



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-075

For business meeting on April 25, 2025

Title

Decedents' Estates: Succession to Property
of Small Value

Report Type

Action Required

Effective Date

April 28, 2025

Rules, Forms, Standards, or Statutes Affected

Revise forms DE-300, DE-305, DE-310, and
DE-315

Date of Report

March 27, 2025

Recommended by

Probate and Mental Health Advisory
Committee
Hon. Jayne Chong-Soon Lee, Chair

Contact

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Corby.Sturges@jud.ca.gov

Executive Summary

In response to a mandate in Probate Code section 890 and amendments to other sections of the code enacted by Assembly Bill 2016 (Stats. 2024, ch. 331), the Probate and Mental Health Advisory Committee recommends revising four forms used in summary proceedings for determining succession to property of small value. The recommended revisions update forms DE-310 and DE-315 to reflect the narrowed scope of the statutory petition procedure for succession to real property and indicate the increased threshold value below which property must fall to be eligible for this procedure. The revisions also update forms DE-300 and DE-305 to reflect adjustments required by Probate Code section 890 to the threshold values applicable to other statutory succession procedures.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective April 28, 2025:

1. Revise *Maximum Values for Small Estate Set-Aside & Disposition of Estate Without Administration* (form DE-300) to delete the dollar amounts that apply to property of a

decedent who died before April 1, 2022, add the adjusted amounts that apply to property of a decedent who died on or after April 1, 2025, and make technical changes;

2. Revise *Affidavit re Real Property of Small Value* (form DE-305) to add the adjusted amount that applies to property of a decedent who died on or after April 1, 2025;
3. Revise *Petition to Determine Succession to Real Property* (form DE-310) to retitile it *Petition to Determine Succession to Primary Residence*, exclude all property except a decedent's primary residence in California from the scope of the form's application, add the \$750,000 maximum value of the residence applicable if the owner dies on or after April 1, 2025, and make technical and conforming changes; and
4. Revise *Order Determining Succession to Real Property* (form DE-315) to retitile it *Order Determining Succession to Primary Residence*, exclude all property except a decedent's primary residence in California from the scope of the form's application, add the \$750,000 maximum value of the residence applicable if the owner dies on or after April 1, 2025, and make technical and conforming changes.

The proposed revised forms are attached at pages 7–12.

Relevant Previous Council Action

The council initially approved forms DE-305, DE-310, and DE-315 for optional use, effective July 1, 1987, in response to legislation that created the procedures for succession to smaller estates. All were converted to mandatory forms, effective January 1, 2000, at the same time as all Judicial Council probate forms then in existence. These forms have been revised several times since their initial approval.

Effective January 1, 2020, the council revised forms DE-305, DE-310, and DE-315 to update the maximum property values in response to statutory adjustments enacted by Assembly Bill 473 (Stats. 2019, ch. 122). Effective April 1, 2022, the council adopted form DE-300 and revised forms DE-305, DE-310, and DE-315 to publish the amounts adjusted according to the formula in Probate Code section 890 and apply them to the procedures that require court filings.¹

Analysis/Rationale

Several sections of the Probate Code authorize the use of summary procedures to determine that a person has succeeded to one or more pieces of property owned by a decedent as long as the value of the property or, in some cases, the decedent's estate as a whole falls below an amount specified in each statute.² Until 2020, the Legislature periodically adjusted the amounts of the

¹ Judicial Council of Cal., Advisory Com. Rep., *Rules and Forms: Small Estate Disposition* (Feb. 23, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=10564750&GUID=F84A8EC1-DC5B-4B42-B226-8003E3C7703D>.

² These procedures are specified primarily in sections 6600–6613 (small estate set-aside) and sections 13000–13660 (disposition of estate without administration). All further statutory references are to the Probate Code.

maximum values by amending the statutes containing them. In 2019, the Legislature enacted Assembly Bill 473 (Stats. 2019, ch. 122), which used statutory amendment to adjust these amounts one last time, effective January 1, 2020.

Section 1 of AB 473 added section 890 to the Probate Code. That provision requires the Judicial Council, every three years beginning April 1, 2022, to use a statutory formula to adjust the dollar amounts setting the maximum value of property eligible for succession by summary procedures under specified sections of the code and publish those amounts. (See § 890(b)–(c).) The council made those adjustments for the first time in 2022 as described in the previous section.

The committee anticipated simply recommending revising the four forms in this proposal again this year to publish the amounts adjusted using the formula required by section 890. Assembly Bill 2016 (Stats. 2024, ch. 331), however, made two changes that require other revisions to forms DE-310 and DE-315.

