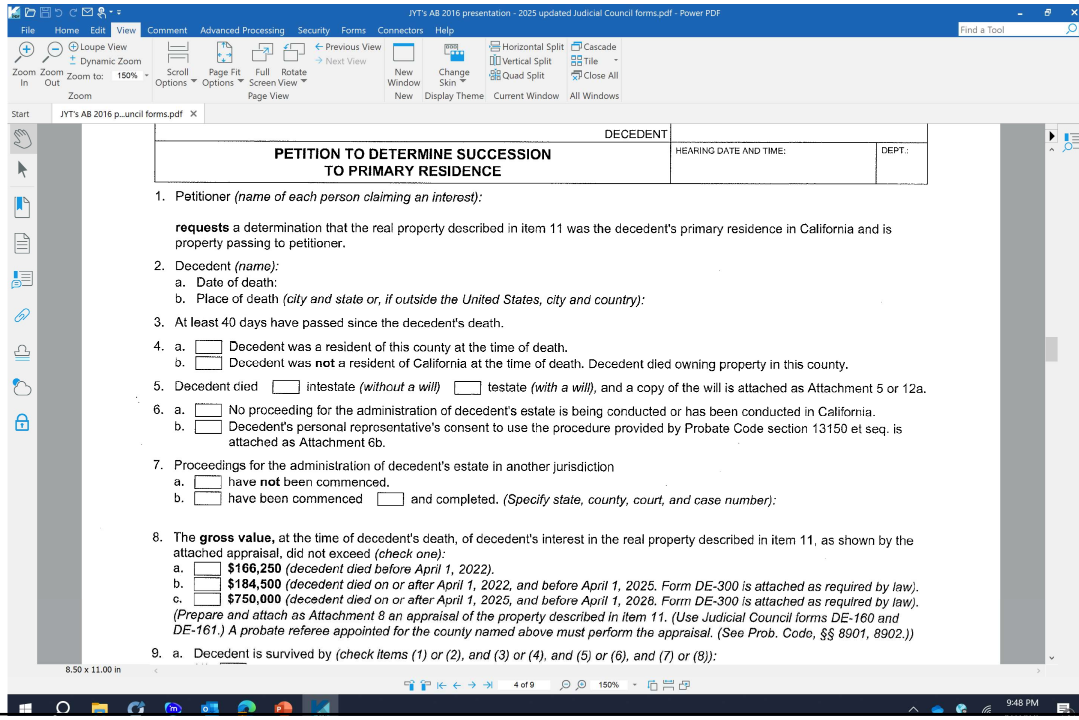

DECEDENT

**PETITION TO DETERMINE SUCCESSION TO PRIMARY RESIDENCE**

HEARING DATE AND TIME: | DEPT.:

1. Petitioner *(name of each person claiming an interest):*

   **requests** a determination that the real property described in item 11 was the decedent's primary residence in California and is property passing to petitioner.

2. Decedent *(name):*
   a. Date of death:
   b. Place of death *(city and state or, if outside the United States, city and country):*

3. At least 40 days have passed since the decedent's death.

4. a. ☐ Decedent was a resident of this county at the time of death.
   b. ☐ Decedent was **not** a resident of California at the time of death. Decedent died owning property in this county.

5. Decedent died ☐ intestate *(without a will)* ☐ testate *(with a will),* and a copy of the will is attached as Attachment 5 or 12a.

6. a. ☐ No proceeding for the administration of decedent's estate is being conducted or has been conducted in California.
   b. ☐ Decedent's personal representative's consent to use the procedure provided by Probate Code section 13150 et seq. is attached as Attachment 6b.

7. Proceedings for the administration of decedent's estate in another jurisdiction
   a. ☐ have **not** been commenced.
   b. ☐ have been commenced ☐ and completed. *(Specify state, county, court, and case number):*

8. The **gross value,** at the time of decedent's death, of decedent's interest in the real property described in item 11, as shown by the attached appraisal, did not exceed *(check one):*
   a. ☐ **$166,250** *(decedent died before April 1, 2022).*
   b. ☐ **$184,500** *(decedent died on or after April 1, 2022, and before April 1, 2025. Form DE-300 is attached as required by law).*
   c. ☐ **$750,000** *(decedent died on or after April 1, 2025, and before April 1, 2028. Form DE-300 is attached as required by law).*
   *(Prepare and attach as Attachment 8 an appraisal of the property described in item 11. (Use Judicial Council forms DE-160 and DE-161.) A probate referee appointed for the county named above must perform the appraisal. (See Prob. Code, §§ 8901, 8902.))*

9. a. Decedent is survived by *(check items (1) or (2), and (3) or (4), and (5) or (6), and (7) or (8)):*

