

Affidavit re Real Property of Small Value

Forms Needed: (* Mandatory Forms) Please note: These forms are attachment in this packet.

- [Certificate of Assignment \(RI-PR071\) *](#)
- [Affidavit re Real Property of Small Value \(DE-305\) *](#)
- [Maximum Values for Small Estate Set-Aside & Disposition of Estate Without Administration \(DE-300\) *](#)
- [Attachment to Judicial Council Form \(MC-025\)](#) (one form needed for each required attachment in the Petition)
- [Inventory and Appraisal \(DE-160\) *](#)
- [Inventory and Appraisal Attachment \(DE-161\) *](#)
- [Declaration in Support of Affidavit re Real Property of Small Value \(RI-PR076\) *](#)

Affidavit re Real Property of Small Value

An Affidavit re Real Property of Small Value is to transfer only real property of the decedent to the legal heirs. The Petition can only be used if all of the decedents' real property is valued less than the statutory maximums listed on the chart below.

Requirement:

- ONLY for Real Property
- Maximum Value may not exceed by the table below:

Maximum Gross Value

Decedent's Date of death BEFORE 4/1/2022	Decedent's Date of death 4/1/2022 – 3/31/2025	Decedent's Date of death AFTER 4/1/2025
\$55,425	\$61,500	\$69,625

Please Note: You must wait 6 months after Decedent's date of death to file with the court.

If the Decedent left a will, you will need to file the original and codicils with the court by using the: [Receipt of will \(RI-PR043\)](#)⁽¹⁾ within 30 days of Decedent's passing.

1	Complete all Forms	<p>Complete and sign all the documents. (Each person claiming an interest must sign the Affidavit and have their signature notarized.)</p> <p>Attach – Include supporting exhibits to the Petition.</p> <ul style="list-style-type: none"> ✓ Certified copy of Death Certificate ✓ Copy of Grant Deed ✓ Copy of Will, if one was made (<i>If the will is handwritten, a copy of the original and another typed version must be attached.</i>) ✓ Inventory and Appraisal (prepared by you, but completed by Probate Referee.) <p><i>Please note: Notarization of signature(s) is required.</i></p>
2	File with the Court	<p><u>Drop box, In-person or Mail:</u> Use the court address listed on the forms. Include the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The original and a copy <input type="checkbox"/> An envelope addressed to yourself with sufficient postage affixed. <p>The filing fee or fee waiver⁽²⁾ will be required at the time of submission. The court will file the documents and send the copies back to you in the matter you filed.</p>
3	Obtain Certified Copy	<p>Once your petition is approved, order a certified copy of the approved affidavit (DE-305)⁽³⁾. Take the certified copy to the Riverside County Recorder's Office to transfer the title to the property. (https://www.asrclrec.com/home)</p>

Please Note: No hearing will be set for this type of Affidavit; the Clerk will return one certified copy of the Affidavit once filed.

DISCLAIMER: Our Self-Help Center staff is not your private attorney and does not represent any party. There is NO attorney-client relationship and staff is unable to provide legal advice based on your individual facts. The Self-Help Center staff may provide information and services to the other party in the case. Further, communications between you and Self-Help Center staff is NOT Confidential. You should consult with your own attorney if you want personalized advice or strategy, to have a confidential conversation, or to be represented by an attorney in court. (1) https://riverside.courts.ca.gov/Divisions/Probate/probate_sampleinventoryappraisal.pdf (2) https://riverside.courts.ca.gov/SelfHelp/FamiliesChildren/FIPackets/feewaiver_packet.pdf (3) <https://courts.ca.gov/sites/default/files/courts/default/2024-11/de305.pdf>

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

MURRIETA 30755-D Auld Rd., Murrieta, CA 92563
 PALM SPRINGS 3255 E. Tahquitz Canyon Wy., Palm Springs, CA 92262

RIVERSIDE 4050 Main St., Riverside, CA 92501

RI-PR071

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar Number and Address</i>)		<i>FOR COURT USE ONLY</i>
TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____		CASE NUMBER:
IN THE MATTER OF:		
Hearing Date:	Time:	Department:
CERTIFICATE OF ASSIGNMENT (PROBATE)		

The undersigned declares that the above-entitled matter is filed for proceedings in the following region of the Superior Court under Riverside County Local Rule 7001: Western Mid County Desert

