

# Petition for Probate

## Forms Needed: (\* Mandatory Forms)

- [Certificate of Assignment \(Probate\) \(RI-PR071\) \\*](#)
- [Petition for Probate \(DE-111\) \\*](#)
- [Riverside County Mandatory Attachment to Form DE-111 \(RI-PR069\) \\*](#)
- [Attachment to Judicial Council Form \(MC-025\)](#) (one form needed for each required attachment in the Petition)
- [Duties and Liabilities of Personal Representative \(DE-147\) \\*](#)
- [Confidential Supplement to Duties and Liabilities of Personal Representative \(DE-147S\)\\*](#) One per person is needed
- [Order for Probate \(DE-140\) \\*](#)
- [Letters \(Probate\) \(DE-150\) \\*](#)
- [Notice of Petition to Administer Estate \(DE-121\) \\*](#)

## Petition for Probate

This petition is to have a person appointed to manage a deceased's estate and distribute and/or transfer the assets to the deceased's beneficiaries or legal heirs.

Requirements:

- MAY include Real and Personal Property
- There are no Minimum or Maximum Value amounts in order to file a Petition for Probate.

For a complete list of what is not included as Personal Property see *Probate Code § 13050*

- The petition does NOT require all heirs or beneficiaries to sign the petition.

You can find more information on Petition for Probate at <https://www.courts.ca.gov/42629.htm>

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

|          |                                 |  |
|----------|---------------------------------|--|
| <b>1</b> | <b>Complete all Forms</b>       | <p>Complete and sign all the documents.</p> <p><b>Attach</b> – Include supporting exhibits to the Petition.</p> <ul style="list-style-type: none"> <li>✓ Certified copy of Death Certificate</li> <li>✓ Copy of Grant Deed (If decedent has real property.)</li> <li>✓ Copy of Will, if one was made (If the will is handwritten, a copy of the original and another typed version must be attached.)</li> <li>✓ Internet results from legacy.com/search and tributes.com/obituaries</li> </ul>  |
| <b>2</b> | <b>File with the Court</b>      | <p><b>Drop Box, Mail or In Person:</b> Use the court address listed on your forms. Include the following:</p> <ul style="list-style-type: none"> <li>o The original and a copy</li> <li>o An envelope addressed to yourself with sufficient postage affixed. (Required for Drop Box and Mail options.)</li> </ul> <p><i>The filing fee or <a href="#">fee waiver</a><sup>(2)</sup> 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.</i></p>  |
| <b>3</b> | <b>Publish in the Newspaper</b> | <p>You must publish the Notice of Petition to Administer Estate in a newspaper circulated in the city where the decedent lived at the time of death. (<a href="#">Approved Newspapers</a>)<sup>(3)</sup></p>   |
| <b>4</b> | <b>Serve</b>                    | <p>Notice requirements can vary. For specific requirements, please refer to Probate Code.</p> <p>Make extra copies of the Petition for Probate (<a href="#">DE-111</a>) and Notice of Administer (<a href="#">DE-121</a>) [one for each person listed in item 8 of the Petition]. Have someone other than the people listed in the paperwork and who is 18 years or older <b>mail</b> a copy of the Petition for Probate (<a href="#">DE-111</a>) Notice of Administer (<a href="#">DE-121</a>) and fill out <b>page 2</b> of the Notice of Hearing. All the following people need to be served by mail.</p> <ul style="list-style-type: none"> <li>o All people listed in item 8 of the Petition.</li> <li>o Address of Real Property.</li> </ul> |

**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 are 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.

<sup>(1)</sup><https://www.courts.ca.gov/FormsFiling/LocalForms/ri-pr043.pdf> <sup>(2)</sup><https://www.courts.ca.gov/SelfHelp/EstatesWillsTrusts/publishingnotice.pdf> <sup>(3)</sup>[https://www.courts.ca.gov/SelfHelp/FamiliesChildren/FIPackets/feewaiver\\_packet.pdf](https://www.courts.ca.gov/SelfHelp/FamiliesChildren/FIPackets/feewaiver_packet.pdf) <sup>(4)</sup>[https://www.courts.ca.gov/SelfHelp/EstatesWillsTrusts/probate\\_postaoptchart.pdf](https://www.courts.ca.gov/SelfHelp/EstatesWillsTrusts/probate_postaoptchart.pdf)

