

# SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO

## DECEDENT'S ESTATE PACKET



### FORMS INCLUDED IN THIS PACKET

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Proof of Subscribing Witness (Probate)	Judicial Council Form #DE-131
Proof of Holographic Instrument (Probate)	Judicial Council Form #DE-135
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Inventory and Appraisal	Judicial Council Form #DE-160/GC-040
Notice of Administration to Creditors (Probate-Decedents' Estates)	Judicial Council Form #DE-157
Allowance or Rejection of Creditor's Claim (Probate-Decedents' Estates)	Judicial Council Form #DE-174
First and Final Report of Personal Representative & Petition for Final Distribution	SDSC Form #PR-165
Notice of Hearing – Decedent's Estate or Trust	Judicial Council Form #DE-120
Ex Parte Petition for Final Discharge and Order (Probate-Decedents' Estates and Conservatorships and Guardianships)	Judicial Council Form #DE-295/GC-395



# Probate Timeline (Decedent's Estate)

Note: This is an approximate timeline of the Probate process and is not intended to cover every scenario a personal representative may encounter. The entire process can take between 9 months to 1 ½ years, or longer. It is your responsibility to research and determine which tasks apply to your specific circumstances. For more complex estates or estates that might be challenged or contested it may be best to seek legal representation.



<b>Approximate Deadlines:</b>		<b>Brief Description of Required Action:</b>
<input type="checkbox"/>	After Death	Gather information regarding assets, heirs/beneficiaries, creditors, and determine who will be the personal representative.
<input type="checkbox"/>	Within 30 days from Date of Death	If decedent had a Will, deliver the original(s) to the clerk of the Superior Court of the County in which the estate of the decedent may be administered.
<input type="checkbox"/>	Petition for Probate	Complete and file Petition for Probate (JC Form #DE-111); *Waiver of Bond by Heir or Beneficiary (JC Form #DE-111(A-3e); Duties and Liabilities of Personal Representative (JC Form #DE-147); *Proof of Subscribing Witness (JC Form #DE-131); *Proof of Holographic Instrument (JC Form #DE-135). *Forms may not be applicable.
<input type="checkbox"/>	3 weeks before Hearing Date	Submit Proposed Order for Probate (JC Form #DE-140); Proposed Letters (Probate) (JC Form #DE-150); and Bond, if applicable.
<input type="checkbox"/>	Within 15 days from Hearing Date	Publish and serve the Notice of Petition to Administer Estate (JC Form #DE-121). File proof of publication and proofs of service.
<input type="checkbox"/>	Within 2 weeks from Hearing Date	Review Probate Notes on the court's website. Correct defects. Some defects may be corrected by clarifying on a Response to Probate Notes form (SDSC Form #PR-177).
<input type="checkbox"/>	Within 90 days from issuance of Letters	Send notice to any applicable public agencies, such as Franchise Tax Board; Department of Health Services; Victims Compensation Board.
<input type="checkbox"/>	Within 90 days from issuance of Letters	Consult a licensed tax professional concerning duty to obtain a tax identification number from the IRS and file all necessary State and Federal tax returns.
<input type="checkbox"/>	Within 4 months from issuance of Letters	Prepare an Inventory & Appraisal (JC Form #DE-160) and send to the Probate Referee appointed on the Order for Probate, for completion of the valuation of the estate.
<input type="checkbox"/>	Within 4 months from issuance of Letters	Prepare and mail Notice of Administration to Creditors (JC Form #DE-157) to both known and reasonably ascertainable creditors of the decedent.
<input type="checkbox"/>	Within 30 days of receipt of Creditor's Claim	Complete and file an Allowance or Rejection of Creditor's Claim (JC Form #DE-174), for each Creditor's Claim received.
<input type="checkbox"/>	Within 1-1½ years from issuance of Letters	Prepare and file a final accounting or waiver of final accounting and petition for final distribution. This may be filed on pleading or by completing First and Final Report of Personal Representative & Petition for Final Distribution (SDSC Form #PR-165).
<input type="checkbox"/>	Within 15 days from Hearing Date	Serve and file the Notice of Hearing (Decedent's Estate or Trust) (JC Form #DE-120).
<input type="checkbox"/>	Within 2 weeks from Hearing Date	Review Probate Notes on the court's website. Correct defects. Some defects may be corrected by clarifying on a Response to Probate Notes form (SDSC Form #PR-177).
<input type="checkbox"/>	After Hearing	Distribute assets to heirs/beneficiaries, as approved by court, and obtain signed receipts for filing with the court.
<input type="checkbox"/>	Within 30 days after Hearing	Complete and file the Ex Parte Petition for Final Discharge and Order (JC Form #DE-295).



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101

## GENERAL INFORMATION FOR SELF-REPRESENTED LITIGANTS (DECEDENT'S ESTATE)

This document provides information intended to answer general questions a self-represented litigant may have about decedent's estate. This is not a complete reference or procedural guide, nor is it intended to take the place of legal advice from an attorney. It is your responsibility to read and comply with the applicable laws, use current forms, and be prepared to present your case.

### **What is a Decedent's Estate?**

A Decedent's Estate refers to all property left behind when a person dies. Probate is one way someone can obtain legal permission to manage a decedent's property. In a probate case, an executor (if there is a Will) or an administrator (if there is no Will) is appointed by the court as a personal representative to collect the assets, pay the debts and expenses, and then distribute the remainder of the estate to the heirs or beneficiaries under the supervision of the court. The entire case may take between 9 months to 1 ½ years, or longer.

Probate is commonly used when a decedent's estate value exceeds \$184,500.00\*. However, exceptions may exist depending on whether the decedent was survived by a spouse or registered domestic partner, or the type of assets in the estate. These exceptions may allow you to achieve the same result of a formal Probate, but through a more simplified process, listed below.

Court Procedures:	Non-Court Procedures:
<p><b>Spousal or Domestic Partner Property Petition</b> <a href="#">(JC Form #DE-221)</a></p> <p>If the surviving spouse/partner is legally entitled to all the property, a Petition for Probate may not be required. For example, a couple that was married for decades may only own "community property," which belongs to the surviving spouse/partner and is confirmed by the court in the spousal property petition case. This form may be found on the Judicial Council's website at <a href="http://www.courts.ca.gov/forms">www.courts.ca.gov/forms</a>.</p>	<p><b>Affidavit for Collection of Property without Probate</b> <a href="#">(SDSC Form #PR-132)</a></p> <p>If you have the legal right to inherit personal property, such as money in a bank account or stocks, and the estate is worth \$184,500 or less*, you may not have to go to court. The form listed above is a simplified process you can use to transfer the property to your name. This process CANNOT be used for real property. This form may be found on the court's website at <a href="http://www.sdcourt.ca.gov">www.sdcourt.ca.gov</a>.</p>
<p><b>Petition to Determine Succession to Real Property</b> <a href="#">(JC Form #DE-310)</a></p> <p>If the estate is \$184,500 or less*, it may not have to go through the probate process. The successor to an interest in real property, may file a petition requesting a court issue an order determining that they have succeeded to that real property. This process may also be used to order that personal property belongs to the petitioner(s). This form may be found on the Judicial Council's website at <a href="http://www.courts.ca.gov/forms">www.courts.ca.gov/forms</a>.</p>	<p><b>Affidavit for Transfer Without Probate California Titled Vehicle or Vessels Only</b> <a href="#">(DMV Form #REG 5)</a></p> <p>To transfer title of vehicles or vessels belonging to the decedent, a formal probate is not needed. This may be completed directly through the California Department of Motor Vehicles (DMV). This form may be found on the DMV's website at <a href="http://www.dmv.ca.gov">www.dmv.ca.gov</a>.</p>
<p><b>Affidavit re: Real Property of Small Value</b> <a href="#">(JC Form #DE-305)</a></p> <p>Real property valued at \$61,500 or less* may be transferred without a formal probate. If you need a marketable title to the property, a certified copy of the filed form may be recorded with the County Recorder of the county where the real property is located. This form may be found on the Judicial Council's website at <a href="http://www.courts.ca.gov/forms">www.courts.ca.gov/forms</a>.</p>	<p><b>Transfer of Mobile or Manufactured Home</b></p> <p>For information and links to the forms needed for transferring a mobile or manufactured home, visit the <a href="http://www.hcd.ca.gov">California Department of Housing and Community Development</a> website at <a href="http://www.hcd.ca.gov">www.hcd.ca.gov</a>.</p>
<p><i>*On April 1, 2022, and at each three-year interval ending on April 1 thereafter, the dollar amounts shall be adjusted based on the Consumer Price Index for All Urban Consumers. Adjustments do not apply when the decedent's death preceded the date of adjustment. Refer to the Maximum Values for Small Estate Set-Aside &amp; Disposition of Estate Without Administration <a href="#">(JC Form #DE-300)</a> to determine the maximum value based on the decedent's date of death.</i></p>	

### **Need legal advice?:**

The court does not provide legal advice or offer assistance with completing these forms. It is your responsibility to do the research and determine which process would be best for your specific circumstances. For more complex estates or estates that may be challenged or contested it may be best to seek legal counsel. If you need help locating an attorney in San Diego County, you may contact the Lawyer Referral & Information Service of the San Diego County Bar Association at their website [www.sdcbba.org](http://www.sdcbba.org) or by calling (619) 231-8585.