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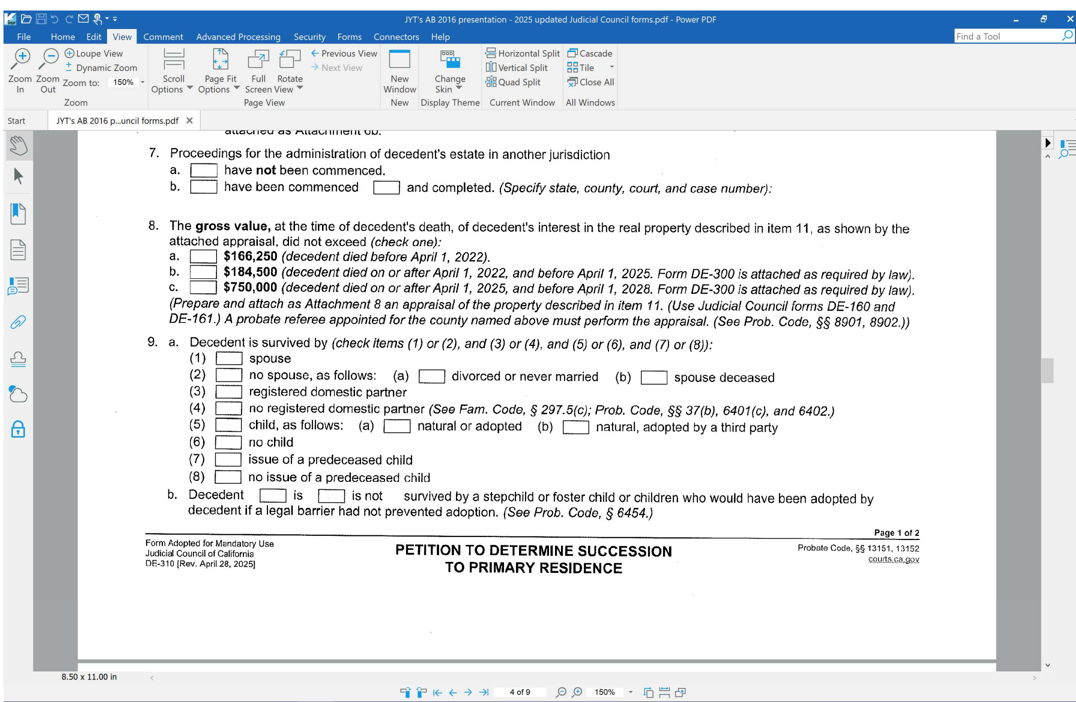

7. Proceedings for the administration of decedent's estate in another jurisdiction
   a. ☐ have **not** been commenced.
   b. ☐ have been commenced ☐ and completed. *(Specify state, county, court, and case number):*

8. The **gross value,** at the time of decedent's death, of decedent's interest in the real property described in item 11, as shown by the attached appraisal, did not exceed *(check one):*
   a. ☐ **$166,250** *(decedent died before April 1, 2022).*
   b. ☐ **$184,500** *(decedent died on or after April 1, 2022, and before April 1, 2025. Form DE-300 is attached as required by law).*
   c. ☐ **$750,000** *(decedent died on or after April 1, 2025, and before April 1, 2028. Form DE-300 is attached as required by law).*
   *(Prepare and attach as Attachment 8 an appraisal of the property described in item 11. (Use Judicial Council forms DE-160 and DE-161.) A probate referee appointed for the county named above must perform the appraisal. (See Prob. Code, §§ 8901, 8902.))*

9. a. Decedent is survived by *(check items (1) or (2), and (3) or (4), and (5) or (6), and (7) or (8)):*
   (1) ☐ spouse
   (2) ☐ no spouse, as follows: (a) ☐ divorced or never married (b) ☐ spouse deceased
   (3) ☐ registered domestic partner
   (4) ☐ no registered domestic partner *(See Fam. Code, § 297.5(c); Prob. Code, §§ 37(b), 6401(c), and 6402.)*
   (5) ☐ child, as follows: (a) ☐ natural or adopted (b) ☐ natural, adopted by a third party
   (6) ☐ no child
   (7) ☐ issue of a predeceased child
   (8) ☐ no issue of a predeceased child
   b. Decedent ☐ is ☐ is not survived by a stepchild or foster child or children who would have been adopted by decedent if a legal barrier had not prevented adoption. *(See Prob. Code, § 6454.)*

Page 1 of 2

Form Adopted for Mandatory Use
Judicial Council of California
DE-310 [Rev. April 28, 2025]