- | <u>Nature of Action</u> | <u>Ground</u> |
|--|---|
| <input type="checkbox"/> 1. Decedent's Estate Administration (DE-111)
(Probate Code § 7000-12591) | Either the decedent was (1) a resident of this region at time of death or (2) was not a resident of this state at time of death, died in this County, and left property in this region, or (3) was not a resident of this state at time of death, did not die in a County of this State where he/she left property, but left property in this region. Probate Code § 7051-7052. |
| <input type="checkbox"/> 2. Petition to Determine Succession to Real Property (DE-310) (Probate Code § 13150-13158) | Either the resident was (1) a resident of this region at time of death or (2) was not a resident of this state at time of death, died in this County, and left property in this region, or (3) was not a resident of this state at time of death, did not die in a County of this State where he/she left property, but left property in this region. Probate Code § 7051-7052. |
| <input type="checkbox"/> 3. Spousal or Domestic Partner Property Petition (DE-221) (Probate Code § 13650-13660) | Either the resident was (1) a resident of this region at time of death or (2) was not a resident of this state at time of death, died in this County, and left property in this region, or (3) was not a resident of this state at time of death, did not die in a County of this State where he/she left property, but left property in this region. Probate Code § 7051-7052. |
| <input type="checkbox"/> 4. Conservatorship (GC-310)
(Probate Court § 1400-2955) | Either the proposed conservatee (1) resides in the region, (2) is not a resident of this state and is temporarily living in the region, (3) is not a resident of this state and has property in the region, or (4) establishment of the proceeding in the region is in the best interests of the proposed conservatee. Probate Code § 2201-2202. |
| <input type="checkbox"/> 5. Guardianship (GC-210(P) or GC-210) (Probate Code § 1400-2955) | Either the proposed minor (1) resides in the region, (2) is not a resident of this state and is temporarily living in the region, (3) is not a resident of this state and has property in the region, or (4) establishment of the proceeding in the region is in the best interests of the proposed minor. Probate Code § 2201-2202. |

IN THE MATTER OF:	CASE NUMBER:
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Nature of Action

Ground

- | | |
|---|--|
| <input type="checkbox"/> 6. Affidavit re: Real Property of Small Value (DE-305)
(Probate Code §13200-13210) | Either (1) the decedent was a resident of this region at the time of death, or (2) the decedent was not a resident of this state at time of death but real property of the decedent is located in this region. Probate Code § 13200. |
| <input type="checkbox"/> 7. Compromise by Parent of Minor's Disputed Claim (MC-350) (Probate Code § 3500) | Either (1) the minor presently resides in this region, or (2) suit on the claim or matter properly could be brought in this region. Probate Code § 3500. |
| <input type="checkbox"/> 8. Other: | |

THIS FILING WOULD NORMALLY FALL WITHIN JURISDICTION OF SUPERIOR COURT.

The address of the petitioner, decedent, conservatee, ward, place of incident or other factors that qualify this case for filing in the above-designated district is:

(NAME-INDICATE TITLE OR OTHER QUALIFYING FACTOR)	(ADDRESS)
(CITY)	(STATE) (ZIP CODE)

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

Date: _____

(TYPE OR PRINT NAME OF <input type="checkbox"/> ATTORNEY <input type="checkbox"/> PARTY)	(SIGNATURE)
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ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.:
 After recording, return to:

TELEPHONE NO.:
 EMAIL ADDRESS:
 ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

FOR RECORDER'S USE ONLY

ESTATE OF (name):	CASE NUMBER:
DECEDENT	
AFFIDAVIT RE REAL PROPERTY OF SMALL VALUE	FOR COURT USE ONLY

- The decedent (name):
 died on (date):
 at (city, state):
- At least **six months** have passed since the decedent's death. (Attach a certified copy of the decedent's death certificate.)
- The decedent was domiciled in this county at the time of death.
 - The decedent was **not** domiciled in California at the time of death, but the decedent died owning real property in this county.
- The **gross value**, on the date of the decedent's death, of all real property in the decedent's estate located in California, as shown by the attached inventory and appraisal—excluding the real property described in Probate Code section 13050—did not exceed (check one):
 - \$55,425** (decedent died before April 1, 2022).
 - \$61,500** (decedent died on or after April 1, 2022, and before April 1, 2025. Form DE-300 is attached as required by law).
 - \$69,625** (decedent died on or after April 1, 2025. Form DE-300 is attached as required by law).
- The **legal description** and the Assessor's Parcel Number of the particular item of the decedent's real property claimed by the declarant(s) are provided on an attached page titled Attachment 5a [legal description of real property]. (Copy legal description **exactly** from deed or other legal instrument.)
 - The decedent's interest in this real property is (specify):