### **What do I have to file to start an Estate proceeding?**

To open an estate proceeding, you first must file a petition and other forms with the court. You must fill out the following forms, available in the Probate Business Office and on the court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov):

### **Included in the Decedent's Estate Packet (SDSC #PKT-057):**

- Petition for Probate (Probate-Decedent's Estate) (JC Form #DE-111)
  - Attachment to Initial or Competing Petition for Probate (SDSC Form #PR-198) (*Mandatory form, effective 03/01/2024*)
  - \*Waiver of Bond by Heir or Beneficiary (JC Form #DE-142/DE-111(A-3e))
  - Duties and Liabilities of Personal Representative (Probate) (JC Form #DE-147)
  - \*Proof of Subscribing Witness (JC Form #DE-131)
  - \*Proof of Holographic Instrument (JC Form #DE-135)
- \*Forms may not be applicable.*

### **Did the decedent have a last will and testament?**

If the decedent had a Will, then they are deemed to have died testate. The Will dictates who the beneficiaries are, as well as who might be appointed as the personal representative of the estate. The original Will and any Codicils (amendments to the Will) must be deposited with the court when an estate proceeding is commenced. A manuscript cover, or stiff backing, is required, as well as a fee for storage of the Will. A copy of the Will and any Codicils must be attached to the Petition for Probate. If the decedent died without a Will, then they are deemed to have died intestate. The Probate Code dictates the line of succession of heirs to which the decedent's estate will pass.

### **What do I have to do after I fill out the forms?**

You may file your documents by choosing one of the following options:

- E-Filing: [www.sdcourt.ca.gov/sdcourt/onlineservices/efiling](http://www.sdcourt.ca.gov/sdcourt/onlineservices/efiling)  
Refer to Electronic Filing Requirements (Probate) ([SDSC Form #PR-188](#))
- In Person: Probate Business Office, Room 330  
1100 Union Street  
San Diego, CA 92101
- Mail: Superior Court of California, County of San Diego  
ATTN: Probate Division – Room 330  
1100 Union Street  
San Diego, CA 92101

### **Helpful Tips:**

- ✓ If e-filing, scanned documents must be in a PDF format using Adobe Acrobat version 7 or higher, and must be text searchable (i.e., optical character recognition (OCR)).
- ✓ If e-filing, the original Will must be mailed or dropped off in the Probate Business Office with reference to the filed Petition for Probate (i.e., e-filing transaction number or case number).
- ✓ If filing in person or by mail, a copy of each completed form must be provided.
- ✓ If filing by mail, a self-addressed, stamped envelope must be provided for conformed copies to be returned.

### **Is there a fee to file a Petition for Probate?**

Yes. The current fee amounts may be found on the court's Fee Schedule (SDSC Form #ADM-001), available in the Probate Business Office and on the court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).

### **What if I don't have enough money to pay the fee?**

If you cannot afford the fees, you can request a fee waiver from the court. All the required forms are included in the Fee Waiver Packet (SDSC PKT #010) which is available in the Probate Business Office and on the court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) (select Probate, then Forms). If your request is granted, all court related fees will be waived.

## **BEFORE THE HEARING:**

### **Publication and Notice Requirements:**

The Notice of Petition to Administer Estate (JC Form #DE-121) must be published in a newspaper circulated in the city where the decedent lived at the time of death. All persons or entities (such as charities) named in the Will, including each person nominated as executor, and all persons who would be entitled to inherit as heirs by intestate succession (even if the decedent left a Will) are entitled to receive notice of the Petition for Probate.

- **Publication:**

A copy of the Notice of Petition to Administer Estate must be published three times in the legal notice section of a newspaper of general circulation in the city where the decedent resided. Refer to List of Approved Newspapers for Publication of Legal Notices ([SDSC Form #ADM-335](#)). The first publication date must be at least 15 days prior to the hearing with at least five days between the first and last publication (not counting the publication dates). After publication has been completed, an Affidavit of Publication must be filed with the court. Ask the newspaper whether it will file the Affidavit directly with the court or send it to you. It is your responsibility to make sure that the Affidavit is filed, even if the newspaper says they will do it for you.

- **Notice Requirements:**

Notice must be given by first class mail or by personally delivering a copy to each person or entity entitled to notice at least 15 days prior to the hearing. Each person should receive a copy of the "Notice of Petition to Administer Estate" showing the hearing date information. It is also recommended (but not required) that each person be sent a copy of the Petition for Probate with all attachments. *Note: If you are the person who is asking to be appointed as personal representative, you cannot mail the copies but must have someone else who is not a party mail the documents for you.* After the copies have been mailed or delivered, the person who mailed the documents must complete and sign the Proof of Service by Mail on the reverse side of the Notice of Petition to Administer Estate.

### **Order, Letters, and Bond, if applicable:**

A proposed Order for Probate and Letters should be submitted prior to the hearing, so that they may be reviewed by the probate examiner. If submitted by e-Filing, an electronic copy will be returned via email after the hearing, if an email address was provided. If submitted in person or by mail, a self-addressed stamped envelope must be submitted, in addition to copies for conforming and return after the hearing. If a bond is required, the original must be submitted to the court. Bonds are not eligible of e-Filing.

- **Order for Probate (JC Form #DE-140):**

The order appoints the personal representative of the estate and lists the powers and responsibilities granted.

- **Letters (Probate) (JC Form #DE-150):**

This form serves as the oath of office for the personal representative and may be given to anyone who needs proof that you have been appointed as the personal representative and have authority to act on behalf of the estate. Letters expire 18 months from the date of issuance.

- **Bond:**

A bond is required of all personal representatives to protect interested persons, including beneficiaries and creditors, against the wrongdoing of the personal representative. A bond is not required if the Will waives the bond requirement, or if all beneficiaries sign a waiver of the bond requirement. The court will ordinarily require a non-resident personal representative to file a bond even if the Will waives bond. If a bond is required, the amount of the bond will be fixed based on the estimated value of the decedent's estate.

### **Probate Examiner Notes:**

Before the court hearing date, a probate examiner will review the filings submitted and make notes for the judge. These notes are referred to as "probate notes." A copy of the probate notes will be available on the online Register of Actions on the court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) (select Online Services and then Access Court Records) about two weeks prior to the hearing.

If there are defects (things that are missing and/or corrections to be made), they will be noted by the probate examiner. Ordinarily the defects need to be corrected before the petition will be granted by the judge. Some defects may be corrected by providing an explanation on a Response to Probate Notes form (SDSC Form #PR-177). Contact the probate examiner listed on your probate notes for information on how to correct defects. All corrections must be made at least four court days before the hearing. If defects are noted and have not been corrected before the hearing date, the court may continue the hearing to a later date to allow time to correct the defects.

## **AFTER THE HEARING:**

### **Probate Referee and Inventory & Appraisal:**

At the time of appointment of the personal representative, the Court designates on the Order for Probate the name and contact information for the probate referee to be used in that estate to appraise the total value of the assets. Probate Referees are qualified appraisers who have passed stringent education and testing requirements and are appointed by the California State Controller's Office to act as probate referees for each county. As personal representative, you must complete and sign the front side of the Inventory and Appraisal form (JC Form #DE-160), leaving the line for "Total Appraisal by Referee" blank, but otherwise answering each section. You must send the form to the appointed Probate Referee for completion.

### **Notice to Creditors and Allowance or Rejection of Creditors' Claims:**

As personal representative, you have a duty to notify both known and reasonably ascertainable creditors of the death of the decedent and that you have been appointed as personal representative. Complete and mail the Notice of Administration to Creditors (JC Form #DE-157).

In addition, you are required to notify the Franchise Tax Board of the decedent's death. The Department of Health Services must also be notified, if you know or have reason to believe that the decedent received Medi-Cal health benefits or was the surviving spouse of a person who received Medi-Cal health benefits. If an heir or beneficiary is currently incarcerated or was formerly incarcerated, the California Victim Compensation Board must be notified. If income was earned by the decedent prior to death, personal income state and federal taxes may need to be filed. If you are unsure, discuss your case with a lawyer or Certified Public Accountant.