**PETITION TO DETERMINE SUCCESSION TO PRIMARY RESIDENCE**

Probate Code, §§ 13151, 13152
courts.ca.gov

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Expect **MORE.**

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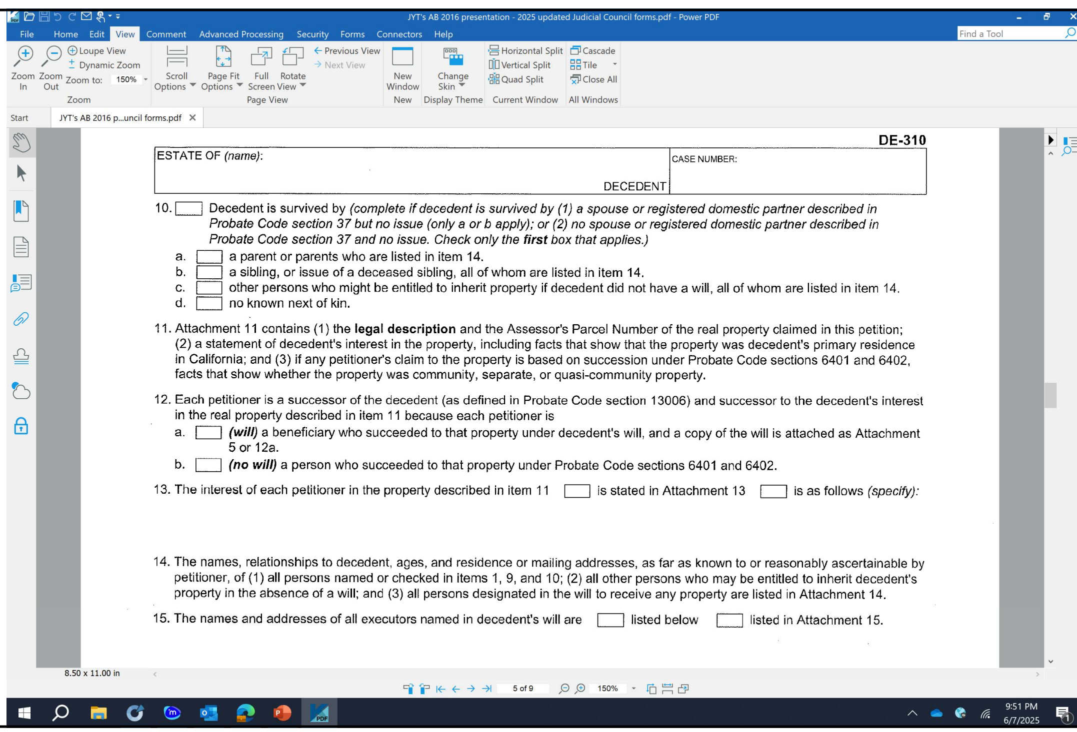

**DE-310**

| ESTATE OF *(name):* DECEDENT | CASE NUMBER: |
|---|---|

10. ☐ Decedent is survived by *(complete if decedent is survived by (1) a spouse or registered domestic partner described in Probate Code section 37 but no issue (only a or b apply); or (2) no spouse or registered domestic partner described in Probate Code section 37 and no issue. Check only the* **first** *box that applies.)*
    a. ☐ a parent or parents who are listed in item 14.
    b. ☐ a sibling, or issue of a deceased sibling, all of whom are listed in item 14.
    c. ☐ other persons who might be entitled to inherit property if decedent did not have a will, all of whom are listed in item 14.
    d. ☐ no known next of kin.

11. Attachment 11 contains (1) the **legal description** and the Assessor's Parcel Number of the real property claimed in this petition; (2) a statement of decedent's interest in the property, including facts that show that the property was decedent's primary residence in California; and (3) if any petitioner's claim to the property is based on succession under Probate Code sections 6401 and 6402, facts that show whether the property was community, separate, or quasi-community property.

12. Each petitioner is a successor of the decedent (as defined in Probate Code section 13006) and successor to the decedent's interest in the real property described in item 11 because each petitioner is
    a. ☐ ***(will)*** a beneficiary who succeeded to that property under decedent's will, and a copy of the will is attached as Attachment 5 or 12a.
    b. ☐ ***(no will)*** a person who succeeded to that property under Probate Code sections 6401 and 6402.

13. The interest of each petitioner in the property described in item 11 ☐ is stated in Attachment 13 ☐ is as follows *(specify):*

14. The names, relationships to decedent, ages, and residence or mailing addresses, as far as known to or reasonably ascertainable by petitioner, of (1) all persons named or checked in items 1, 9, and 10; (2) all other persons who may be entitled to inherit decedent's property in the absence of a will; and (3) all persons designated in the will to receive any property are listed in Attachment 14.

15. The names and addresses of all executors named in decedent's will are ☐ listed below ☐ listed in Attachment 15.

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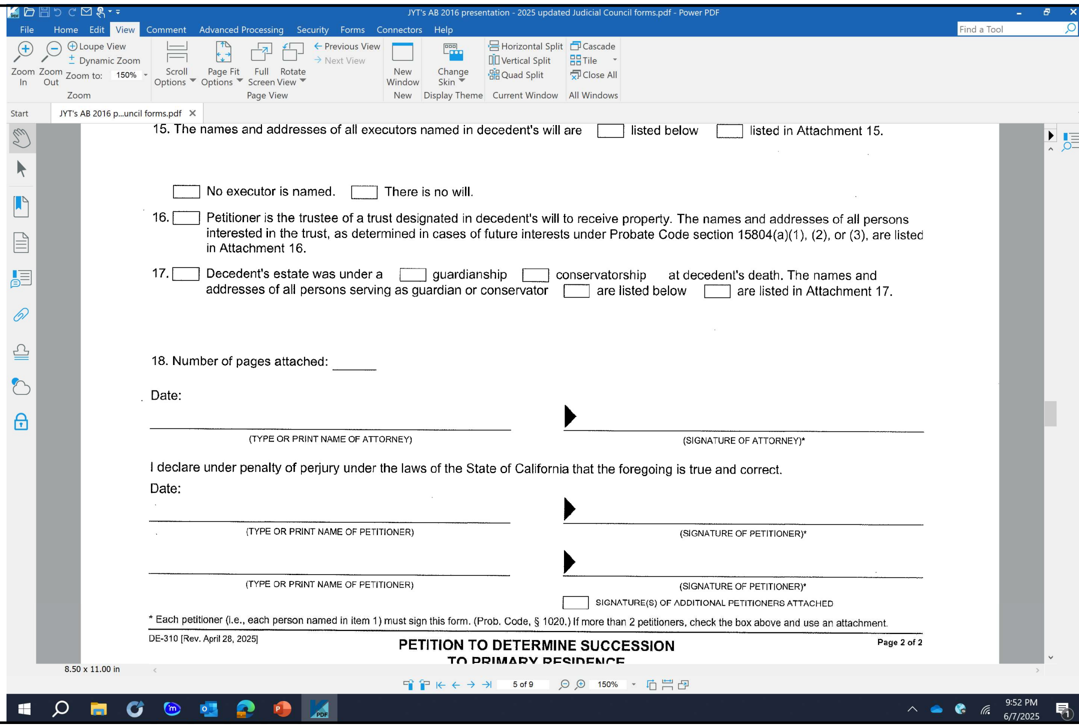