First, effective January 1, 2025, AB 2016 narrowed the scope of the procedure used to claim succession to a decedent’s real and personal property under sections 13150–13157.³ The bill excluded from this procedure all real property other than the decedent’s “primary residence in this state” and all personal property.⁴ Second, AB 2016 also, effective April 1, 2025, increased to \$750,000 the maximum value of the residence eligible for a proceeding under section 13150 et seq., to be further adjusted every three years according to the procedure in section 890.⁵

The committee therefore recommends revising forms DE-310 and DE-315 to specify that the property that is the subject of the petition is the decedent’s primary residence in California, remove references to succession to personal property, add an opportunity to indicate that the value of the subject real property is less than \$750,000 if it belonged to a decedent who died on or after April 1, 2025, and make technical and conforming changes. The committee also recommends technical revisions to *Maximum Values for Small Estate Set-Aside & Disposition of Estate Without Administration* (form DE-300) and *Affidavit re Real Property of Small Value* (form DE-305) to reflect the amount adjusted by AB 2016 and other amounts adjusted according to the requirements in section 890. All adjusted amounts took effect April 1, 2025, and were published on that date on the Self-Help Guide to the California Courts.

³ AB 2016 amended sections 13150, 13151, 13152, and 13154 and repealed section 13158. The bill also amended sections 13100 and 13101, which govern the affidavit procedure for collection or transfer of *personal* property. The property used to determine eligibility for that procedure no longer includes “any property included in a petition filed under Section 13151.” Because the affidavit used in this procedure is not submitted to the court but is instead given directly to the holder of the property to be collected, there is no applicable Judicial Council affidavit form.

⁴ See, e.g., Stats. 2024, ch. 331, § 4, amending § 13151. The amendments have the peculiar effect of allowing a decedent to have more than one “primary residence” but only one such residence in California. The bill’s author and sponsor recognized and accepted this effect.

⁵ See § 13152(f)(3)–(4).

Policy implications

The recommended action is needed to conform to changes in the law and to comply with a legislative mandate. In addition, the revisions to the forms will improve the quality of service to the public.

Comments

The recommended revisions circulated for public comment in the winter 2025 invitation-to-comment cycle. The committee received 10 comments. Seven commenters agreed with the proposal as circulated. Some of those commenters noted potential effects of the statutory amendments without suggesting changes to the proposal. Two commenters did not indicate a position. One, a court, asked for guidance on a timing issue, and the other, an attorney, suggested changes. One commenter did not agree with the proposal, but that commenter's concerns were based on perceived effects of the statutory amendments, not on proposed changes to the forms. A chart of all comments received and committee responses is attached at pages 13–21.

The Superior Court of Orange County asked for guidance on processing petitions received on existing form DE-310 between April 1 and April 27, 2025, when the form would have “an incorrect dollar amount.” The court is correct that the new limit of \$750,000 takes effect April 1, 2025, and the form revisions are not proposed to take effect until April 28. Those dates do not, however, control the application of the adjusted amounts. Instead, the date of death of the decedent whose property is the subject of the proceedings controls that application. The new, higher amount applies only to property of a decedent who dies on or after April 1, 2025. For the property of a decedent who dies or died before April 1, 2025, the current maximum amounts continue, and will continue, to govern: if the decedent died before April 1, 2022, the maximum is \$166,250; if the decedent died between April 1, 2022, and March 31, 2025, the maximum is \$184,500. Furthermore, a petitioner may not file a petition under section 13151 using form DE-310 until 40 days have passed since the decedent's death. The first day that a petitioner could file using the new amount would therefore be Monday, May 12, 2025. The proposed revisions will, if approved, take effect two weeks before then. The current version of form DE-310 will list the correct dollar amounts for all petitions properly filed between April 1 and April 27, 2025. The committee does not therefore expect the court to receive any petitions on forms with an incorrect dollar amount in that period.

Another commenter suggested several changes to the forms. First, he suggested restoring the references to real property other than the decedent's primary residence and to personal property on forms DE-310 and DE-315. The committee does not recommend this change, as the authority to file and grant a petition to succeed to real property other than a decedent's primary residence and attendant personal property was repealed, effective January 1, 2025. Any petition filed after

that date is subject to current Probate Code section 13151, which authorizes a petition for determination of succession only to a decedent's primary residence in California.⁶

This commenter also suggested removing the checkbox from item 3 on form DE-310. That item affirms that at least 40 days have passed since the decedent's death. The committee has modified its recommendation to make the suggested change. Checkboxes are typically used when a form asks the person completing it to make a choice. In this case, however, the form should not present a choice. If 40 days have not passed since the decedent's death, the petitioner may not file the petition at all.

