



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-079

For business meeting on March 11, 2022

Title

Rules and Forms: Small Estate Disposition

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Adopt form DE-300; revise forms DE-305, DE-310, and DE-315

Effective Date

April 1, 2022

Date of Report

February 23, 2022

Recommended by

Probate and Mental Health Advisory
Committee

Hon. Jayne Chong-Soon Lee, Chair

Contact

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Executive Summary

The Probate and Mental Health Advisory Committee recommends adopting one form for mandatory use and revising three forms for optional use in judicial proceedings to dispose of property in small estates without administration. The revisions are needed to implement the legislative mandate in Probate Code section 890, which requires the Judicial Council to adjust the threshold property values that determine eligibility for disposition of small estates without full probate administration and to publish a list of the adjusted amounts by April 1, 2022. The committee also recommends revisions to update and clarify the existing forms at the same time. The forms will be circulated for comment after adoption.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective April 1, 2022:

1. Adopt *Maximum Values for Small Estate Set-Aside & Disposition of Estate Without Administration* (form DE-300) to publish the adjusted maximum values of estates and specific property to determine eligibility for various summary disposition procedures under

Probate Code sections 6600–6613 and 13000–13606 and for use as an attachment to affidavits or petitions as required in Probate Code sections 13101, 13152, 13200, and 13601.

2. Revise *Affidavit re: Real Property of Small Value* (form DE-305), *Petition to Determine Succession to Real Property* (form DE-310), and *Order Determining Succession to Real Property* (form DE-315) to:
 - a. Add references to the adjusted threshold values for eligibility to use the procedure under Probate Code section 13200 to claim real property of adjusted as required by Probate Code section 890 a decedent who dies on or after April 1, 2022;
 - b. Clarify that the threshold value applicable to the property of a decedent who dies before April 1, 2022, remains unchanged; and
 - c. Update the forms to simplify language and conform to current law and Judicial Council style guidelines.

The revised forms are attached at pages 6–11.

Relevant Previous Council Action

Effective July 1, 1987, the Judicial Council adopted *Affidavit re: Real Property of Small Value* and approved *Petition to Determine Succession to Real Property* and *Order Determining Succession to Real Property* in response to amendments to the Probate Code.

Effective January 1, 1989, the Judicial Council revised these forms and assigned their current designating numbers. Effective January 1, 2000, the council adopted all previously optional probate forms, including those in this proposal, for mandatory use.

The council has approved revisions to these forms several times since then in response to statutory amendments, including increases to the amounts of the maximum property values used to determine eligibility for disposition of property without administration.¹ Effective January 1, 2020, the council revised these forms to update the maximum property values in response to adjustments enacted by Assembly Bill 473 (Stats. 2019, ch. 122).

Analysis/Rationale

The committee recommends adopting form DE-300 for mandatory use and revising forms DE-305, DE-310, and DE-315 to fulfill the mandate in Probate Code section 890. That statute requires the Judicial Council, on April 1, 2022, and at each three-year interval thereafter, to adjust the dollar amounts specified in chapter 6 (commencing with section 6600) of part 3 of division 6 and in division 8 (commencing with section 13000) of the Probate Code in effect

¹ The dollar amounts were added to the official form titles between 2004 and 2011.

immediately before that date.² These amounts set upper limits on the property values that determine eligibility for disposition of small estates without full probate administration.

The council must determine the amount of each required adjustment based on the change in the United States city average of the “Consumer Price Index for All Urban Consumers” from December 2018 to December 2021 and round each adjusted amount to the nearest \$25.³ The council must also, as of April 1, publish a list of the adjusted values and the date of the next scheduled adjustment.⁴ Proposed form DE-300 would fulfill the publication mandate by listing the code sections that specify a maximum value, briefly describing the property to which each section applies, listing the adjusted value for each code section, and giving the date of the next scheduled adjustment.

Sections 13101, 13152, 13200, and 13601 also require an affiant or petitioner who seeks to use the procedure authorized by any of those sections to attach the published list to the affidavit or petition.⁵ For this reason, the committee recommends adopting form DE-300 for mandatory use rather than approving it for optional use.

Petition to Determine Succession to Real Property (form DE-310) and Order Determining Succession to Real Property (form DE-315)

Forms DE-310 and DE-315 must be used in the summary disposition procedure authorized by sections 13150–13158. Section 13151 authorizes the successor to a decedent’s interest in a particular item of real property, without obtaining letters of administration or awaiting probate of the will, to petition for a court order determining that the petitioner has succeeded to that property subject to specific conditions, including that the gross value of the decedent’s real and personal property in California does not exceed \$166,250, as adjusted periodically in accordance with section 890. Section 13152 specifies the required contents of that petition, and section 13154 authorizes the court to make the requested order if it can and does make specific findings, including a determination that the value of the decedent’s California property does not exceed the statutory limit.