If a creditor files a Creditor's Claim (JC Form #DE-172), you must review the claim carefully and either allow or reject the claim, in whole or in part, in writing, within 30 days of receiving the claim. Complete the Allowance or Rejection of Creditor's Claim form (JC Form #DE-174). Mail a copy of the Allowance or Rejection of Creditor's Claim form to the creditor. File the original Allowance and Rejection of Creditor's Claim with a copy of the Creditor's Claim attached. If certain criteria are met, the court will also review and either approve or reject the claim.

### **Final Accounting or Waiver of Final Accounting and Petition for Distribution of Assets:**

The personal representative is required to bring the estate to a close within one year after Letters are issued (or 18 months if a federal estate tax return is required). Before the estate can be closed, the personal representative must file a final account, report, and petition for final distribution. The petition will be set for hearing and notice of the hearing to interested persons must be given by completing a Notice of Hearing (Decedent's Estate or Trust) (JC Form #DE-120). This petition may be prepared in pleading format, or local form, First and Final Report of Personal Representative & Petition for Final Distribution (SDSC Form #PR-165) may be used.

### **Ex Parte Petition for Final Discharge and Order:**

Once the court approves the Petition for Final Distribution, you may begin to distribute property to persons entitled to receive said property from the estate. Each person must sign a receipt and all receipts must be filed with the court. Receipts must be prepared on pleading. After distribution is complete, you must request that the court discharge you as the personal representative and exonerate the bond, if one was posted. This can be accomplished by completing and filing an Ex Parte Petition for Final Discharge and Order (JC Form #DE-295/GC-395). There is no fee for filing and this is not set for hearing. Once signed by the Judge, the administration of the is estate is complete.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
ESTATE OF (name): _____ <span style="float: right;">DECEDENT</span>	
<b>PETITION FOR</b> <input type="checkbox"/> <b>Probate of</b> <input type="checkbox"/> <b>Lost Will and for Letters Testamentary</b> <input type="checkbox"/> <b>Probate of</b> <input type="checkbox"/> <b>Lost Will and for Letters of Administration with Will Annexed</b> <input type="checkbox"/> <b>Letters of Administration</b> <input type="checkbox"/> <b>Letters of Special Administration</b> <input type="checkbox"/> <b>with general powers</b> <input type="checkbox"/> <b>Authorization to Administer Under the Independent Administration of Estates Act</b> <input type="checkbox"/> <b>with limited authority</b>	CASE NUMBER: _____  HEARING DATE AND TIME: _____ DEPT.: _____

1. Publication will be in (specify name of newspaper):

- a.  Publication requested.
- b.  Publication to be arranged.

2. Petitioner (name each):

**requests that**

- a.  decedent's will and codicils, if any, be admitted to probate.
- b. (name): \_\_\_\_\_ be appointed
  - (1)  executor
  - (2)  administrator with will annexed
  - (3)  administrator
  - (4)  special administrator  with general powers and Letters issue upon qualification.
- c.  full  limited authority be granted to administer under the Independent Administration of Estates Act.
- d. (1)  bond not be required for the reasons stated in item 3e.  
 (2)  \$ \_\_\_\_\_ bond be fixed. The bond will be furnished by an admitted surety insurer or as otherwise provided by law. (Specify reasons in Attachment 2 if the amount is different from the maximum required by Prob. Code, § 8482.)  
 (3)  \$ \_\_\_\_\_ in deposits in a blocked account be allowed. Receipts will be filed. (Specify institution and location): \_\_\_\_\_

3. a. Decedent died on (date): \_\_\_\_\_ at (place): \_\_\_\_\_

- (1)  a resident of the county named above.
- (2)  a nonresident of California and left an estate in the county named above located at (specify location permitting publication in the newspaper named in item 1): \_\_\_\_\_

- b.  Decedent was a citizen of a country other than the United States (specify country): \_\_\_\_\_
- c. Street address, city, and county of decedent's residence at time of death (specify): \_\_\_\_\_

ESTATE OF <i>(name)</i> :	CASE NUMBER:
DECEDENT	

**3. d. Character and estimated value of the property of the estate** *(complete in all cases):*

- (1) Personal property: \$ \_\_\_\_\_
- (2) Annual gross income from
  - (a) real property: \$ \_\_\_\_\_
  - (b) personal property: \$ \_\_\_\_\_
- (3) **Subtotal** *(add (1) and (2))*: \$ \_\_\_\_\_
- (4) Gross fair market value of real property: \$ \_\_\_\_\_
- (5) (Less) Encumbrances: (\$ \_\_\_\_\_)
- (6) Net value of real property: \$ \_\_\_\_\_
- (7) **Total** *(add (3) and (6))*: \$ \_\_\_\_\_

- e. (1)  Will waives bond.  Special administrator is the named executor, and the will waives bond.
- (2)  All beneficiaries are adults and have waived bond, and the will does not require a bond. *(Affix waiver as Attachment 3e(2).)*
- (3)  All heirs at law are adults and have waived bond. *(Affix waiver as Attachment 3e(3).)*
- (4)  Sole personal representative is a corporate fiduciary or an exempt government agency.
- f. (1)  Decedent died intestate.
- (2)  Copy of decedent's will dated:  codicil dated *(specify for each):*  
 are affixed as Attachment 3f(2). *(Include typed copies of handwritten documents and English translations of foreign-language documents.)*  
 The will and all codicils are self-proving (Prob. Code, § 8220).
- (3)  The original of the will and/or codicil identified above has been lost. *(Affix a copy of the lost will or codicil or a written statement of the testamentary words or their substance in Attachment 3f(3), and state reasons in that attachment why the presumption in Prob. Code, § 6124 does not apply.)*

**g. Appointment of personal representative** *(check all applicable boxes):*

- (1) Appointment of executor or administrator with will annexed:
  - (a)  Proposed executor is named as executor in the will and consents to act.
  - (b)  No executor is named in the will.
  - (c)  Proposed personal representative is a nominee of a person entitled to Letters. *(Affix nomination as Attachment 3g(1)(c).)*
  - (d)  Other named executors will not act because of  death  declination  
 other reasons *(specify):*  
 Continued in Attachment 3g(1)(d).
- (2) Appointment of administrator:
  - (a)  Petitioner is a person entitled to Letters. *(If necessary, explain priority in Attachment 3g(2)(a).)*
  - (b)  Petitioner is a nominee of a person entitled to Letters. *(Affix nomination as Attachment 3g(2)(b).)*
  - (c)  Petitioner is related to the decedent as *(specify):*
- (3)  Appointment of special administrator requested. *(Specify grounds and requested powers in Attachment 3g(3).)*
- (4)  Proposed personal representative would be a successor personal representative.

- h. Proposed personal representative is a
  - (1)  resident of California.
  - (2)  nonresident of California *(specify permanent address):*  
  
 resident of the United States.
  - (3)  resident of the United States.
  - (4)  nonresident of the United States.



ESTATE OF (name):

DECEDENT

CASE NUMBER:

4.  Decedent's will does not preclude administration of this estate under the Independent Administration of Estates Act.
5. a. Decedent was 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  was  was not survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier. (See Prob. Code, § 6454.)
6. (Complete if decedent was survived by (1) a spouse or registered domestic partner but no issue (only a or b apply), or (2) no spouse, registered domestic partner, or issue. (Check the **first** box that applies):
- a.  Decedent was survived by a parent or parents who are listed in item 8.
- b.  Decedent was survived by issue of deceased parents, all of whom are listed in item 8.
- c.  Decedent was survived by a grandparent or grandparents who are listed in item 8.
- d.  Decedent was survived by issue of grandparents, all of whom are listed in item 8.
- e.  Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.
- f.  Decedent was survived by next of kin, all of whom are listed in item 8.
- g.  Decedent was survived by parents of a predeceased spouse or issue of those parents, if both are predeceased, all of whom are listed in item 8.
- h.  Decedent was survived by no known next of kin.
7. (Complete only if no spouse or issue survived decedent.)
- a.  Decedent had no predeceased spouse.
- b.  Decedent had a predeceased spouse who
- (1)  died not more than 15 years before decedent and who owned an interest in **real property** that passed to decedent,
- (2)  died not more than five years before decedent and who owned **personal property** valued at \$10,000 or more that passed to decedent, (If you checked (1) or (2), check only the **first** box that applies):
- (a)  Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.
- (b)  Decedent was survived by a parent or parents of the predeceased spouse who are listed in item 8.
- (c)  Decedent was survived by issue of a parent of the predeceased spouse, all of whom are listed in item 8.
- (d)  Decedent was survived by next of kin of the decedent, all of whom are listed in item 8.
- (e)  Decedent was survived by next of kin of the predeceased spouse, all of whom are listed in item 8.
- (3)  neither (1) nor (2) apply.
8. Listed on the next page are the names, relationships to decedent, ages, and addresses, so far as known to or reasonably ascertainable by petitioner, of (1) all persons mentioned in decedent's will or any codicil, whether living or deceased; (2) all persons named or checked in items 2, 5, 6, and 7; and (3) all beneficiaries of a trust named in decedent's will or any codicil in which the trustee and personal representative are the same person.