Finally, this commenter raised questions about the use of form DE-120 to give the "notice of the petition" required by section 13151(b). Because form DE-120 includes the title and a description of the petition as well as the date of hearing, the committee believes that a petitioner may use form DE-120 to satisfy the requirements of both 13151(b) (to give notice of the petition to heirs and devisees named in the petition) and 13153 (to give notice of the hearing on the petition to all persons named in the petition). Assuming the clerk sets the petition for hearing when it is filed, as required by Probate Code section 1041, a strategic petitioner could comply with both requirements in a single notice given to all persons named in the petition no later than five days after filing. This time frame would almost always comply with the requirement in section 1220—which governs notice under section 13153—of a 15-day notice period before the hearing.

The committee did not solicit public comment on the recommended revisions to forms DE-300 and DE-305 because the Judicial Council has authority to approve those revisions without circulation under California Rules of Court, rule 10.22(d)(2).

Alternatives considered

The committee did not consider taking no action, because existing forms DE-310 and DE-315 would have been inconsistent with Probate Code sections 13150–13157, as amended by AB 2016. Furthermore, Probate Code section 890 mandates that the Judicial Council adjust the amounts used on forms DE-300 and DE-305 every three years by applying the statutory formula. The most recent adjustment must occur on April 1, 2025. Declining to revise the forms would have left litigants without legally accurate forms for use in summary proceedings to determine succession to property of decedents who died on or after April 1, 2025.

The committee also considered deferring the proposed substantive revisions to forms DE-310 and DE-315 until the spring 2025 invitation-to-comment cycle but concluded that such a delay would unnecessarily burden both litigants and courts by leaving inaccurate forms in use and

⁶ The proper disposition of a form DE-310 petition filed before January 1, 2025, but not yet disposed of by the court raises interesting issues. See § 3(d) (order issued after operative date of new law concerning petition filed before new law's operative date governed by new law). But see § 3(g) (if new law does not apply to matter that occurred before operative date, old law continues to govern matter notwithstanding old law's amendment or repeal by new law), 3(h) (court has discretion to apply either old law or new law if application of the other would "substantially interfere" with rights of parties or interested persons in connection with event that occurred before new law's operative date). Fortunately, they are beyond the scope of this proposal.

requiring an additional round of revisions that could be avoided by combining them with the triennial adjustment of amounts.

Fiscal and Operational Impacts

Commenters noted that courts will need to train staff on the limits of the amended procedure under sections 13150–13157 and program their case management systems to accept filing of revised forms DE-305 and DE-310. Courts may also see an increase in filings as more residences will be eligible for the summary succession procedure when the threshold value increases. The increase should be gradual, however, as the adjusted value will apply only to residences of decedents who die on or after April 1, 2025. The costs associated with the recommended form revisions result from the underlying statutory requirements.

Attachments and Links

1. Forms DE-300, DE-305, DE-310, and DE-315, at pages 7–12
2. Chart of comments, at pages 13–21
3. Attachment A: Calculation of Limits on Value of Property or Estates Eligible for Disposition Without Administration
4. Link A: Assem. Bill 2016 (Stats. 2024, ch. 331),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2016
5. Link B: Assem. Bill 473 (Stats. 2019, ch. 122),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB473

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 (death between Apr. 1, 2022, and Mar. 31, 2025)</u>	<u>Amount (death on or after Apr. 1, 2025)</u>
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 <u>primary residence in California</u> 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 STATE BAR NO.:
 After recording, return to:
 NAME:
 FIRM NAME:
 STREET ADDRESS:
 CITY, STATE, ZIP CODE:
 TELEPHONE NO.: FAX NO.:
 EMAIL ADDRESS:
 ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:
 MAILING ADDRESS:
 CITY AND ZIP CODE:
 BRANCH NAME:

DRAFT
Not approved by
the Judicial Council

FOR RECORDER'S USE ONLY

ESTATE OF (name):

CASE NUMBER:

DECEDENT

AFFIDAVIT RE REAL PROPERTY OF SMALL VALUE

FOR COURT USE ONLY

1. The decedent (name):
 died on (date):
 at (city, state):
2. At least **six months** have passed since the decedent's death. (Attach a certified copy of the decedent's death certificate.)
3. a. ☐ The decedent was domiciled in this county at the time of death.
 b. ☐ The decedent was **not** domiciled in California at the time of death, but the decedent died owning real property in this county.
4. 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):
 a. ☐ **\$55,425** (decedent died before April 1, 2022).
 b. ☐ **\$61,500** (decedent died on or after April 1, 2022, and before April 1, 2025. Form DE-300 is attached as required by law).
 c. ☐ **\$69,625** (decedent died on or after April 1, 2025. Form DE-300 is attached as required by law).
5. a. 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.)
 b. 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:*
- Name Address

☐ 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.)