15. The names and addresses of all executors named in decedent's will are [ ] listed below [ ] listed in Attachment 15.

[ ] No executor is named. [ ] There is no will.

16. [ ] Petitioner is the trustee of a trust designated in decedent's will to receive property. The names and addresses of all persons interested in the trust, as determined in cases of future interests under Probate Code section 15804(a)(1), (2), or (3), are listed in Attachment 16.

17. [ ] Decedent's estate was under a [ ] guardianship [ ] conservatorship at decedent's death. The names and addresses of all persons serving as guardian or conservator [ ] are listed below [ ] are listed in Attachment 17.

18. Number of pages attached: ______

Date:

(TYPE OR PRINT NAME OF ATTORNEY) (SIGNATURE OF ATTORNEY)*

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

Date:

(TYPE OR PRINT NAME OF PETITIONER) (SIGNATURE OF PETITIONER)*

(TYPE OR PRINT NAME OF PETITIONER) (SIGNATURE OF PETITIONER)*

[ ] SIGNATURE(S) OF ADDITIONAL PETITIONERS ATTACHED

* Each petitioner (i.e., each person named in item 1) must sign this form. (Prob. Code, § 1020.) If more than 2 petitioners, check the box above and use an attachment.

DE-310 [Rev. April 28, 2025] PETITION TO DETERMINE SUCCESSION TO PRIMARY RESIDENCE Page 2 of 2

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DE-300

**MAXIMUM VALUES FOR SMALL ESTATE SET-ASIDE**
**& DISPOSITION OF ESTATE WITHOUT ADMINISTRATION**

This form lists the maximum dollar values of a decedent's estate or specific property in that estate, *as of the date of the decedent's death,* for purposes of determining eligibility for

(1) an order setting the estate aside for the decedent's surviving spouse and minor children; or

(2) disposition of the estate or specific real or personal property in the estate informally, without full administration.

**NOTE:** The values in the left column apply to property of a decedent who died between April 1, 2022, and March 31, 2025. The values in the right column apply to property of a decedent who died on or after April 1, 2025. To find the values that apply to property of a decedent who died before April 1, 2022, see the Self-Help Guide to the California Courts at https://selfhelp.courts.ca.gov/.

The amount of the adjustment of the prior values is based on the change in the United States city average of the Consumer Price Index for All Urban Consumers for the three-year period ending December 31, 2024, with each adjusted value rounded to the nearest $25. (See Prob. Code, § 890(b).) Unless otherwise provided by statute after April 1, 2025, these values will next be adjusted April 1, 2028.

| Probate Code Section | Description | Amount (death between Apr. 1, 2022, and Mar. 31, 2025) | Amount (death on or after Apr. 1, 2025) |
|---|---|---|---|
| 1. SMALL ESTATE SET-ASIDE UNDER PROBATE CODE SECTIONS 6600–6613 | | | |
| §§ 6602, 6609 | The net value of the decedent's estate, excluding all liens and encumbrances at the date of death and the value of any probate homestead set apart under Probate Code section 6520, must not exceed: | $ 95,325 | $ 107,900 |
| 2. DISPOSITION OF ESTATE WITHOUT ADMINISTRATION UNDER SECTIONS 13000–13606 | | | |
| a. PROPERTY EXCLUDED FROM DETERMINING VALUE OF ESTATE | | | |
| § 13050(c) | The amount of any salary or other compensation owed to the decedent for personal services from any employment, not to exceed: | $ 18,450 | $ 20,875 |
| b. AFFIDAVIT FOR COLLECTION, RECEIPT, OR TRANSFER OF PERSONAL PROPERTY | | | |
| §§ 13100, … | The gross value of the decedent's real and personal property in California— excluding … | | |