ESTATE OF <i>(name)</i> :	CASE NUMBER:
DECEDENT	

8.      Name and relationship to decedent                      Age                                      Address

Continued on Attachment 8.

9. Number of pages attached: \_\_\_\_\_

Date:

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

\* (Signatures of all petitioners are also required. All petitioners must sign, but the petition may be verified by any one of them (Prob. Code, §§ 1020, 1021; Cal. Rules of Court, rule 7.103).)

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)

Signatures of additional petitioners follow last attachment.

ESTATE OF	CASE NUMBER
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**ATTACHMENT TO INITIAL OR COMPETING PETITION FOR PROBATE**

**Advisal of Publication and Notice Requirements:**

**Publication:**

A copy of the Notice of Petition to Administer Estate (JC Form #DE-121) must be published three times in the legal notice section of a newspaper of general circulation in the city where the decedent resided. The first publication date must be at least 15 days prior to the hearing with at least five days between the first and last publication (not counting the publication dates), with proof of same being filed with the court (Prob. Code, § 8120, *et seq.*).

**Notice Requirements:**

A copy of the Notice of Petition to Administer Estate (JC Form #DE-121) showing the hearing date must be given to each person or entity entitled to notice by mail or personal delivery at least 15 days prior to the hearing, with proof of same being filed with the court (Prob. Code, § 8110, *et seq.*).

Having read the above-referenced publication and notice requirements, I hereby request a hearing date, as follows:

- Within 15-30 days from date of filing.
- Within 30-45 days from date of filing.

**Probate Examiner Notes:**

If the publication and notice or other requirements are not met before the hearing date, the Probate Examiner will enter this as a "defect" on the Probate Examiner Notes. If defects are not corrected before the hearing date, the hearing may be continued to a date exceeding 45 days from the initial hearing date.

Parties are encouraged to review the Probate Examiner Notes and correct any defects with the Probate Examiner at least **four court days** before the hearing date (SDSC 4.3.3.E & 4.3.3.O) to avoid excessive delays in estate proceedings. A copy of the Probate Examiner Notes will be available two to three weeks prior to the hearing and can be found on the court website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) (click on the Probate tab, then Examiner Notes).

I declare under penalty of perjury under the laws of the State of California that I have read the foregoing and confirm the choice made above.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Signature of Petitioner

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
ESTATE OF (Name): _____, DECEDENT	
<p style="text-align: center;"><b>WAIVER OF BOND BY HEIR OR BENEFICIARY</b></p> <input type="checkbox"/> Attachment 3e to Petition for Probate*	CASE NUMBER: _____

**NOTICE: READ PARAGRAPHS A–G BEFORE YOU SIGN**

- A. A bond is a form of insurance to replace assets that may be mismanaged or stolen by the executor or administrator (the estate's **personal representative**). The cost of the bond is paid from the assets of the estate.
- B. A bond may not be required if the decedent's will admitted to probate waives a bond and the court approves.
- C. If the decedent's will does not waive bond, or if the decedent died without a will, the law ordinarily requires the personal representative to give a bond approved and ordered by the court. However, all persons eligible to receive a share of the estate may waive the requirement of a bond. If they all waive bond and the court approves, the personal representative will NOT have to give a bond.
- D. **If bond is not ordered by the court, and the estate suffers loss because the personal representative fails to properly perform the duties of the office, the loss or some part of it may not be recoverable from the personal representative. If so, your share of the estate may be partly or entirely lost.**
- E. You may waive the requirement of a bond by signing this form and delivering it to the petitioner for appointment of a personal representative or to the petitioner's attorney. Your waiver cannot be withdrawn after the court appoints the personal representative without requiring a bond. However, if you sign a waiver of bond, you may later petition the court to require a bond.
- F. A guardian ad litem or other legal representative with specific authority under law to waive bond must sign for a minor, an incapacitated person, an unascertained beneficiary, or a designated class of persons who are not ascertained or not yet in being. See Judicial Council forms DE-350 and DE-351 and Probate Code section 1003.
- G. **If you do not understand this form, do not sign it until you have asked a lawyer (who is independent of the lawyer for the proposed personal representative) to explain it to you.**

**WAIVER**

1. I have read and understand paragraphs A through G above.
2. I understand that before signing this form, I am free to consult with a lawyer of my choice concerning the possible consequences to me of waiving bond.
3. I understand that I do not have to waive bond to allow the estate administration to begin or proceed, or to receive my share of the estate.
4. I **WAIVE** the posting of bond in this estate by (name of personal representative):

Date: \_\_\_\_\_

_____ <small>(TYPE OR PRINT NAME OF BENEFICIARY (AND AUTHORIZED SIGNER, IF BENEFICIARY IS NOT AN INDIVIDUAL))</small>	_____ <small>(SIGNATURE)</small>
--	-------------------------------------

**\*(This form may be filed as an independent form (as form DE-142) OR as Attachment 3e(2) (will) or Attachment 3e(3) (intestacy) to the Petition for Probate (form DE-111) (as form DE-111(A-3e).)**



ESTATE OF <i>(Name)</i> :  _____	CASE NUMBER:  _____
DECEDENT	

**d. File a change of ownership**

At the time you file the inventory and appraisal, you must also file a change of ownership statement with the county recorder or assessor in each county where the decedent owned real property at the time of death, as provided in section 480 of the California Revenue and Taxation Code.

**3. NOTICE TO CREDITORS**

You must mail a notice of administration to each known creditor of the decedent within four months after your appointment as personal representative. If the decedent received Medi-Cal assistance, you must notify the State Director of Health Services within 90 days after appointment.

**4. INSURANCE**

You should determine that there is appropriate and adequate insurance covering the assets and risks of the estate. Maintain the insurance in force during the entire period of the administration.

**5. RECORD KEEPING**

**a. Keep accounts**

You must keep complete and accurate records of each financial transaction affecting the estate. You will have to prepare an account of all money and property you have received, what you have spent, and the date of each transaction. You must describe in detail what you have left after the payment of expenses.

**b. Court review**

Your account will be reviewed by the court. Save your receipts because the court may ask to review them. If you do not file your accounts as required, the court will order you to do so. You may be removed as personal representative if you fail to comply.

**6. CONSULTING AN ATTORNEY**

If you have an attorney, you should cooperate with the attorney at all times. You and your attorney are responsible for completing the estate administration as promptly as possible. **When in doubt, contact your attorney.**

**NOTICE:** 1. This statement of duties and liabilities is a summary and is not a complete statement of the law. Your conduct as a personal representative is governed by the law itself and not by this summary.  
 2. If you fail to perform your duties or to meet the deadlines, the court may reduce your compensation, remove you from office, and impose other sanctions.

**ACKNOWLEDGMENT OF RECEIPT**

1. I have petitioned the court to be appointed as a personal representative.
2. My address and telephone number are *(specify)*:
3. I acknowledge that I have received a copy of this statement of the duties and liabilities of the office of personal representative.

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)

\_\_\_\_\_

(TYPE OR PRINT NAME)

▶

\_\_\_\_\_

(SIGNATURE OF PETITIONER)

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)

\_\_\_\_\_

(TYPE OR PRINT NAME)

▶

\_\_\_\_\_

(SIGNATURE OF PETITIONER)

**CONFIDENTIAL INFORMATION:** If required to do so by local court rule, you must provide your date of birth and driver's license number on supplemental Form DE-147S. (Prob. Code, § 8404(b).)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) :  TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
ESTATE OF (Name): _____  <div style="text-align: right;">DECEDENT</div>	
<b>PROOF OF SUBSCRIBING WITNESS</b>	CASE NUMBER: _____

1. I am one of the attesting witnesses to the instrument of which Attachment 1 is a photographic copy. I have examined Attachment 1 and my signature is on it.
  - a.  The name of the decedent was signed in the presence of the attesting witnesses present at the same time by
    - (1)  the decedent personally.
    - (2)  another person in the decedent's presence and by the decedent's direction.
  - b.  The decedent acknowledged in the presence of the attesting witnesses present at the same time that the decedent's name was signed by
    - (1)  the decedent personally.
    - (2)  another person in the decedent's presence and by the decedent's direction.
  - c.  The decedent acknowledged in the presence of the attesting witnesses present at the same time that the instrument signed was decedent's
    - (1)  will.
    - (2)  codicil.