7. 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.)
8. a. ☐ No proceeding for administration of decedent's estate is now being or has been conducted in California.
 b. ☐ 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.)

Page 1 of 2

ESTATE OF (name):	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)
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Date:

(TYPE OR PRINT NAME)*	(SIGNATURE OF DECLARANT)
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☐ 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 the 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 they executed the instrument in their authorized capacity(ies), and that by 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.

(NOTARY SEAL)

WITNESS my hand and official seal.

(SIGNATURE OF NOTARY PUBLIC)

(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

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):		FOR COURT USE ONLY DRAFT Not approved by the Judicial Council	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
ESTATE OF (name): DECEDENT		CASE NUMBER:	
PETITION TO DETERMINE SUCCESSION TO PRIMARY RESIDENCE		HEARING DATE AND TIME:	DEPT.:

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

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

2. Decedent (name):

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

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

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

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

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

7. Proceedings for the administration of decedent's estate in another jurisdiction

- a. ☐ have **not** been commenced.
 b. ☐ have been commenced ☐ and completed. (Specify state, county, court, and case number):

8. The **gross value**, at the time of decedent's death, of decedent's interest in **the real property described in item 11**, as shown by the attached appraisal, did not exceed (check one):

- a. ☐ **\$166,250** (decedent died before April 1, 2022).
 b. ☐ **\$184,500** (decedent died on or after April 1, 2022, and before April 1, 2025. Form DE-300 is attached as required by law).
 c. ☐ **\$750,000** (decedent died on or after April 1, 2025, and before April 1, 2028. Form DE-300 is attached as required by law).

(Prepare and attach as Attachment 8 an appraisal of the property described in item 11. (Use Judicial Council forms DE-160 and DE-161.) A probate referee appointed for the county named above must perform the appraisal. (See Prob. Code, §§ 8901, 8902.))

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

- (1) ☐ spouse
 (2) ☐ no spouse, as follows: (a) ☐ divorced or never married (b) ☐ spouse deceased
 (3) ☐ registered domestic partner
 (4) ☐ no registered domestic partner (See Fam. Code, § 297.5(c); Prob. Code, §§ 37(b), 6401(c), and 6402.)
 (5) ☐ child, as follows: (a) ☐ natural or adopted (b) ☐ natural, adopted by a third party
 (6) ☐ no child
 (7) ☐ issue of a predeceased child
 (8) ☐ no issue of a predeceased child

- b. Decedent ☐ is ☐ is not survived by a stepchild or foster child or children who would have been adopted by decedent if a legal barrier had not prevented adoption. (See Prob. Code, § 6454.)

ESTATE OF (name):	CASE NUMBER:
DECEDENT	

10. ☐ Decedent is survived by (complete if decedent is survived by (1) a spouse or registered domestic partner described in Probate Code section 37 but no issue (only a or b apply); or (2) no spouse or registered domestic partner described in Probate Code section 37 and no issue. Check only the **first** box that applies.)
- a. ☐ a parent or parents who are listed in item 14.
- b. ☐ a sibling, or issue of a deceased sibling, all of whom are listed in item 14.
- c. ☐ other persons who might be entitled to inherit property if decedent did not have a will, all of whom are listed in item 14.
- d. ☐ no known next of kin.
11. Attachment 11 contains (1) the **legal description** and the Assessor's Parcel Number of the real property claimed in this petition; (2) a statement of decedent's interest in the property, including facts that show that the property was decedent's primary residence in California; and (3) if any petitioner's claim to the property is based on succession under Probate Code sections 6401 and 6402, facts that show **whether** the property was community, separate, or quasi-community property.
12. Each petitioner is a successor of the decedent (as defined in Probate Code section 13006) and successor to the decedent's interest in the **real property** described in item 11 because each petitioner is
- a. ☐ (**will**) a beneficiary who succeeded to that property under decedent's will, and a copy of the will is attached as Attachment 5 or 12a.
- b. ☐ (**no will**) a person who succeeded to that property under Probate Code sections 6401 and 6402.
13. The interest of each petitioner in the property described in item 11 ☐ is stated in Attachment 13 ☐ is as follows (specify):
14. The names, relationships to decedent, ages, and residence or mailing addresses, as far as known to or reasonably ascertainable by petitioner, of (1) all persons named or checked in items 1, 9, and 10; (2) all other persons who may be entitled to inherit decedent's property in the absence of a will; and (3) all persons designated in the will to receive any property are listed in Attachment 14.
15. The names and addresses of all executors named in decedent's will are ☐ listed below ☐ listed in Attachment 15.
- ☐ No executor is named. ☐ There is no will.
16. ☐ Petitioner is the trustee of a trust designated in decedent's will to receive property. The names and addresses of all persons interested in the trust, as determined in cases of future interests under Probate Code section 15804(a)(1), (2), or (3), are listed in Attachment 16.
17. ☐ Decedent's estate was under a ☐ guardianship ☐ conservatorship at decedent's death. The names and addresses of all persons serving as guardian or conservator ☐ are listed below ☐ are listed in Attachment 17.