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| | | | |
|---|---|---|---|
| 6609 | date of death and the value of any probate homestead set apart under Probate Code section 6520, must not exceed: | $ 95,325 | $ 107,900 |
| 2. DISPOSITION OF ESTATE WITHOUT ADMINISTRATION UNDER SECTIONS 13000–13606 | | | |
| a. PROPERTY EXCLUDED FROM DETERMINING VALUE OF ESTATE | | | |
| § 13050(c) | The amount of any salary or other compensation owed to the decedent for personal services from any employment, not to exceed: | $ 18,450 | $ 20,875 |
| b. AFFIDAVIT FOR COLLECTION, RECEIPT, OR TRANSFER OF PERSONAL PROPERTY | | | |
| §§ 13100, 13101 | The gross value of the decedent's real and personal property in California— excluding any property described in Probate Code section 13050 and any property included in a petition filed under Probate Code section 13151—must not exceed: | $ 184,500 | $ 208,850 |
| c. PETITION & COURT ORDER DETERMINING SUCCESSION TO PRIMARY RESIDENCE | | | |
| §§ 13151, 13152, 13154 | The gross value of the decedent's primary residence in California must not exceed: | $ 184,500 | $ 750,000 |
| d. AFFIDAVIT FOR SUCCESSION TO REAL PROPERTY OF SMALL VALUE | | | |
| § 13200 | The gross value of all real property in the decedent's estate located in California—excluding any real property described in Probate Code section 13050—must not exceed: | $ 61,500 | $ 69,625 |
| e. AFFIDAVIT FOR COLLECTION OF COMPENSATION OWED TO DECEASED SPOUSE | | | |
| §§ 13600, 13601 | Net salary or other compensation owed, in aggregate, by one or more employers for personal services of the deceased spouse, must not exceed: *(This limit does not apply if the decedent was a firefighter or peace officer described in Government Code section 22820(a).)* | $ 18,450 | $ 20,875 |

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exceed: | $ 61,500 | $ 69,625

e. **AFFIDAVIT FOR COLLECTION OF COMPENSATION OWED TO DECEASED SPOUSE**

| | | | |
|---|---|---|---|
| §§ 13600, 13601 | Net salary or other compensation owed, in aggregate, by one or more employers for personal services of the deceased spouse, must not exceed: *(This limit does not apply if the decedent was a firefighter or peace officer described in Government Code section 22820(a).)* | $ 18,450 | $ 20,875 |

**NOTICE**

If the decedent died on or after April 1, 2022, this form must be attached to

- an affidavit or declaration furnished under Probate Code section 13101;
- a *Petition to Determine Succession to Primary Residence* (form DE-310) filed under Probate Code section 13151;
- an *Affidavit re: Real Property of Small Value* (form DE-305) filed under Probate Code section 13200; or
- an affidavit or declaration furnished under Probate Code section 13601.

**Page 1 of 1**

Form Adopted for Mandatory Use
Judicial Council of California
DE-300 [Rev. April 28, 2025]

**MAXIMUM VALUES FOR SMALL ESTATE SET-ASIDE & DISPOSITION OF ESTATE WITHOUT ADMINISTRATION**

Probate Code, §§ 890, 6602, 6609, 13050, 13100–13101, 13151–13154, 13200, 13600–13601
courts.ca.gov

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**DE-120**

ATTORNEY OR PARTY WITHOUT ATTORNEY — STATE BAR NUMBER:
NAME:
FIRM NAME:
STREET ADDRESS:
CITY: — STATE: — ZIP CODE:
TELEPHONE NO.: — FAX NO.:
EMAIL ADDRESS:
ATTORNEY FOR *(name)*:

*FOR COURT USE ONLY*

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

☐ ESTATE OF *(name)*: ☐ IN THE MATTER OF *(name)*:
☐ DECEDENT ☐ TRUST ☐ OTHER

**NOTICE OF HEARING—DECEDENT'S ESTATE OR TRUST**

CASE NUMBER:

***This notice is required by law. You are not required to appear in court, but you may attend the hearing and object or respond if you wish. If you do not respond or attend the hearing, the court may act on the filing without you.***

1. NOTICE is given that *(name)*:
   *(fiduciary or representative capacity, if any)*:
   has filed a petition, application, report, or account *(specify complete title and briefly describe)*:*

   ☐ The filing is a report of the status of a decedent's estate administration made under Probate Code section 12200. See the NOTICE below.

   Please refer to the filed documents for more information about the case. *(Some documents filed with the court are confidential.)*

2. A HEARING on the matter described in 1 will be held as follows:

   **Hearing Date** → Date: — Time: — Name and address of court, if different from above:
   Dept.: — Room:

**NOTICE**
**If the filing described in 1 is a report of the status of a decedent's estate administration made under Probate Code section 12200,**
**YOU HAVE THE RIGHT TO PETITION FOR AN ACCOUNTING UNDER SECTION 10950 OF THE PROBATE CODE.**

**Requests for Accommodations**
Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to *www.courts.ca.gov/forms* for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

* Do **not** use this form to give notice of a petition to administer an estate (see Prob. Code, § 8100, and use form DE-121), notice of a hearing in a guardianship or conservatorship case (see Prob. Code, §§ 1511 and 1822, and use form GC-020), or notice of a hearing on a petition to determine a claim to property (see Prob. Code, § 851, and use form DE-115/GC-015).