2. When I signed the instrument, I understood that it was decedent's  will  codicil.

3. I have no knowledge of any facts indicating that the instrument, or any part of it, was procured by duress, menace, fraud, or undue influence.

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 WITNESS)

.....  
 (ADDRESS)

**ATTORNEY'S CERTIFICATION**

*(Check local court rules for requirements for certifying copies of wills and codicils)*

I am an active member of The State Bar of California. I declare under penalty of perjury under the laws of the State of California that Attachment 1 is a photographic copy of every page of the  will  codicil presented for probate.

Date: \_\_\_\_\_

.....  
 (TYPE OR PRINT NAME) ▶ \_\_\_\_\_  
 (SIGNATURE OF ATTORNEY)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
ESTATE OF (Name): _____  <div style="text-align: right;">DECEDENT</div>	
<b>PROOF OF HOLOGRAPHIC INSTRUMENT</b>	CASE NUMBER: _____

1. I was acquainted with the decedent for the following number of years (*specify*):
2.  I was related to the decedent as (*specify*):
3. I have personal knowledge of the decedent's handwriting which I acquired as follows:
  - a.  I saw the decedent write.
  - b.  I saw a writing purporting to be in the decedent's handwriting and upon which decedent acted or was charged. It was (*specify*):
  - c.  I received letters in the due course of mail purporting to be from the decedent in response to letters I addressed and mailed to the decedent.
  - d.  Other (*specify other means of obtaining knowledge*):
4. I have examined the attached copy of the instrument, and its handwritten provisions were written by and the instrument was signed by the hand of the decedent. (*Affix a copy of the instrument as Attachment 4.*)

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)

.....  
 (ADDRESS)

▶

\_\_\_\_\_ (SIGNATURE)

**ATTORNEY'S CERTIFICATION**

*(Check local court rules for requirements for certifying copies of wills and codicils)*

I am an active member of The State Bar of California. I declare under penalty of perjury under the laws of the State of California that Attachment 4 is a photographic copy of every page of the holographic instrument presented for probate.

Date:

.....  
 (TYPE OR PRINT NAME)

▶

\_\_\_\_\_ (SIGNATURE OF ATTORNEY)



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
ESTATE OF (Name): _____  <div style="text-align: right;">DECEDENT</div>	
<b>NOTICE OF PETITION TO ADMINISTER ESTATE OF (Name):</b>	CASE NUMBER: _____

1. To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of *(specify all names by which the decedent was known)*:
  
2. A **Petition for Probate** has been filed by *(name of petitioner)*:  
in the Superior Court of California, County of *(specify)*:
  
3. The Petition for Probate requests that *(name)*:  
be appointed as personal representative to administer the estate of the decedent.
  
4.  The petition requests the decedent's will and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.
  
5.  The petition requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.
  
6. **A hearing on the petition will be held in this court as follows:**

a. Date:	Time:	Dept.:	Room:
----------	-------	--------	-------

  
 b. Address of court:  same as noted above       other *(specify)*:
  
7. **If you object** to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.
  
8. **If you are a creditor or a contingent creditor of the decedent**, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the **later** of either (1) **four months** from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) **60 days** from the date of mailing or personal delivery to you of a notice under section 9052 of the California Probate Code.  
**Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.**
  
9. **You may examine the file kept by the court.** If you are a person interested in the estate, you may file with the court a *Request for Special Notice* (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A *Request for Special Notice* form is available from the court clerk.
  
10.  Petitioner     Attorney for petitioner *(name)*:  
  
*(Address)*:  
  
*(Telephone)*:

**NOTE:** If this notice is published, print the caption, beginning with the words NOTICE OF PETITION TO ADMINISTER ESTATE, and do not print the information from the form above the caption. The caption and the decedent's name must be printed in at least 8-point type and the text in at least 7-point type. Print the case number as part of the caption. Print items preceded by a box only if the box is checked. Do not print the italicized instructions in parentheses, the paragraph numbers, the mailing information, or the material on page 2.

ESTATE OF <i>(Name)</i> :	CASE NUMBER:
DECEDENT	

**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 Petition to Administer Estate* on each person named below by enclosing a copy in an envelope addressed as shown below **AND**
  - a.  **depositing** the sealed envelope with the United States Postal Service on the date and at the place shown in item 4, 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 United States 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 Petition to Administer Estate*, a copy of the petition or other document referred to in 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 OF PERSON COMPLETING THIS FORM)	▶	(SIGNATURE OF PERSON COMPLETING THIS FORM)
---	---	--

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

	<u>Name of person served</u>	<u>Address (number, street, city, state, and zip code)</u>
1.		
2.		
3.		
4.		
5.		
6.		

Continued on an attachment. *(You may use form DE-121(MA) to show additional persons served.)*

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<i>FOR COURT USE ONLY</i>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
IN THE MATTER OF <input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> TRUST <input type="checkbox"/> ESTATE:	
<b>RESPONSE TO PROBATE NOTES</b>	CASE NUMBER

DATE:	TIME:	DEPT:	ROA #:
-------	-------	-------	--------

**Defect(s) listed in the Probate Notes dated \_\_\_\_\_ are addressed with the submission of the following information:**

1. In response to **Defect #** \_\_\_\_ : \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
2. In response to **Defect #** \_\_\_\_ : \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
3. In response to **Defect #** \_\_\_\_ : \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
4. In response to **Defect #** \_\_\_\_ : \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
5. In response to **Defect #** \_\_\_\_ : \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
6. In response to **Defect #** \_\_\_\_ : \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Additional information continued on attachment 1.

IN THE MATTER OF  CONSERVATORSHIP  GUARDIANSHIP  TRUST  ESTATE:

CASE NUMBER

7.  One or more of the responses requires modification of the petition prayer. The entire prayer is restated as follows:

*continued on attachment 2.*

Date: \_\_\_\_\_

\_\_\_\_\_  
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: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
ESTATE OF (Name): _____	DECEDENT
<b>ORDER FOR PROBATE</b> <b>ORDER APPOINTING</b> <input type="checkbox"/> <b>Executor</b> <input type="checkbox"/> <b>Administrator with Will Annexed</b> <input type="checkbox"/> <b>Administrator</b> <input type="checkbox"/> <b>Special Administrator</b> <input type="checkbox"/> <b>Order Authorizing Independent Administration of Estate</b> <input type="checkbox"/> <b>with full authority</b> <input type="checkbox"/> <b>with limited authority</b>	CASE NUMBER: _____
<b>WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.</b>	

1. Date of hearing: \_\_\_\_\_ Time: \_\_\_\_\_ Dept./Room: \_\_\_\_\_ Judge: \_\_\_\_\_

**THE COURT FINDS**

2. a. All notices required by law have been given.  
 b. Decedent died on (date): \_\_\_\_\_  
     (1)  a resident of the California county named above.  
     (2)  a nonresident of California and left an estate in the county named above.  
 c. Decedent died  
     (1)  intestate  
     (2)  testate  
     and decedent's will dated: \_\_\_\_\_ and each codicil dated: \_\_\_\_\_  
     was admitted to probate by Minute Order on (date): \_\_\_\_\_

**THE COURT ORDERS**

3. (Name): \_\_\_\_\_  
 is appointed **personal representative**:  
 a.  executor of the decedent's will  
 b.  administrator with will annexed  
 c.  administrator  
 d.  special administrator  
     (1)  with general powers  
     (2)  with special powers as specified in Attachment 3d(2)  
     (3)  without notice of hearing  
     (4)  letters will expire on (date): \_\_\_\_\_
- and letters shall issue on qualification.
4. a.  **Full authority** is granted to administer the estate under the Independent Administration of Estates Act.  
 b.  **Limited authority** is granted to administer the estate under the Independent Administration of Estates Act (there is no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
5. a.  Bond is not required.  
 b.  Bond is fixed at: \$ \_\_\_\_\_ to be furnished by an authorized surety company or as otherwise provided by law.  
 c.  Deposits of: \$ \_\_\_\_\_ are ordered to be placed in a blocked account at (specify institution and location): \_\_\_\_\_ and receipts shall be filed. No withdrawals shall be made without a court order.  Additional orders in Attachment 5c.  
 d.  The personal representative is not authorized to take possession of money or any other property without a specific court order.
6.  (Name): \_\_\_\_\_ is appointed probate referee.