18. Number of pages attached: _____

Date:

(TYPE OR PRINT NAME OF ATTORNEY)



(SIGNATURE OF ATTORNEY)*

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

Date:

(TYPE OR PRINT NAME OF PETITIONER)



(SIGNATURE OF PETITIONER)*

(TYPE OR PRINT NAME OF PETITIONER)



(SIGNATURE OF PETITIONER)*

☐ SIGNATURE(S) OF ADDITIONAL PETITIONERS ATTACHED

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

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.:

After recording, return to:

NAME:

FIRM NAME:

STREET ADDRESS:

CITY, STATE, ZIP CODE:

TELEPHONE NO.:

FAX NO.:

EMAIL ADDRESS:

ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

DRAFT
Not approved by
the Judicial Council

FOR RECORDER'S USE ONLY

ESTATE OF (name):

CASE NUMBER:

DECEDENT

ORDER DETERMINING SUCCESSION TO PRIMARY RESIDENCE

FOR COURT USE ONLY

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

THE COURT FURTHER FINDS AND ORDERS

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

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

10. ☐ Other orders are stated in Attachment 10.

11. Number of pages attached: _____

Date:

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

Page 1 of 1

W25-10

Decedents' Estates: Succession to Real Property of Small Value (Revise forms DE-310 and DE-315)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Christine Brown, Attorney Torrance	N	<p>This procedure immediately titles the property into the names of the heirs/beneficiaries. If the estate has more than one heir, the chances of all beneficiaries getting along & coming to a consensus on selling the property, keeping the property, paying the property taxes/mortgage/insurance/upkeep is slim. More people are going to end up in civil court to file a partition action (not exactly inexpensive). Or what is to be done when former squatter (child living in home since the parent's death rent free) becomes a new co-owner? You can't charge a co-owner rent, you need to evict him (which may not be possible because he is a co-owner), you can't sell it (buyers don't want an occupied property and squatter won't agree to sale), and will probably end up filing a partition action to sell it. Again, a waste of time and money. I believe that you are concerned about the statutory fees that probate attorneys receive, but you are now shifting attorneys fees to civil litigators who handle partition actions, unlawful detainer actions, etc. Many people inheriting the real property don't have disposable income to afford an attorney and civil litigators (unlike probate attorneys) won't wait to be paid.</p> <p>This form makes people (without their consent) become co-owners with others with whom they may not get along or people they may not even know. I would not want to own real property under those circumstances.</p>	<p>The committee appreciates these comments. They raise issues not with the proposed revisions to forms DE-310 and DE-315, but with the statutory scheme for obtaining a court order determining succession to a decedent's primary residence found in Probate Code sections 13150–13157, as amended by AB 2016 (Stats. 2024, ch. 455). The committee intends its recommendation to implement the amended statutory requirements. Concerns regarding the underlying statutes are beyond the scope of this proposal and more appropriately addressed to the Legislature. Furthermore, the committee cannot give legal advice about specific situations.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

W25-10**Decedents' Estates: Succession to Real Property of Small Value** (Revise forms DE-310 and DE-315)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>It is for these reasons that many people designate one person to be the Executor so that one person can handle the sale, management or distribution of the property. Even if all beneficiaries disagree on selling the property, the Executor can go to court and get a court order and move the process along.</p> <p>What happens if there is a mortgage on the property? Will it take all owners to handle mortgage or speak with mortgage holder? So if one owner does not cooperate, or does not pay his share of mortgage, the mortgage goes into foreclosure?</p> <p>Who files the decedent's final tax returns? Who handles/pays the creditors? Responds to decedent's mail?</p> <p>What happens if there is a residence worth \$600K and bank accounts worth \$500,000. Do you still have to open a probate just for the cash?</p>	
2.	Crystal Dean, Attorney Eureka	A	Agree with the proposed changes to the petition, but logistically will there be push-back from creditors (such as DHCS and FTB) or existing mortgage companies that the primary residence is being transferred directly to heirs without any kind of notice to them?	The committee appreciates this comment and question. The question raises issues beyond the scope of the proposal. Neither the forms nor the underlying legislation modify the legal requirements for transferring title to real property. The statute limited the permissible scope of the petition on form DE-310 to a primary residence and increased the maximum value of a residence eligible for the summary succession procedure to \$750,000. The form revisions implement those changes without further substantive change.