|   |                                      |  |
|---|--------------------------------------|--|
| 5 | <b>File the Notice of Administer</b> | File the completed Notice of Administer ( <a href="#">DE-121</a> ). See <i>Step 2 for filing instructions, no fee will be required.</i>  |
| 6 | <b>Check Probate Notes</b>           | <p>For information about probate notes, please go to <a href="https://riverside.courts.ca.gov/Divisions/Probate/whatareprobatenotes.pdf">https://riverside.courts.ca.gov/Divisions/Probate/whatareprobatenotes.pdf</a></p> <p>Probate notes are generally not available until the Probate Examiners have reviewed the case. Cases are reviewed approximately one month prior to the scheduled hearing. Once available, the deficiencies need to be corrected prior to the hearing. It is your responsibility to correct the deficiencies to the best of your ability. If you do not make the corrections, your matter may be continued until the corrections are completed.</p> <p>You can review your Probate Notes, at: <a href="https://epublic-access.riverside.courts.ca.gov/public-portal/">https://epublic-access.riverside.courts.ca.gov/public-portal/</a> . If you have questions about the probate notes for your case, please email <a href="mailto:probate.examiners@riverside.courts.ca.gov">probate.examiners@riverside.courts.ca.gov</a></p> |
| 7 | <b>Attend Hearing</b>                | <p>Attend your scheduled court hearing date. For Telephonic Hearings, please ensure that you call-in for hearing at the time indicated on your notice.</p> <p><b><i>If Letters are issued:</i></b> Please refer to <a href="#">Post Appointment Chart</a>.<sup>(4)</sup></p>   |

# Appointment of Personal Representative – Decedent’s Estate

If the decedent left a Will, within 30 days of decedent’s death:

1. File all original Wills & Codicils with the court;
2. Mail a copy of the Will to the named executor; or
3. If the executor’s address is unknown, mail a copy of the Will to a beneficiary named in the Will.

Probate Code § 8200

File:

1. Petition for Probate – **DE-111**
2. Duties & Liabilities – **DE-147**
3. Confidential Supplement to Duties & Liabilities – **DE-147(S)**
4. Proposed Order for Probate – **DE-140**
5. Proposed Letters – **DE-150**
6. Certificate of Assignment – **RI-PR071**

Probate Code §§ 8801 & 8226

The Court Hearing will be set within 30-45 days.

**NOTE:** You may be required to post a bond before the Court will allow you to act as personal representative. Click [HERE](#) for more information.

More than 15 Days Before the Court Hearing:

1. Complete a Notice of Petition to Administer Estate – **DE-121**
2. \*Mail a copy of the Notice to each person listed in item 8 of the Petition for Probate (DE-111).  
\*You cannot mail the Notice; it must be mailed by someone else who is 18 years or older.
3. File the Notice (with the Proof of Service on page 2 completed) with the court.
4. You must publish the Notice of Petition to Administer Estate in a newspaper circulated in the city where the decedent lived at the time of death. The Notice must be published three times with at least five days between the first and last publication dates. The first publication must be at least 15 days before the hearing. **Probate Code § 8121** You can only publish the Notice in certain newspapers.  
[Click here](#) for authorized newspapers in Riverside County.
5. Review the court’s **probate notes and correct errors, if any.**

Probate Notes:

If the probate notes show there are problems with the forms you filed, you must correct those problems before the hearing. Depending on the error, you may need to file a Supplement the Petition (**RI-PRO83**). The Supplement must be filed at least 4 court days before the hearing. Serve the Supplement by completing a Notice of Hearing. **DE-120**.

[Click here](#) to learn about probate notes. If you have any questions about your probate notes, contact the probate examiner at: [probate.examiners@riverside.courts.ca.gov](mailto:probate.examiners@riverside.courts.ca.gov)

Probate notes are usually created 10 court days prior to the hearing, and are updated 3 court days prior to the hearing in the evening.

**To learn about Probate Notes go to:** <https://www.riverside.courts.ca.gov/Divisions/Probate/whatareprobatenotes.%20pdf>

After the Hearing:

1. Get the Order for Probate (DE-140);
2. Get a Bond, if required, and file it with the court;
3. Get a certified copy of the Letters – (DE-150).