Date: \_\_\_\_\_

\_\_\_\_\_  
 JUDGE OF THE SUPERIOR COURT

7. Number of pages attached: \_\_\_\_\_  SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
ESTATE OF ( <i>Name</i> ): _____	
<b>DECEDENT</b>	
<div style="text-align: center;"><b>LETTERS</b></div> <input type="checkbox"/> <b>TESTAMENTARY</b> <input type="checkbox"/> <b>OF ADMINISTRATION</b> <input type="checkbox"/> <b>OF ADMINISTRATION WITH WILL ANNEXED</b> <input type="checkbox"/> <b>SPECIAL ADMINISTRATION</b>	
CASE NUMBER: _____	

**LETTERS**

1.  The last will of the decedent named above having been proved, the court appoints (*name*):
  - a.  executor.
  - b.  administrator with will annexed.
  
2.  The court appoints (*name*):
  - a.  administrator of the decedent's estate.
  - b.  special administrator of decedent's estate
    - (1)  with the special powers specified in the *Order for Probate*.
    - (2)  with the powers of a general administrator.
    - (3)  letters will expire on (*date*): \_\_\_\_\_
  
3.  The personal representative is authorized to administer the estate under the Independent Administration of Estates Act  **with full authority**  **with limited authority** (no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
  
4.  The personal representative is not authorized to take possession of money or any other property without a specific court order.

**AFFIRMATION**

1.  **PUBLIC ADMINISTRATOR:** No affirmation required (Prob. Code, § 7621(c)).
  
2.  **INDIVIDUAL: I solemnly affirm** that I will perform the duties of personal representative according to law.
  
3.  **INSTITUTIONAL FIDUCIARY (*name*):**  
  
**I solemnly affirm** that the institution will perform the duties of personal representative according to law. I make this affirmation for myself as an individual and on behalf of the institution as an officer.  
*(Name and title):* \_\_\_\_\_
  
4. Executed on (*date*): \_\_\_\_\_  
 at (*place*): \_\_\_\_\_, California.

(SIGNATURE)

**CERTIFICATION**

I certify that this document is a correct copy of the original on file in my office and the letters issued the personal representative appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)	Date: _____  Clerk, by _____  _____ (DEPUTY)
--------	---

(SEAL)	Date: _____  Clerk, by _____  _____ (DEPUTY)
--------	---

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):       TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
ESTATE OF (Name): _____  <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR	
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p style="text-align: center;"><b>INVENTORY AND APPRAISAL</b></p> <input type="checkbox"/> <b>Partial No.:</b>                      <input type="checkbox"/> <b>Corrected</b>  <input type="checkbox"/> <b>Final</b>                                      <input type="checkbox"/> <b>Reappraisal for Sale</b>  <input type="checkbox"/> <b>Supplemental</b>                      <input type="checkbox"/> <b>Property Tax Certificate</b> </div> <div style="width: 35%; padding-left: 10px;">                 CASE NUMBER: _____                   Date of Death of Decedent or of Appointment of                  Guardian or Conservator: _____             </div> </div>	

**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 institution and location*): \_\_\_\_\_

Date: \_\_\_\_\_

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)
-------------------------------	--	--

ESTATE OF (Name):  <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR	CASE NUMBER:
--	--------------

### 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.)**

- See Probate Code section 8850 for items to be included in the inventory.
- 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.)
- 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.
- 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.
- 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.
- 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.)



**NOTICE OF ADMINISTRATION  
OF THE ESTATE OF**

\_\_\_\_\_  
(NAME)

**DECEDENT**

**NOTICE TO CREDITORS**

- 1. (Name):  
(Address):

(Telephone):

is the **personal representative** of the **ESTATE OF** (name): \_\_\_\_\_, who is deceased.

- 2. The personal representative HAS BEGUN ADMINISTRATION of the decedent's estate in the
  - a. **SUPERIOR COURT OF CALIFORNIA, COUNTY OF** (specify):

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

- b. Case number (specify):

- 3. You must **FILE YOUR CLAIM** with the court clerk (address in item 2a) AND mail or deliver a copy to the personal representative before the **last to occur** of the following dates:

- a. **four months** after (date): \_\_\_\_\_, the date letters (authority to act for the estate) were first issued to a general personal representative, as defined in subdivision (b) of section 58 of the California Probate Code, **OR**
- b. **60 days** after (date): \_\_\_\_\_, the date this notice was mailed or personally delivered to you.

- 4. **LATE CLAIMS:** If you do not file your claim within the time required by law, you must file a petition with the court for permission to file a late claim as provided in Probate Code section 9103. Not all claims are eligible for additional time to file. See section 9103(a).

**EFFECT OF OTHER LAWS:** Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

**WHERE TO GET A CREDITOR'S CLAIM FORM:** If a *Creditor's Claim* (form DE-172) did not accompany this notice, you may obtain a copy of the form from any superior court clerk or from the person who sent you this notice. You may also access a fillable version of the form on the Internet at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) under the form group Probate—Decedents' Estates. A letter to the court stating your claim is *not* sufficient.

**FAILURE TO FILE A CLAIM:** Failure to file a claim with the court and serve a copy of the claim on the personal representative will in most instances invalidate your claim.

**IF YOU MAIL YOUR CLAIM:** If you use the mail to file your claim with the court, for your protection you should send your claim by certified mail, with return receipt requested. If you use the mail to serve a copy of your claim on the personal representative, you should also use certified mail.

**Note:** To assist the creditor and the court, please send a blank copy of the *Creditor's Claim* form with this notice.

(Proof of Service by Mail on reverse)

ESTATE OF <i>(Name)</i> :	CASE NUMBER:
DECEDENT	

[Optional]

**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 Administration to Creditors*  and a blank *Creditor's Claim* form\* on each person named below by enclosing a copy in an envelope addressed as shown below AND

a.  **depositing** the sealed envelope with the United States 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 the 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 United States Postal Service in a sealed envelope with postage fully prepaid.

4. a. Date of deposit:

b. Place of deposit *(city and state)*:

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 DECLARANT)

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

Name of person

Address (number, street, city, state, and zip code)

1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

List of names and addresses continued in attachment. *(You may use form POS-30(P) to show additional persons to whom a copy of this notice was mailed. Do not use page 2 of this form or form POS-030(P) to show that you personally delivered a copy of this notice to a creditor. You may use forms POS-020 and POS-020(P) for that purpose.)*

\* **NOTE:** To assist the creditor and the court, please send a blank copy of the Creditor's Claim (form DE-172) with the notice.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
ESTATE OF _____ (Name): _____	DECEDENT
<b>ALLOWANCE OR REJECTION OF CREDITOR'S CLAIM</b>	CASE NUMBER: _____

**NOTE TO PERSONAL REPRESENTATIVE**

**Attach a copy of the creditor's claim to this form. If approval or rejection by the court is not required, do not include any pages attached to the creditor's claim.**

**PERSONAL REPRESENTATIVE'S ALLOWANCE OR REJECTION**

1. Name of creditor (*specify*): \_\_\_\_\_
2. The claim was filed on (*date*): \_\_\_\_\_
3. Date of first issuance of letters: \_\_\_\_\_
4. Date of *Notice of Administration*: \_\_\_\_\_
5. Date of decedent's death: \_\_\_\_\_
6. Estimated value of estate: \$ \_\_\_\_\_
7. Total amount of the claim: \$ \_\_\_\_\_
8.  Claim is allowed for: \$ \_\_\_\_\_ *(The court must approve certain claims before they are paid.)*
9.  Claim is rejected for: \$ \_\_\_\_\_ *(A creditor has 90 days to act on a rejected claim.\* See box below.)*
10. Notice of allowance or rejection given on (*date*): \_\_\_\_\_
11.  The personal representative is authorized to administer the estate under the Independent Administration of Estates Act.

Date: \_\_\_\_\_

(TYPE OR PRINT NAME OF PERSONAL REPRESENTATIVE)

(SIGNATURE OF PERSONAL REPRESENTATIVE)

**NOTICE TO CREDITOR ON REJECTED CLAIM**

From the date that notice of rejection is given, you must act on the rejected claim (e.g., file a lawsuit) as follows:

1. **Claim due:** within 90 days\* after the notice of rejection.
2. **Claim not due:** within 90 days\* after the claim becomes due.