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W25-10

Decedents' Estates: Succession to Real Property of Small Value (Revise forms DE-310 and DE-315)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
3.	Oliver Greenwood, Attorney Pleasant Hill	A	The revisions to the forms are clear now but will eventually be confusing with all the dates. But those dates, while they may be a mass on the page, may help a pro per looking at this and help them sort it out so it will be useful. And forms can always be updated (with the exception of line 17 on GC-240)	The committee appreciates these comments. In the coming years, the committee anticipates that the forms will list only the most recent 2–3 adjusted dollar amounts. The full list of historical adjustments will be listed on the web in the California Courts Self-Help Guide.
4.	Housing and Economic Rights Advocates by Karren Moore-Jordan, Attorney Oakland	A	<p>The proposed changes to form DE-310 adequately reflect the changes enacted by AB 2016.</p> <p>However, if the decedent owned a primary residence valued at less than \$750,000 and a small lot of land valued at \$50,000, it appears that a full probate proceeding would be necessary to transfer ownership of the small lot. Form DE-305 could not be utilized to transfer ownership of the small lot, because as Probate Code section 13050 now reads, it does not exclude the decedent's primary residence when calculating the value of all of the decedent's real property in California. This outcome would be counter to the goal behind AB 2016 and the small estate administration provisions for simplifying the transfer of assets upon death.</p>	<p>The committee appreciates these comments.</p> <p>The committee agrees with the commenter's interpretation of the statute as applied to the circumstances described. Only a statutory amendment excluding a primary residence included in a section 13151 petition from the property used to establish the value of the decedent's estate for purposes of determining eligibility for the section 13200 process would allow use of that process via form DE-305. AB 2016 included an analogous amendment to section 13100—which establishes an affidavit process for collection or transfer of personal property—but did not so amend section 13200. Because a statutory amendment is required to resolve the issue raised, the commenter's concern is more appropriately addressed to the Legislature.</p>
5.	Orange County Bar Association by Mei Tsang, President Newport Beach	A	No further comment.	The committee appreciates this comment. No further response is required.
6.	R. Sam Price, Attorney Redlands	NI	FORM DE-310	The committee appreciates these comments.

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W25-10

Decedents' Estates: Succession to Real Property of Small Value (Revise forms DE-310 and DE-315)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>Since a petitioner can file the same form for a decedent who died prior to April 1, 2025 and include real property other than the decedent's primary residence and also personal property, I believe that there should be a check box for Line 1 for the petitioner to check the box for: "requests a determination that the real property described in item 11 [CHECKBOX] was the decedent's primary residence in California, and is property passing to petitioner."</p>	<p>The committee does not recommend the suggested change. The enactment of AB 2016, effective January 1, 2025, repealed the provisions in Probate Code sections 13150–13157 authorizing a petition to succeed to property other than a decedent's primary residence in California. Regardless of the decedent's date of death, any petition filed under section 13151 on or after January 1, 2025, may claim succession only to a decedent's primary residence, making a check box unnecessary. In addition, if the decedent dies between January 1, 2025, and March 31, 2025, such a claim is limited to a primary residence valued at \$184,500 or less.</p>
			<p>Probate Code sec. 13154(b)(2) requires that the court make an order determining that "Not less than 40 days have elapsed since the death of the decedent." Thus, there should not be a checkbox on Line 3. At least 40 days have passed since the decedent's death," as that requested determination is a requirement. (Notate that there is no checkbox on Form DE-315 Line 4. "At least 40 days have passed since the decedent's death."</p>	<p>The committee agrees with this comment and proposes removing the check box from item 3 on form DE-310. The statute does not require the petitioner to allege that 40 days have passed since the decedent's death, only that 40 days have, in fact, passed (Prob. Code, § 13151), and the court makes a finding in its order to that effect (<i>id.</i>, § 13154(b)(2)). In addition, check boxes are typically used when a form asks the person completing it to make a choice. In this case, however, the form does not present a choice. If 40 days have not passed since the decedent's death, the petitioner may not file the petition at all.</p>
			<p>FORM DE-315 There should be a checkbox for Line 8. "The real property described in item 9a was the decedent's primary residence in the state of California." because this order can be for a decedent who died prior to April 1, 2025.</p>	<p>The committee does not recommend this change. See response to the commenter's first comment on form DE-310.</p>