**Page 1 of 2**

Form Adopted for Mandatory Use
Judicial Council of California
DE-120 [Rev. January 1, 2020]

**NOTICE OF HEARING—DECEDENT'S ESTATE OR TRUST**

Probate Code, §§ 1211, 1215, 1220, 1230, 12201, 17100, 17203
*www.courts.ca.gov*

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DE-120

| ☐ ESTATE OF *(name):* ☐ IN THE MATTER OF *(name):* ☐ DECEDENT ☐ TRUST ☐ OTHER | CASE NUMBER: |
|---|---|

**CLERK'S CERTIFICATE OF POSTING**

1. I certify that I am not a party to this cause.
2. A copy of the foregoing *Notice of Hearing—Decedent's Estate or Trust*
   a. was posted at *(address):*
   b. was posted on *(date):*

Date: Clerk, by ______________________, Deputy

**PROOF OF SERVICE BY MAIL***

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is *(specify):*
3. I served the foregoing *Notice of Hearing—Decedent's Estate or Trust* on each person named below by enclosing a copy in an envelope addressed as shown below AND
   a. ☐ **depositing** the sealed envelope on the date and at the place shown in item 4 with the U.S. Postal Service with the postage fully prepaid.
   b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.
4. a. Date mailed:
   b. Place mailed *(city, state):*
5. ☐ I served with the *Notice of Hearing—Decedent's Estate or Trust* a copy of the petition or other document referred to in item 1 of the Notice.

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

Date:

(TYPE OR PRINT NAME) (SIGNATURE)

**NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**

| | Name | Address *(street & number, city, state, zip code)* |
|---|---|---|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |

☐ Continued on an attachment. *(You may use* Attachment to Notice of Hearing Proof of Service by Mail, *form DE-120(MA)/GC-020(MA), for this purpose.)*

* **Do not** use this form for proof of personal service. You may use form DE-120(P) to prove personal service of this Notice.

DE-120 [Rev. January 1, 2020] Page 2 of 2

**NOTICE OF HEARING—DECEDENT'S ESTATE OR TRUST**

**For your protection and privacy, please press the Clear This Form button after you have printed the form.**

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**PROOF OF SERVICE BY MAIL***

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is *(specify):*
3. I served the foregoing *Notice of Hearing—Decedent's Estate or Trust* on each person named below by enclosing a copy in an envelope addressed as shown below AND
   a. ☐ **depositing** the sealed envelope on the date and at the place shown in item 4 with the U.S. Postal Service with the postage fully prepaid.
   b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.
4. a. Date mailed:
   b. Place mailed *(city, state):*
5. ☐ I served with the *Notice of Hearing—Decedent's Estate or Trust* a copy of the petition or other document referred to in item 1 of the Notice.

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

Date:

(TYPE OR PRINT NAME) (SIGNATURE)

**NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**

10:04 PM 6/7/2025

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File Home Insert Draw Design Layout References Mailings Review View FC Help Forte Numbering iManage Litera Kofax PDF

(TYPE OR PRINT NAME) (SIGNATURE)

**NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**

| | Name | Address *(street & number, city, state, zip code)* |
|---|---|---|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |

☐ Continued on an attachment. *(You may use* Attachment to Notice of Hearing Proof of Service by Mail, *form DE-120(MA)/GC-020(MA), for this purpose.)*

* **Do not** use this form for proof of personal service. You may use form DE-120(P) to prove personal service of this Notice.

DE-120 [Rev. January 1, 2020] **NOTICE OF HEARING—DECEDENT'S ESTATE OR TRUST** **Page 2 of 2**

**For your protection and privacy, please press the Clear This Form button after you have printed the form.**

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Section: 1 Page 1 of 1 1 word Track Changes: Off Accessibility: Unavailable Focus 215%

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**DE-120(P)**

☐ ESTATE OF *(Name)*: ☐ IN THE MATTER OF *(Name)*:

☐ DECEDENT ☐ TRUST ☐ OTHER

CASE NUMBER:

**PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING—DECEDENT'S ESTATE OR TRUST**

*(Attach a separate completed and signed copy of this form or other proof of personal service to* Notice of Hearing—Decedent's Estate or Trust *for each person who personally served a copy of the Notice.)*

1. I am over the age of 18 and not a party to this cause.
2. I served the attached *Notice of Hearing—Decedent's Estate or Trust* by personally delivering a copy to each person listed below at the address and on the date and time indicated below.
3. ☐ I served with the attached *Notice of Hearing—Decedent's Estate or Trust* a copy of the petition or other document referred to in the Notice.
4. *I am (check all that apply):*
   a. ☐ not a registered California process server.
   b. ☐ a California sheriff or marshal.
   c. ☐ a registered California process server.
   d. ☐ an employee or independent contractor of a registered California process server.
   e. ☐ exempt from registration (Bus. & Prof. Code, § 22350(b)).
5. My name, address, telephone number, and, if applicable, county of registration and number, are *(specify)*:

**NAME OF EACH PERSON PERSONALLY SERVED, ADDRESS WHERE SERVED, AND DATE AND TIME SERVICE WAS MADE**

| | Name | Address where served *(number, street, city, and state)* | Date and time service made |
|---|---|---|---|
| 1. | | | Date: Time: |
| 2. | | | Date: Time: |
| 3. | | | Date: Time: |
| 4. | | | Date: Time: |
| 5. | | | Date: Time: |
| 6. | | | Date: Time: |