**\*The 90-day period mentioned above may not apply to your claim because some claims are not treated as creditors' claims or are subject to special statutes of limitations, or for other legal reasons. You should consult with an attorney if you have any questions about or are unsure of your rights and obligations concerning your claim.**

**COURT'S APPROVAL OR REJECTION**

12.  Approved for: \$ \_\_\_\_\_
13.  Rejected for: \$ \_\_\_\_\_

Date: \_\_\_\_\_

(TYPE OR PRINT NAME OF JUDICIAL OFFICER)

SIGNATURE OF JUDICIAL OFFICER

14. Number of pages attached: \_\_\_\_\_  SIGNATURE FOLLOWS LAST ATTACHMENT

(Proof of Mailing or Personal Delivery on reverse)

ESTATE OF <i>(Name):</i>	CASE NUMBER:
DECEDENT	

**PROOF OF  MAILING  PERSONAL DELIVERY TO CREDITOR**

1. At the time of mailing or personal delivery I was at least 18 years of age and **not a party** to this proceeding.
2. My residence or business address is *(specify)*:
  
3. I mailed or personally delivered a copy of the *Allowance or Rejection of Creditor's Claim* as follows *(complete either a or b)*:
  - a.  **Mail.** I am a resident of or employed in the county where the mailing occurred.
    - (1) I enclosed a copy in an envelope AND
      - (a)  **deposited** the sealed envelope with the United States Postal Service with the postage fully prepaid.
      - (b)  **placed** the envelope for collection and mailing on the date and at the place shown in items below 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 United States Postal Service in a sealed envelope with postage fully prepaid.
    - (2) The envelope was addressed and mailed first-class as follows:
      - (a) Name of creditor served:
      - (b) Address on envelope:
  
      - (c) Date of mailing:
      - (d) Place of mailing *(city and state)*:
  - b.  **Personal delivery.** I personally delivered a copy to the creditor as follows:
    - (1) Name of creditor served:
    - (2) Address where delivered:
  
    - (3) Date delivered:
    - (4) Time delivered:

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 DECLARANT)

▶  
\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
ESTATE OF _____	
<b>FIRST AND FINAL REPORT OF PERSONAL REPRESENTATIVE &amp; PETITION FOR FINAL DISTRIBUTION ON:</b> <input type="checkbox"/> ACCOUNT <input type="checkbox"/> WAIVER OF ACCOUNT; <input type="checkbox"/> PAYMENT OF STATUTORY FEES TO <input type="checkbox"/> PERSONAL REPRESENTATIVE <input type="checkbox"/> ATTORNEY; <input type="checkbox"/> PAYMENT OF EXTRAORDINARY FEES TO <input type="checkbox"/> PERSONAL REPRESENTATIVE <input type="checkbox"/> ATTORNEY; <input type="checkbox"/> PAYMENT OF COSTS / REIMBURSEMENTS; <input type="checkbox"/> RESERVE; <input type="checkbox"/> REISSUANCE / EXTENSION OF LETTERS; <input type="checkbox"/> OTHER ORDERS	DEPT _____  CASE NUMBER _____

1. Petitioner(s) (name, address, and relationship to decedent) \_\_\_\_\_  
\_\_\_\_\_
  
2. Decedent died  testate  intestate on (date) \_\_\_\_\_ as a resident of the  County of San Diego, State of California /  County of \_\_\_\_\_ State of \_\_\_\_\_.
  
3. Petitioner was appointed as  Executor  Administrator with Will Annexed  Administrator  Special Administrator with General Powers on (date) \_\_\_\_\_ and Letters (JC Form #DE-150) were issued on (date) \_\_\_\_\_.
  
4.  Will dated \_\_\_\_\_  and Codicil(s) dated \_\_\_\_\_ was/were admitted to Probate by order of this court.
  
5. Petitioner was authorized to administer the estate with  full  limited authority and without court supervision under the Independent Administration of Estate Act, or  no authority.
  
6. Petitioner's report covers the period of (date of death) \_\_\_\_\_ through (date) \_\_\_\_\_.
  
7. a.  **ACCOUNT**  
Summary of Account and accounting schedules are attached as *Attachment 7a*.
  
- b.  **WAIVER OF ACCOUNT**  
All beneficiaries or heirs waive the requirement of an accounting. Waivers of Account signed by each beneficiary or heir  are submitted herewith  will be filed prior to the hearing.
  
8. a. More than four (4) months have elapsed since the issuance of Letters (JC Form #DE-150) and reasonable efforts were made to identify creditors of the estate. The time for filing and presenting creditor's claims has expired.
  
- b. Notice of Administration (JC Form #DE-157)  was given to all known creditors of the estate within four months after the date Letters (JC Form #DE-150) were first issued or within 30 days after the personal representative first had knowledge of the creditor  was not required as there were no creditors.

9. a.  Other than taxes or creditor claims addressed in this petition, petitioner has no reason to believe that any public entity listed in Prob. Code § 9201 has any basis for making a claim against the estate.
- b.  Notice pursuant to Prob. Code § 9201 was sent as follows:

	Date Mailed		Date Mailed
<input type="checkbox"/> Sales and Use Tax	_____	<input type="checkbox"/> Motor Vehicle Fuel License Tax	_____
<input type="checkbox"/> Use Fuel Tax	_____	<input type="checkbox"/> Franchise and Income Tax	_____
<input type="checkbox"/> Cigarette Tax	_____	<input type="checkbox"/> Alcohol Beverage Tax	_____
<input type="checkbox"/> Unemployment Insurance	_____	<input type="checkbox"/> State Hospital for Mentally Disordered	_____

10. a.  The decedent did not receive and/or was not the surviving spouse/registered domestic partner of a person who received Medi-Cal benefits. Notice was not required to be sent to the California Department of Health Care Services.

b.  The decedent received and/or was the surviving spouse/registered domestic partner of a person who received Medi-Cal benefits. Notice required by Prob. Code § 9202(a) was sent to the California Department of Health Care Services on (date) \_\_\_\_\_, with a copy of the decedent’s death certificate and/or a copy of the death certificate of the decedent’s pre-deceased spouse/registered domestic partner.

11. a.  Petitioner knows of no heir that is confined in a prison or facility under the jurisdiction of the Department of Corrections or the Department of Youth Authority or confined in any county jail, road camp, industrial farm, or other local correctional facility to which notice is required under Prob. Code § 9202(b); therefore, no notice is required to be given to the Director of the California Victim Compensation and Government Claims Board.

b.  Notice pursuant to Prob. Code § 9202(b) was given to the Director of The California Victims Compensation and Government Claims Board on (date) \_\_\_\_\_.

12. Notice pursuant to Prob. Code § 9202(c) was given to the Franchise Tax Board on (date) \_\_\_\_\_.

13. The names and address of all parties entitled to notice, including parties who have submitted a Request for Special Notice (JC Form #DE-154/GC-035), are as follows:

Name	Address

continued on attachment 13.

14. Petitioner alleges:

- a.  The Probate Referee's fee was paid on (date) \_\_\_\_\_.
- b.  All costs of administration incurred to dated have been paid, except closing expenses and statutory fees, and the estate is now in a condition to close.
- c.  At all times during the period of administration, petitioner has kept all surplus cash in interest-bearing accounts.  There was no cash to invest in interest-bearing accounts.
- d.  No compensation has been paid from assets to the petitioner or attorney without court order.
- e. The estate is  solvent  insolvent.

15. The following Inventory and Appraisal(s) (JC Form #DE-160) have been filed with the court:

Date Filed	Type	Amount
	<input type="checkbox"/> Partial No.: _____ <input type="checkbox"/> Final <input type="checkbox"/> Supplemental <input type="checkbox"/> Corrected/Amended	
	<input type="checkbox"/> Partial No.: _____ <input type="checkbox"/> Final <input type="checkbox"/> Supplemental <input type="checkbox"/> Corrected/Amended	
	<input type="checkbox"/> Partial No.: _____ <input type="checkbox"/> Final <input type="checkbox"/> Supplemental <input type="checkbox"/> Corrected/Amended	
	<input type="checkbox"/> Partial No.: _____ <input type="checkbox"/> Final <input type="checkbox"/> Supplemental <input type="checkbox"/> Corrected/Amended	
<input type="checkbox"/> continued on attachment 15. <span style="float: right;"><b>Total Inventory and Appraisal Value:</b></span>		

16. The estate consists of  entirely  a combination of decedent's  separate  community  quasi-community property.

17. a.  Petitioner alleges that no family or affiliate relationships exist between petitioner and any agent hired by petitioner during the period of administration.

b.  The following family or affiliates were hired:

Name	Capacity Retained	Relationship

continued on attachment 17.

18. a.  No Creditor's Claim(s) (JC Form #DE-172) has/have been filed with the court.

b.  The following Creditor's Claim(s) (JC Form #DE-172) was/were filed with the court:

Date Claim Filed	Claimant	Amount of Claim	Amount Allowed	Amount Denied	Date Allowed / Denied

continued on attachment 18.

19.  The following written demands for payment were received within four months after Letters (JC Form #DE-150) were first issued, and were treated as filed claims and paid before the expiration of 30 days after the four-month period, and (1) the debts were justly due; (2) the debts were paid in good faith; (3) the amounts paid were the true amounts of the indebtedness over and above all payments and offsets; and (4) the estate is solvent.

Date Paid	Payee	Description	Amount

continued on attachment 20.

20. a.  Petitioner did not take any action without prior court approval under the Independent Administration of Estates Act for which notice of proposed action was required.

b.  Petitioner took the following action(s) without prior court approval under the Independent Administration of Estate Act for which notice of proposed action was required.