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W25-10

Decedents' Estates: Succession to Real Property of Small Value (Revise forms DE-310 and DE-315)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>Since this order can be for a decedent who died prior to April 1, 2025, it can also include real property other than the decedent's primary residence and personal property; the order should be able to reflect those items.</p> <p>FORM DE-300 In addition to changes to Form DE-310 and Form DE-315, Form DE-300 must also be updated as it is a required attachment to Form DE-310.</p> <p>FORM DE-120 How will a petition show proof of delivery of the petition within five business days? Will there also be a change to Form DE-120 regarding notice and delivery to accommodate the notice requirement of Probate Code sec. 13151(b) that the petitioner "deliver a notice of the petition" within five business days of filing the petition? Or will a new notice form be created?</p> <p>The current Proof of Service by Mail only states that the document was mailed, not delivered.</p>	<p>The committee does not recommend a change in response to this comment. The authority to file a petition under section 13151 to succeed to real property other than the decedent's primary residence or to personal property ceased to exist on January 1, 2025, when AB 2016 took effect. Whether a court retains the authority to grant a petition to succeed to property other than a decedent's primary residence if the petition was filed before January 1, 2025, is an open question.</p> <p>The committee agrees and has included revisions to forms DE-300 and DE-305 in its recommendation. Because the revisions to these two forms are technical, requiring the application of a statutory formula, the committee did not ask to circulate them for public comment.</p> <p>The committee does not recommend a change to form DE-120 or the creation of a new notice form. Existing form DE-120 is suitable for giving both notice of the petition under Probate Code section 13151(b) and notice of the hearing on the petition under section 13153. Item 1 on form DE-120 requires entry of the title of the petition and a description; this information gives notice of the petition. Item 2 requires entry of the date, time, and place of the hearing on the petition; this information gives notice of the hearing.</p> <p>The committee does not recommend a change in response to this comment. Under section 1215,</p>

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W25-10**Decedents' Estates: Succession to Real Property of Small Value** (Revise forms DE-310 and DE-315)

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	Commenter	Position	Comment	Committee Response
				delivery by mail is complete when a notice or other paper is deposited in the mail. The proof of service by mail on page 2 of form DE-120 is therefore sufficient for its intended purpose.
7.	Superior Court of Los Angeles County by Robert Oftring, Chief Communications and External Affairs Officer	A	<p>The Court believes the proposal appropriately addresses the stated purpose but does not anticipate any cost savings. However, there may be a cost savings to litigants with probate estates where the only asset is a residence under \$750,000.</p> <p>There may be an increase in filings due to the higher threshold to qualify as a small estate. There is no need to change anything in the case management system because the Court has existing workflows. This petition may work better in smaller counties where property values are below \$750,000, as it would mostly benefit primary residences. However, in denser areas such as Los Angeles, Orange County, and other parts of Southern California, it is difficult to say. Nonetheless, the proposal would work well in courts of different sizes.</p>	The committee appreciates these comments. No further response is required.
8.	Superior Court of Orange County Probate Operations Management by Sean Lillywhite	NI	<p>The proposal appropriately address the stated purpose.</p> <p>Implementation costs and efforts are minimal.</p> <p>The effective date of the \$750,000 dollar amount pursuant to Prob. Code section 13152(f)(3) is April 1, 2025. The proposed effective date of the revised rules and forms is April 27, most likely for consideration at the</p>	<p>The committee appreciates these comments.</p> <p>No specific response is required.</p> <p>The committee does not expect the court to receive petitions on forms with an incorrect dollar amount in the period between April 1 and April 27, 2025. The dollar amounts on the existing form apply to property of decedents who die before</p>

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W25-10**Decedents' Estates: Succession to Real Property of Small Value** (Revise forms DE-310 and DE-315)

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	Commenter	Position	Comment	Committee Response
			April meeting of the Judicial Council. What guidance do you provide court staff processing the old forms with an incorrect dollar amount in the interim period?	April 1, 2025. The new \$750,000 dollar amount applies to the property of decedents who die on or after April 1, 2025. A petitioner may not file a petition under section 13151 until 40 days have passed since the decedent's death. The first day that a petitioner could file a petition on which the new amount would apply would therefore be Monday, May 12, 2025. The current version of form DE-310 will list the correct dollar amounts for all petitions properly filed between April 1 and April 28, 2025.
9.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	<p><i>Q: Does the proposal appropriately address the stated purpose?</i> A: Yes.</p> <p><i>Q: Would the proposal provide cost savings? If so, please quantify.</i> A: No.</p> <p><i>Q: What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i> A: Staff must be trained to identify the new form and reject old version beginning April 28, 2025. Examiners must be trained on new form and develop new defects for examination. Judges must be made aware of new requirements. The case management system will need to be updated to reflect the change to the form names.</p>	<p>The committee appreciates these comments.</p> <p>No specific response is required.</p> <p>No specific response is required.</p> <p>No specific response is required.</p>