☐ List of names and addresses of persons personally served by the undersigned continued on an attachment. *(You may use* Attachment to Notice of Hearing Proof of Personal Service, *form DE-120(PA)/GC-020(PA), for this purpose.)*

**I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(SIGNATURE)

***(For California sheriff or marshal use only)***
**I certify** that the foregoing is true and correct

Date:

(SIGNATURE)

**Page 1 of 1**

Form Approved for Optional Use
Judicial Council of California
DE-120(P) [New July 1, 2005]

**PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING—DECEDENT'S ESTATE OR TRUST (Probate—Decedents' Estates)**

Probate Code, §§ 851, 1216, 1264
*www.courts.ca.gov*

**For your protection and privacy, please press the Clear This Form button after you have printed the form.**

Print this form | Save this form | Clear this form

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Expect MORE.

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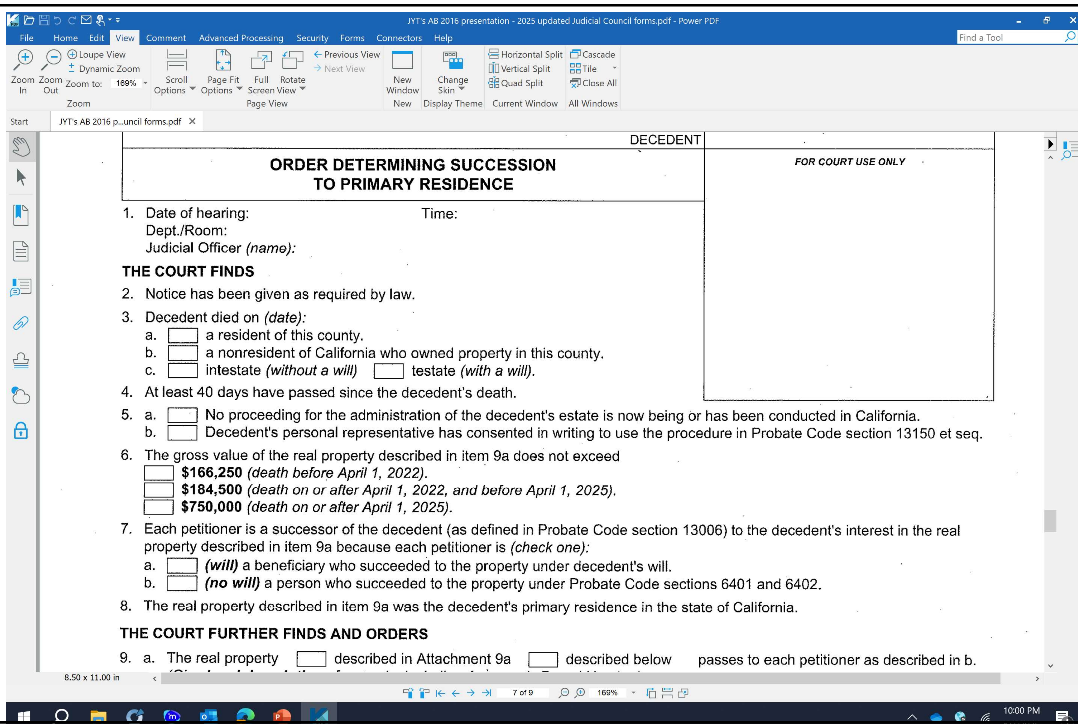

DECEDENT

**ORDER DETERMINING SUCCESSION**
**TO PRIMARY RESIDENCE**

*FOR COURT USE ONLY*

1. Date of hearing: Time:
   Dept./Room:
   Judicial Officer *(name):*

**THE COURT FINDS**

2. Notice has been given as required by law.
3. Decedent died on *(date):*
   a. ☐ a resident of this county.
   b. ☐ a nonresident of California who owned property in this county.
   c. ☐ intestate *(without a will)* ☐ testate *(with a will).*
4. At least 40 days have passed since the decedent's death.
5. a. ☐ No proceeding for the administration of the decedent's estate is now being or has been conducted in California.
   b. ☐ Decedent's personal representative has consented in writing to use the procedure in Probate Code section 13150 et seq.
6. The gross value of the real property described in item 9a does not exceed
   ☐ **$166,250** *(death before April 1, 2022).*
   ☐ **$184,500** *(death on or after April 1, 2022, and before April 1, 2025).*
   ☐ **$750,000** *(death on or after April 1, 2025).*
7. Each petitioner is a successor of the decedent (as defined in Probate Code section 13006) to the decedent's interest in the real property described in item 9a because each petitioner is *(check one):*
   a. ☐ ***(will)*** a beneficiary who succeeded to the property under decedent's will.
   b. ☐ ***(no will)*** a person who succeeded to the property under Probate Code sections 6401 and 6402.
8. The real property described in item 9a was the decedent's primary residence in the state of California.

**THE COURT FURTHER FINDS AND ORDERS**

9. a. The real property ☐ described in Attachment 9a ☐ described below passes to each petitioner as described in b.