**For more information about Decedent’s Estates go to:** <https://www.riverside.courts.ca.gov/SelfHelp/EstatesWillsTrusts/estates-wills-trusts.php>

**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> ): _____<br>E-MAIL ADDRESS ( <i>Optional</i> ): _____<br>ATTORNEY FOR ( <i>Name</i> ): _____ |             | CASE NUMBER: _____        |
| IN THE MATTER OF:   |             |                           |
| Hearing Date: _____   | Time: _____ | Department: _____         |
| <b>CERTIFICATE OF ASSIGNMENT (PROBATE)</b>  |             |                           |

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><b>Nature of Action</b></u>   | <u><b>Ground</b></u>  |
|--|---|
| <input type="checkbox"/> 1. <b>Decedent's Estate Administration (DE-111)</b><br>(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. <b>Petition to Determine Succession to Real Property (DE-310)</b> (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. <b>Spousal or Domestic Partner Property Petition (DE-221)</b> (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. <b>Conservatorship (GC-310)</b><br>(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. <b>Guardianship (GC-210(P) or GC-210)</b> (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: |
|-------------------|--------------|

**Nature of Action**

**Ground**

- |   |  |
|---|--|
| <input type="checkbox"/> 6. <b>Affidavit re: Real Property of Small Value (DE-305)</b><br>(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. <b>Compromise by Parent of Minor's Disputed Claim (MC-350)</b> (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. <b>Other:</b>   |  |

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) |
|--|-------------|

|   |   |                        |        |
|---|---|------------------------|--------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY:<br><br><br>TELEPHONE NO.:<br>E-MAIL ADDRESS:<br>ATTORNEY FOR (name):  | <b>FOR COURT USE ONLY</b>   |                        |        |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE</b>  |   |                        |        |
| 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><br><input type="checkbox"/> <b>Probate of</b> <input type="checkbox"/> <b>Lost Will and for Letters of Administration with Will Annexed</b><br><input type="checkbox"/> <b>Letters of Administration</b><br><input type="checkbox"/> <b>Letters of Special Administration</b> <input type="checkbox"/> <b>with general powers</b><br><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:<br><br><table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:80%; padding: 2px;">HEARING DATE AND TIME:</td> <td style="width:20%; padding: 2px;">DEPT.:</td> </tr> </table> | HEARING DATE AND TIME: | DEPT.: |
| 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):*
  
- (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.

|   |              |
|---|--------------|
| IN THE MATTER OF:   | CASE NUMBER: |
| <b>Riverside County Mandatory Attachment to Form DE-111</b> |              |

*(Continued from Petition for Probate (form DE-111).)*

10. I have enclosed a true and correct copy of the decedent's death certificate (with social security number redacted), as required by Local Rule 7200.
11. (Check one of the following):
  - a.  This is a petition for appointment of a special administrator without general powers, and without power to sell real property.
  - b.  The decedent's estate does not include any interest in real property.
  - c.  The physical and mailing addresses of all real property in which the decedent's estate owns an interest is listed in attachment 11c as required by Local Rule 7132.
12. I have completed an internet search to identify and locate the heirs of the decedent as required by Local Rule 7132. A true and correct copy of the entry related to the decedent from each website or, if none, the listing of results, is enclosed as attachment 12.
13. (Check one of the following):
  - a.  Petitioner requests appointment with the bond required by Probate Code 8482.
  - b.  Petitioner requests either no bond or a minimum bond of \$30,000 based on the will waiving bond or bond waivers filed by all heirs. To support this request, petitioner alleges as follows as required by Local Rule 7203:
    - (1) The decedent is expected to owe the following taxes:
 

|                                     |          |
|-------------------------------------|----------|
| i State income tax:                 | \$ _____ |
| ii Federal income tax:              | \$ _____ |
| iii Real and personal property tax: | \$ _____ |
| Total:                              | \$ _____ |
    - 2) The decedent's known and reasonably-ascertainable unsecured or contingent creditors are as follows:

| Name of Creditor | Address | Maximum Potential Liability |
|------------------|---------|-----------------------------|
|                  |         |                             |
|                  |         |                             |
|                  |         |                             |
|                  |         |                             |
|                  |         |                             |
|                  |         |                             |
| Total:           |         |                             |

|                   |              |
|-------------------|--------------|
| IN THE MATTER OF: | CASE NUMBER: |
|-------------------|--------------|