6. Name and address of each guardian or conservator of the decedent's estate at time of death: none are as follows:*

<u>Name</u>	<u>Address</u>
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Additional guardians or conservators are identified in Attachment 6.
 (* You must deliver a copy of this affidavit and all attachments in any manner provided in Probate Code section 1215 to each guardian or conservator named above. You may use Judicial Council form POS-030 for proof of mailing, form POS-020 for proof of personal delivery, or form POS-050 for proof of electronic delivery.)

- An inventory and appraisal of all of the decedent's **real property** in California is attached. The appraisal was made by a probate referee appointed by the State Controller for the county in which the property is located. (You must prepare the inventory on Judicial Council forms DE-160 and DE-161. You may select any probate referee appointed for the county to perform the appraisal. A list of all probate referees, shown by county, is available at www.sco.ca.gov/eo_probate_contact.html. Each court also has a list of referees appointed for its county. Check with the probate referee or consult an attorney if you need help preparing the inventory.)
- No proceeding for administration of decedent's estate is now being or has been conducted in California.
 - The decedent's personal representative has consented in writing to the use of the procedure provided by Probate Code section 13200 et seq. (Attach a copy of the consent and a copy of the personal representative's letters of administration.)



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

9. Funeral expenses, expenses of last illness, and all known unsecured debts of the decedent have been paid. **(NOTE: You may be personally liable for decedent's unsecured debts up to the fair market value of the real property and any income you receive from it.)**
10. The declarant—or a trust or other entity, on behalf of which the declarant is acting—is, or all declarants together constitute, the successor of the decedent (as defined in Probate Code section 13006) to the decedent's interest in the property described in item 5, and no other person or entity has a superior right to the decedent's interest in that property, because the declarant is:
- a. **(if decedent left a will)** the sole beneficiary or all the beneficiaries who succeeded to the property under the decedent's will. *(Attach a copy of the will.)*
 - b. **(if decedent died without a will)** the sole person or all the persons who succeeded to the property under Probate Code sections 6401 and 6402.

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)

Date: _____

(TYPE OR PRINT NAME)*

▶

(SIGNATURE OF DECLARANT)

SIGNATURES OF ADDITIONAL DECLARANTS ATTACHED

*** A declarant claiming on behalf of a trust or other entity should also state the name of the entity that is a beneficiary under the decedent's will and declarant's capacity to sign on behalf of the entity (trustee, chief executive officer, etc.).**

CERTIFICATE OF ACKNOWLEDGMENT

(NOTE: Do not use a small strip of paper to attach an additional certificate of acknowledgment to this page. If you need one or more additional certificates of acknowledgment, attach each one to this form on a separate, full-sized 8-1/2 by 11-inch page.)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA, COUNTY OF *(specify)*:
On *(date)*: _____, before me *(name and title)*:

personally appeared *(name of each)*:
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(SIGNATURE OF NOTARY PUBLIC)

(NOTARY SEAL)

(SEAL)

CLERK'S CERTIFICATE

I certify that the foregoing, including any attached certificates of acknowledgment and any attached legal description of the property (but excluding other attachments), is a true and correct copy of the original affidavit on file in my office. *(Certified copies of this affidavit do not include the (1) death certificate, (2) will, or (3) inventory and appraisal. (See Prob. Code, § 13202.)*

Date: _____ Clerk, by _____, Deputy

SHORT TITLE: <hr/>	CASE NUMBER:
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ATTACHMENT (Number): _____

(This Attachment may be used with any Judicial Council form.)

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page _____ of _____

(Add pages as required)

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

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

- (1) an order setting the estate aside for the decedent's surviving spouse and minor children; or
- (2) disposition of the estate or specific real or personal property in the estate informally, without full administration.