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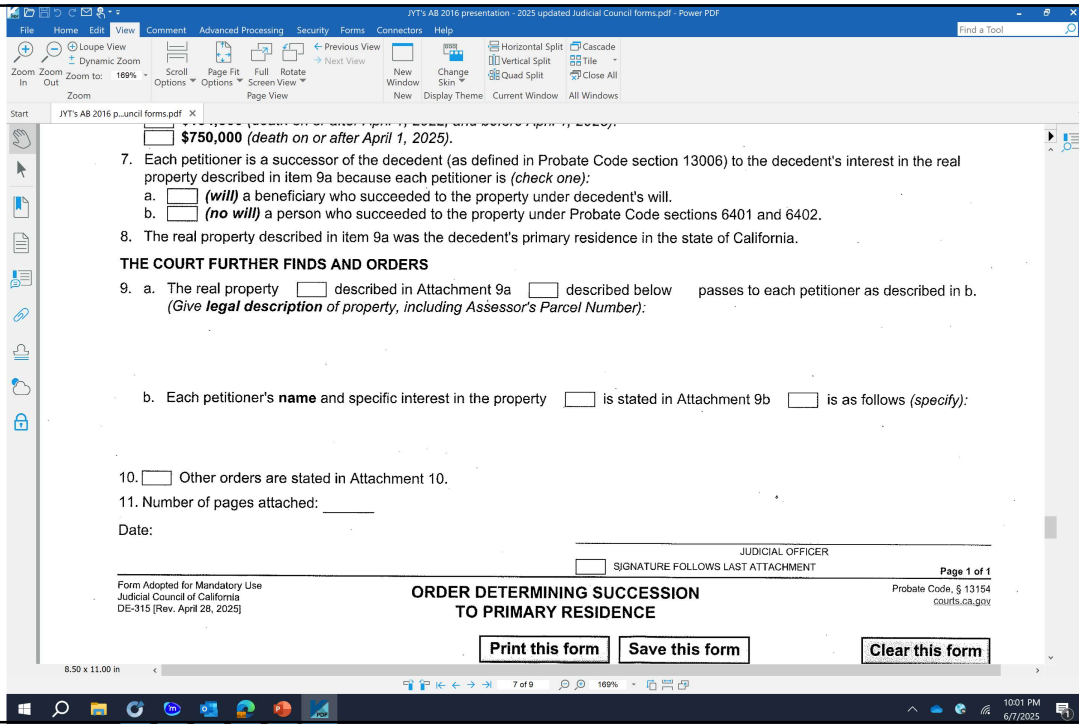

☐ **$750,000** *(death on or after April 1, 2025).*

7. Each petitioner is a successor of the decedent (as defined in Probate Code section 13006) to the decedent's interest in the real property described in item 9a because each petitioner is *(check one)*:
   a. ☐ ***(will)*** a beneficiary who succeeded to the property under decedent's will.
   b. ☐ ***(no will)*** a person who succeeded to the property under Probate Code sections 6401 and 6402.
8. The real property described in item 9a was the decedent's primary residence in the state of California.

**THE COURT FURTHER FINDS AND ORDERS**

9. a. The real property ☐ described in Attachment 9a ☐ described below passes to each petitioner as described in b.
   *(Give* ***legal description*** *of property, including Assessor's Parcel Number):*

   b. Each petitioner's **name** and specific interest in the property ☐ is stated in Attachment 9b ☐ is as follows *(specify):*

10. ☐ Other orders are stated in Attachment 10.
11. Number of pages attached: ______

Date:

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

**Page 1 of 1**

Form Adopted for Mandatory Use
Judicial Council of California
DE-315 [Rev. April 28, 2025]

**ORDER DETERMINING SUCCESSION TO PRIMARY RESIDENCE**

Probate Code, § 13154
courts.ca.gov

**Print this form** **Save this form** **Clear this form**

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# When not to use the summary procedure:

- Decedent had debts and liabilities
- Insolvent estates
- Disputes about entitlement to the property
- Large number of successors in interest to the decedent's property
- Missing or unknown successors in interest
- Minor beneficiaries
- Successors in interest do not get along or disagree on what to do with the property
- When there is potential or pending litigation against the estate

Expect MORE.

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## PC Sections 13109, 13109.5, 13110 - Liability of transferee

13109: Transferee liable for unsecured debts of the decedent up to the FMV of the transferred property

13110: Fraudulent use of affidavit procedure – transferee is liable to the person who has the superior right for three times the fair market value of the property





## Attorney's Fees

- Not statutory fee
- Private agreement between attorney and client
  - Written agreement - Bus & Prof Code Section 6148
- Keep good time records

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**If a client only has a residence worth under $750,000 and the client's other assets are all either held in joint tenancy, with beneficiaries named, or under $208,850, would you still recommend a living trust?**

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# Recap

- Probate Code Section 13151 – new summary proceeding for decedent's primary residence
- Purpose of AB 2016
- Requirements for using the new procedure
- Who may use this new procedure?
- When can this new procedure be used?
- Notice requirement
- Which Judicial Council forms to use
- When not to use the summary procedure
- Attorneys' fees
- Q & A

Expect MORE.