Nature of Action	Date Action was Taken	When & to Whom Notice was Given (Name & Date)	Notice Waived (Name & Date)	Objections Received (Name & Date)

continued on attachment 20.

21.  No federal or state estate taxes are due or payable by the estate. All taxes, if any, have been paid.

22.  No personal property taxes are due or payable by the estate. All taxes, if any, have been paid.

23. a.  No California or federal income taxes are due or payable by the estate. All taxes, if any, have been paid.

b.  A final income tax return will be filed  and any taxes due will be paid by the reserve requested at item 27.

24. a. Statutory fee due to petitioner as personal representative is  (amount) \_\_\_\_\_  **WAIVED**.

b. Statutory fee due to petitioner's attorney is  (amount) \_\_\_\_\_  **WAIVED**.



24. c. Statutory fees are calculated as follows:

<p>(1) Total Inventory &amp; Appraisal Value _____</p> <p>(2) Receipts* _____</p> <p>(3) Gains on Sales* _____</p> <p>(4) Losses on Sales** _____</p> <p><b>Total Calculation of Estate</b> (1+2+3-4) _____</p>		<p>4% of the first \$100,000 _____</p> <p>3% of the next \$100,000 _____</p> <p>2% of the next \$800,000 _____</p> <p>1% of the next \$9,000,000 _____</p> <p>½ of 1% of the next \$15,000,000 _____</p> <p style="text-align: right;"><b>Total Statutory Compensation</b> _____</p>
--	--	---

*\* If including receipts or gains in fee calculation, schedules must be attached. (Cal. Rules of Court, rule 7.550(b)(6))*  
**\*\* Losses, if any, must be included in fee calculation and schedules attached, even if account herein is waived.**

25. a.  Petitioner requests payment of extraordinary fees in the amount of \_\_\_\_\_. A Fee Declaration pursuant to SDSC Local Rule 4.16.2C.4  is submitted herewith  will be submitted prior to the hearing.

b.  Attorney requests payment of extraordinary fees in the amount of \_\_\_\_\_. A Fee Declaration pursuant to SDSC Local Rule 4.16.2C.4  is submitted herewith  will be submitted prior to the hearing.

26. a.  Petitioner requests payment of costs/reimbursements for \_\_\_\_\_ in the amount of \_\_\_\_\_.

b.  Attorney requests payment of costs/reimbursements for \_\_\_\_\_ in the amount of \_\_\_\_\_.

27. a.  Petitioner requests (amount) \_\_\_\_\_ to be reserved for  taxes and tax preparation fees  closing expenses  County Recorder fees  other: \_\_\_\_\_.

**Note: If the account herein is not waived and the amount withheld is more than \$5,000, a supplemental accounting for the amount withheld will be required prior to the discharge of the personal representative.**

28.  Petitioner alleges Letters (JC Form #DE-150)  expired  will expire on (date) \_\_\_\_\_ and requests that they be reissued/extended to (date) \_\_\_\_\_.

29.  The following preliminary distribution(s) has/have been made:

Date of Order Authorizing Distribution	To Whom Made	Amount/Asset Distributed	Receipts Filed (Date)

continued on attachment 29.

30. Assets on hand at the end of report period:

Total Value of Non-Cash Assets on Hand: \_\_\_\_\_

Total Value of Cash Assets on Hand: \_\_\_\_\_

Less:

Statutory Personal Representative Fees: \_\_\_\_\_

Statutory Attorney Fees: \_\_\_\_\_

Extraordinary Fees: \_\_\_\_\_

Reimbursement of Costs: \_\_\_\_\_

Reserve: \_\_\_\_\_

**Remaining Cash Assets for Distribution:**

31. a.  Petitioner alleges distribution of the estate should be made by intestate succession. The names and relationship to decedent of all heirs are as follows:

*continued on attachment 31a.*

b.  Petitioner alleges distribution of the estate should be made pursuant to decedent's Will/Codicil(s). The dispositive provisions are as follows (*must be verbatim*):

*continued on attachment 31b.*

32.  Other allegations:

continued on attachment 32.

**WHEREFORE, Petitioner prays for an order of this court as follows:**

1. The report and  account  waiver of account of the personal representative is approved.
2. All acts of the petitioner as personal representative reported to the court are approved.
3. a  Payment to petitioner in the amount of \_\_\_\_\_ representing statutory fees.  
 b.  Payment to petitioner's attorney (name) \_\_\_\_\_ in the amount of \_\_\_\_\_ representing statutory fees.
4. a.  Payment to petitioner in the amount of \_\_\_\_\_ representing extraordinary fees.  
 b.  Payment to petitioner's attorney (name) \_\_\_\_\_ in the amount of \_\_\_\_\_ representing extraordinary fees.
5. a.  Reimbursement of costs to petitioner in the amount of \_\_\_\_\_.  
 b.  Reimbursement of costs to petitioner's attorney (name) \_\_\_\_\_ in the amount of \_\_\_\_\_.
6.  A reserve in the amount of \_\_\_\_\_.
7.  Letters (JC Form #DE-150) reissued/extended to expire on (date): \_\_\_\_\_.
8.  Other orders:

continued on attachment A.

9. Distribution of the assets of the estate is approved as follows: (Include name and relationship of each heir/beneficiary and description of each asset being distributed. If real property, include the address, legal description, and assessor's parcel number.)

*continued on attachment B.*

10. Distribution of any property of the estate acquired or discovered after the court order for final distribution is made, including any unused portion of the reserve, if any, is approved as follows:

*continued on attachment C.*

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
<input type="checkbox"/> ESTATE OF (name): <input type="checkbox"/> IN THE MATTER OF (name):  <input type="checkbox"/> DECEDENT <input type="checkbox"/> TRUST <input type="checkbox"/> OTHER	
<b>NOTICE OF HEARING—DECEDENT'S ESTATE OR TRUST</b>	CASE NUMBER: _____
<b><i>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.</i></b>	

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:

<b>Hearing Date</b>	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](http://www.courts.ca.gov/forms) for Request for Accommodations by Persons With Disabilities and Response ([form MC-410](#)). (Civ. Code, § 54.8.)

<input type="checkbox"/> ESTATE OF <i>(name)</i> :	<input type="checkbox"/> IN THE MATTER OF <i>(name)</i> :	CASE NUMBER:
<input type="checkbox"/> DECEDENT <input type="checkbox"/> TRUST <input type="checkbox"/> OTHER		

**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**

	<u>Name</u>	<u>Address (street &amp; number, city, state, zip code)</u>
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.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
<input type="checkbox"/> ESTATE <input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP OF (Name): _____ <div style="text-align: right;"><input type="checkbox"/> DECEDENT    <input type="checkbox"/> CONSERVATEE    <input type="checkbox"/> MINOR</div>	
<b>EX PARTE PETITION FOR FINAL DISCHARGE AND ORDER</b>	CASE NUMBER: _____

1. Petitioner is the  personal representative  conservator  guardian of the estate of the above-named decedent, conservatee, or minor. Petitioner has distributed or transferred all property of the estate as required by the final order  and all preliminary orders for distribution or liquidation filed in this proceeding on *(specify date each order was filed)*:
  
2. All required acts of distribution or liquidation have been performed as follows *(check all that apply)*:
  - a.  All personal property, including money, stocks, bonds, and other securities, has been delivered or transferred to the distributees or transferees as ordered by the court. The receipts of all distributees or transferees are now on file or are filed with this petition. Conformed copies of all receipts previously filed are attached on Attachment 2.
  - b.  No personal property is on hand for distribution or transfer.
  - c.  Real property was distributed or transferred. The order for distribution or transfer of the real property; the personal representative's, conservator's, or guardian's deed; or both, were recorded as follows *(specify documents recorded, dates and locations of recording, and document numbers or other appropriate recording information)*:
  
  - d.  No real property is on hand for distribution or transfer.
  - e.  No receipts are required because Petitioner is the sole distributee.
  - f.  The minor named above attained the age of majority on *(date)*:

3. Petitioner requests discharge as personal representative, conservator, or guardian of the estate.  
 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)
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**ORDER FOR FINAL DISCHARGE**

**THE COURT FINDS** that the facts stated in the foregoing *Ex Parte Petition for Final Discharge* are true.

**THE COURT ORDERS** that *(name)*:

is discharged as  personal representative  conservator  guardian of the estate of the above-named decedent, conservatee, or minor, and sureties are discharged and released from liability for all acts subsequent hereto.

Date: \_\_\_\_\_

	_____ JUDICIAL OFFICER <input type="checkbox"/> SIGNATURE FOLLOWS LAST ATTACHMENT.
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