3) The estate is expected to be:  solvent  insolvent

4) The efforts taken to obtain the above information were as follows:

- Reviewed decedent's mail for \_\_\_\_\_ days
- Reviewed current utility bills
- Reviewed current property tax bills
- Reviewed bank statements for the last \_\_\_\_\_
- Reviewed most recent income tax returns
- Other: \_\_\_\_\_

14. (Select the appropriate option)

- a.  Decedent was not married or in a registered domestic partnership at the time of death.
- b.  Decedent was married or in a registered domestic partnership at the time of death. (Select the appropriate option below:)
  - i.  Petitioner does not intend to administer the share of the estate passing to the spouse / registered domestic partner in this estate because:
    - (aa)  A spousal property petition was filed on (date): \_\_\_\_\_
    - (ab)  Petitioner believes a spousal property petition will be filed, or is not necessary (specify reason(s)): \_\_\_\_\_
    - Continued on attachment 14
  - ii.  Petitioner intends to administer the share of the estate passing to the spouse / registered domestic partner in this estate. A Consent to Administer Property Passing to Surviving Spouse / Domestic Partner (Riverside County Local Form RI-PR104)
    - (aa)  is enclosed as attachment 14.
    - (ab)  was filed on (date): \_\_\_\_\_, and a copy is attached as attachment 14.
    - (ac)  is not necessary for the following reason(s) (explain): \_\_\_\_\_
    - Continued on attachment 14

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)

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

\_\_\_\_\_  
(TYPE OR PRINT NAME)

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

Signatures of additional petitioners follow last attachment.

|  |                      |
|--|----------------------|
| SHORT TITLE: In the matter of:<br><br> | CASE NUMBER:<br><br> |
|--|----------------------|

**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)*

|   |                           |
|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, state bar number, and address</i> ):<br><br>TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____<br>E-MAIL ADDRESS ( <i>Optional</i> ): _____<br>ATTORNEY FOR ( <i>Name</i> ): _____ | <b>FOR COURT USE ONLY</b> |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b><br><br>  |                           |
| ESTATE OF ( <i>Name</i> ): _____ DECEDENT   |                           |
| <b>DUTIES AND LIABILITIES OF PERSONAL REPRESENTATIVE<br/>and Acknowledgment of Receipt</b>  | CASE NUMBER: _____        |

## DUTIES AND LIABILITIES OF PERSONAL REPRESENTATIVE

When the court appoints you as personal representative of an estate, you become an officer of the court and assume certain duties and obligations. An attorney is best qualified to advise you about these matters. You should understand the following:

### 1. MANAGING THE ESTATE'S ASSETS

**a. Prudent investments**

You must manage the estate assets with the care of a prudent person dealing with someone else's property. This means that you must be cautious and may not make any speculative investments.

**b. Keep estate assets separate**

You must keep the money and property in this estate separate from anyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is an estate account and not your personal account. Never deposit estate funds in your personal account or otherwise mix them with your or anyone else's property. Securities in the estate must also be held in a name that shows they are estate property and not your personal property.

**c. Interest-bearing accounts and other investments**

Except for checking accounts intended for ordinary administration expenses, estate accounts must earn interest. You may deposit estate funds in insured accounts in financial institutions, but you should consult with an attorney before making other kinds of investments.

**d. Other restrictions**

There are many other restrictions on your authority to deal with estate property. You should not spend any of the estate's money unless you have received permission from the court or have been advised to do so by an attorney. You may reimburse yourself for official court costs paid by you to the county clerk and for the premium on your bond. Without prior order of the court, you may not pay fees to yourself or to your attorney, if you have one. If you do not obtain the court's permission when it is required, you may be removed as personal representative or you may be required to reimburse the estate from your own personal funds, or both. You should consult with an attorney concerning the legal requirements affecting sales, leases, mortgages, and investments of estate property.

### 2. INVENTORY OF ESTATE PROPERTY

**a. Locate the estate's property**

You must attempt to locate and take possession of all the decedent's property to be administered in the estate.

**b. Determine the value of the property**

You must arrange to have a court-appointed referee determine the value of the property unless the appointment is waived by the court. You, rather than the referee, must determine the value of certain "cash items." An attorney can advise you about how to do this.