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

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

<u>Probate Code Section</u>	<u>Description</u>	<u>Amount</u> (death between Apr. 1, 2022, and Mar. 31, 2025)	<u>Amount</u> (death on or after Apr. 1, 2025)
1. SMALL ESTATE SET-ASIDE UNDER PROBATE CODE SECTIONS 6600–6613			
§§ 6602, 6609	The net value of the decedent's estate, excluding all liens and encumbrances at the date of death and the value of any probate homestead set apart under Probate Code section 6520, must not exceed:	\$ 95,325	\$ 107,900
2. DISPOSITION OF ESTATE WITHOUT ADMINISTRATION UNDER SECTIONS 13000–13606			
a. PROPERTY EXCLUDED FROM DETERMINING VALUE OF ESTATE			
§ 13050(c)	The amount of any salary or other compensation owed to the decedent for personal services from any employment, not to exceed:	\$ 18,450	\$ 20,875
b. AFFIDAVIT FOR COLLECTION, RECEIPT, OR TRANSFER OF PERSONAL PROPERTY			
§§ 13100, 13101	The gross value of the decedent's real and personal property in California— excluding any property described in Probate Code section 13050 and any property included in a petition filed under Probate Code section 13151—must not exceed:	\$ 184,500	\$ 208,850
c. PETITION & COURT ORDER DETERMINING SUCCESSION TO PRIMARY RESIDENCE			
§§ 13151, 13152, 13154	The gross value of the decedent's primary residence in California must not exceed:	\$ 184,500	\$ 750,000
d. AFFIDAVIT FOR SUCCESSION TO REAL PROPERTY OF SMALL VALUE			
§ 13200	The gross value of all real property in the decedent's estate located in California— excluding any real property described in Probate Code section 13050—must not exceed:	\$ 61,500	\$ 69,625
e. AFFIDAVIT FOR COLLECTION OF COMPENSATION OWED TO DECEASED SPOUSE			
§§ 13600, 13601	Net salary or other compensation owed, in aggregate, by one or more employers for personal services of the deceased spouse, must not exceed: <i>(This limit does not apply if the decedent was a firefighter or peace officer described in Government Code section 22820(a).)</i>	\$ 18,450	\$ 20,875

NOTICE

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

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

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, state bar number, and address):</i> <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i>: _____</p> <p>E-MAIL ADDRESS <i>(Optional)</i>: _____</p> <p>ATTORNEY FOR <i>(Name)</i>: _____</p>	FOR COURT USE ONLY				
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE					
ESTATE OF <i>(Name)</i> : <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR					
<table style="width:100%; border: none;"> <tr> <td colspan="2" style="text-align: center;">INVENTORY AND APPRAISAL</td> </tr> <tr> <td style="width:50%; border: none;"> <input type="checkbox"/> Partial No.: <input type="checkbox"/> Final <input type="checkbox"/> Supplemental </td> <td style="width:50%; border: none;"> <input type="checkbox"/> Corrected <input type="checkbox"/> Reappraisal for Sale <input type="checkbox"/> Property Tax Certificate </td> </tr> </table>		INVENTORY AND APPRAISAL		<input type="checkbox"/> Partial No.: <input type="checkbox"/> Final <input type="checkbox"/> Supplemental	<input type="checkbox"/> Corrected <input type="checkbox"/> Reappraisal for Sale <input type="checkbox"/> Property Tax Certificate
INVENTORY AND APPRAISAL					
<input type="checkbox"/> Partial No.: <input type="checkbox"/> Final <input type="checkbox"/> Supplemental	<input type="checkbox"/> Corrected <input type="checkbox"/> Reappraisal for Sale <input type="checkbox"/> Property Tax Certificate				
CASE NUMBER: _____					
Date of Death of Decedent or of Appointment of Guardian or Conservator: _____					

APPRAISALS

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

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

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

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

Date: _____

(TYPE OR PRINT NAME; INCLUDE TITLE IF CORPORATE OFFICER)	(SIGNATURE)
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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)
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ESTATE OF (Name): <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR	CASE NUMBER:
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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)
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INSTRUCTIONS

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

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

ESTATE OF <i>(name)</i> :	CASE NUMBER:
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**INVENTORY AND APPRAISAL
ATTACHMENT NO.:**

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

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

<u>Item No.</u>	<u>Description</u>	<u>Appraised value</u>
1.		\$ _____