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W25-10**Decedents' Estates: Succession to Real Property of Small Value** (Revise forms DE-310 and DE-315)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p><i>Q: How well would this proposal work in courts of different sizes?</i></p> <p>A: It is anticipated filings will increase as more decedent estates will fall into the valuation category that otherwise would have put them into the full probate administration category. This fluctuation may alleviate the settings for our Estate calendar but would translate to an increase in settings to our Miscellaneous calendar, which are typically set further out. Counties with larger population will theoretically see more fluctuation in filings.</p> <p>The revision dates in the footer of the forms should reflect April 28, 2025, rather than April 1, 2025.</p>	<p>No specific response is required.</p> <p>The committee has revised the recommended forms as suggested.</p>
10.	Trial Court Presiding Judge Advisory Committee/Court Executives Advisory Committee Joint Rules Subcommittee	A	<p>The JRS notes that the proposal is required to conform to a change of law.</p> <p>The JRS also notes the following impact to court operations:</p> <ul style="list-style-type: none"> ● Impact on existing automated systems. <ul style="list-style-type: none"> ○ The two, new Probate forms will impact current mandatory forms and case management systems. Outdated forms will need to be replaced and digital case management systems will need to be reprogrammed to recognize the new mandatory Judicial Council forms. These are relatively minor impacts and cannot be avoided since the new legislation takes effect on April 28, 2025. 	The committee appreciates these comments. No further response is required.

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W25-10

Decedents' Estates: Succession to Real Property of Small Value (Revise forms DE-310 and DE-315)

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	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none">● Results in additional training, which requires the commitment of staff time and court resources.<ul style="list-style-type: none">○ Probate Clerk's Office staff, Probate examiners, and Probate bench officers will need to be trained on the new law and forms. This should take no more than an hour to complete. The new legislation modifies current law. The new legislation will require that this procedure can only be used for a primary residence in California and alters the dollar amount to determine that property succession.	

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**Calculation of Limits on Value of Property or Estates
Eligible for Disposition Without Administration
(Adjusted April 1, 2025)**

The values specified in chapter 6 (commencing with section 6600) of part 3 of division 6 and in division 8 (commencing with section 13000) of the Probate Code are listed in *Maximum Values for Small Estate Set-Aside & Disposition of Estate Without Administration* (form DE-300), and are adjusted, effective April 1, 2025, as required by Probate Code section 890(b) using the following method:

Formula

Under Probate Code section 890, the adjustments to the amounts of the specified values are calculated based on the change in the U.S. city average of the Consumer Price Index for All Urban Consumers (CPI-U) from the December 40 months before the adjustment to the December immediately preceding the adjustment.¹ (Prob. Code, § 890(b).) Determining the April 1, 2025, adjustment requires the following calculation:

$$\text{Adjusted amount} = \left[\frac{(CPI-U [\text{Dec. 2024}] - CPI-U [\text{Dec. 2021}])}{CPI-U (\text{Dec. 2021})} + 1 \right] \times \text{Previous amount}$$

Calculation

The CPI-U in December 2021 was 278.802. The CPI-U in December 2024 was 315.605. The proportional amount of change is determined by performing the calculation in brackets below. The result is 1.132004.

$$\text{Adjusted amount} = \left[\frac{(315.605 - 278.802)}{278.802} + 1 \right] \times \text{Previous amount} = \mathbf{1.132004} \times \text{Previous amount}$$

The adjusted amount of each value specified in chapter 6 (commencing with section 6600) of part 3 of division 6 and in division 8 (commencing with section 13000) of the Probate Code in effect March 31, 2025, is then reached by multiplying the amount of each current value by 1.132004 and rounding each product to the nearest \$25. (See Prob. Code, § 890(b).) For example, the current value applicable to Probate Code section 6602 is \$95,325. The product of multiplying 95,325 by 1.132004 is 107,908.28. Rounded to the nearest \$25, the adjusted value is \$107,900.

¹ The data used for the calculations in this report can be found by searching series report CUUR0000SA0 on the U.S. Bureau of Labor Statistics website at <https://data.bls.gov/series-report>.