**c. File an inventory and appraisal**

Within four months after Letters are first issued to you as personal representative, you must file with the court an inventory and appraisal of all the assets in the estate.

|  |                           |
|--|---------------------------|
| ESTATE OF <i>(Name)</i> :<br><br>_____ | CASE NUMBER:<br><br>_____ |
| 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)

▶  
 \_\_\_\_\_  
 (SIGNATURE OF PETITIONER)

Date:

\_\_\_\_\_  
 (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).)

|                                       |              |
|---------------------------------------|--------------|
| ESTATE OF (Name):<br><br><br>DECEDENT | CASE NUMBER: |
|---------------------------------------|--------------|

**CONFIDENTIAL STATEMENT OF BIRTH DATE AND DRIVER'S LICENSE NUMBER**

**(Supplement to *Duties and Liabilities of Personal Representative* (Form DE-147))**

*(NOTE: This supplement is to be used if the court by local rule requires the personal representative to provide a birth date and driver's license number. Do not attach this supplement to Form DE-147.)*

This separate *Confidential Statement of Birth Date and Driver's License Number* contains confidential information relating to the personal representative in the case referenced above. This supplement shall be kept separate from the *Duties and Liabilities of Personal Representative* filed in this case and shall not be a public record.

INFORMATION ON THE PERSONAL REPRESENTATIVE:

- 1. Name:
- 2. Date of birth:
- 3. Driver's license number: State:

**TO COURT CLERK:**  
 THIS STATEMENT IS **CONFIDENTIAL**. DO NOT FILE  
 THIS CONFIDENTIAL STATEMENT IN A PUBLIC COURT FILE.

|                                       |              |
|---------------------------------------|--------------|
| ESTATE OF (Name):<br><br><br>DECEDENT | CASE NUMBER: |
|---------------------------------------|--------------|

**CONFIDENTIAL STATEMENT OF BIRTH DATE AND DRIVER'S LICENSE NUMBER**

**(Supplement to *Duties and Liabilities of Personal Representative* (Form DE-147))**

*(NOTE: This supplement is to be used if the court by local rule requires the personal representative to provide a birth date and driver's license number. Do not attach this supplement to Form DE-147.)*

This separate *Confidential Statement of Birth Date and Driver's License Number* contains confidential information relating to the personal representative in the case referenced above. This supplement shall be kept separate from the *Duties and Liabilities of Personal Representative* filed in this case and shall not be a public record.

INFORMATION ON THE PERSONAL REPRESENTATIVE:

- 1. Name:
- 2. Date of birth:
- 3. Driver's license number: State:

**TO COURT CLERK:**  
 THIS STATEMENT IS **CONFIDENTIAL**. DO NOT FILE  
 THIS CONFIDENTIAL STATEMENT IN A PUBLIC COURT FILE.

|  |  |                           |
|--|--|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, state bar number, and address</i> ):   | TELEPHONE AND FAX NOS.:                        | <b>FOR COURT USE ONLY</b> |
| ATTORNEY FOR ( <i>Name</i> ):  | <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> |                           |
| ESTATE OF ( <i>Name</i> ):   | DECEDENT                                       |                           |
| <b>ORDER FOR PROBATE</b><br><b>ORDER APPOINTING</b> <input type="checkbox"/> <b>Executor</b><br><input type="checkbox"/> <b>Administrator with Will Annexed</b><br><input type="checkbox"/> <b>Administrator</b> <input type="checkbox"/> <b>Special Administrator</b><br><input type="checkbox"/> <b>Order Authorizing Independent Administration of Estate</b><br><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 ( <i>Name, State Bar number, and address</i> ):<br><br><hr/><br>TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____<br>E-MAIL ADDRESS ( <i>Optional</i> ): _____<br>ATTORNEY FOR ( <i>Name</i> ): _____ | <b>FOR COURT USE ONLY</b> |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>   |                           |
| ESTATE OF ( <i>Name</i> ): _____   | DECEDENT                  |
| <b>NOTICE OF PETITION TO ADMINISTER ESTATE OF</b><br><b>(<i>Name</i>):</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> :<br><br>_____ | CASE NUMBER:<br><br>_____ |
| 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.)