On April 1, 2022, the procedure prescribed by section 890 requires adjusting the maximum value of that property from \$166,250 to \$184,500 for decedents who die on or after that date. Form DE-310, the mandatory petition form, and form DE-315, the mandatory order form, both include

² Prob. Code, § 890 (added by Assem. Bill 473; Stats. 2019, ch. 122, § 1). All further statutory references are to the Probate Code unless otherwise specified.

³ *Id.*, § 890(b). See United States Bur. Lab. Statistics, Consumer Price Index, at www.bls.gov/cpi/, and data series CUUR0000SA0, searchable at <https://data.bls.gov/cgi-bin/surveymost?cu>. The application of the statutory method to adjust the statutory values is explained and illustrated in Attachment A.

⁴ *Id.*, § 890(c).

⁵ *Id.*, §§ 13101(f) (affidavit to collect or transfer personal property), 13152(e) (petition to determine succession to real property), 13200(f) (affidavit to collect real property of limited value), and 13601(e)(2) (affidavit to collect compensation owed to deceased spouse).

several references to \$166,250. The recommended revisions to these forms remove unnecessary references to \$166,250 and add a reference to \$184,500 to indicate the adjusted value.⁶

In addition, section 13200 authorizes a person or persons claiming a particular item of a decedent's real property in California as the decedent's successor to file with the probate court an affidavit of succession to that property if the gross value of all the decedent's real property in California does not exceed \$55,425. Effective April 1, 2022, the procedure prescribed by section 890 requires adjusting the maximum value of that property from \$55,425 to \$61,500 for decedents who die on or after that date. The form adopted for use in this procedure, *Affidavit re Real Property of Small Value* (form DE-305), refers to \$55,425 in several places. The recommended revisions to form DE-305 remove unnecessary references to \$55,425 and add a reference to \$61,500 to indicate the adjusted value. The committee also recommends revising item 6 on this form to reflect the amendment, by Assembly Bill 976 (Stats. 2017, ch. 319, § 84), of the required manner of delivering the affidavit to any guardian or conservator of the estate of the decedent at the time of the decedent's death.⁷

Policy implications

The recommended revisions promote at least two Judicial Council policy objectives—modernization of the rules of court and promotion of access to the courts—by ensuring that the Judicial Council forms reflect accurate legal information that will make it easier for prospective litigants, particularly self-represented litigants, to choose the proper method with which to gain access to the probate court.

Comments

The recommended forms have not yet circulated for public comment because the December 2021 Consumer Price Index, on which the recommendation depends, was not released in sufficient time allow circulation and review of comments and still meet the legislative deadline of April 1, 2022. The committee recommends adopting the new and revised forms at this time, and the committee will submit an invitation to comment in the spring 2022 cycle to ensure that the forms meet the need of self-represented litigants, courts, and attorneys.

Alternatives considered

The committee considered recommending approval of form DE-300 for optional use. The statutory requirements that a petitioner or an affiant attach the published list to specified petitions

⁶ In addition to these required revisions, the committee also recommends removing the dollar amounts from the form titles to prevent confusion, revising item 10b on form DE-310 to use gender-neutral language, and removing current item 8, a determination that is not a condition precedent to the issuance of a valid order under section 13154, from form DE-315.

⁷ In addition to these required revisions to form DE-305, the committee also recommends revising item 7 to supply a link to the State Controller's list of probate referees, adding item 8b to reflect the option of obtaining the personal representative's written consent under Probate Code section 13200(a)(7)(B), and revising item 10 to clarify who may sign the affidavit.

or affidavits, however, led the committee instead to recommend the form's adoption for mandatory use.

The committee also considered, when revising form DE-305, a request to replace the notary public's certificate of acknowledgment on that form with a jurat. The committee declined that request because section 13200(b) expressly requires a certificate of acknowledgment, not a jurat.⁸

The committee did not consider the alternative of taking no action because the revisions are required to implement statutory changes affecting litigants, including self-represented litigants, effective April 1, 2022, and to bring the forms into compliance with current law.

Fiscal and Operational Impacts

The only fiscal or operational impacts this proposal should have on courts or litigants are the costs of replacing outdated forms and reprogramming digital case management systems. Because the changes are required by statute, these impacts cannot be avoided.

Attachments and Links

1. Forms DE-300, DE-305, DE-310, and DE-315, at pages 6–11
2. Attachment A: Calculation of Limits on Value of Property or Estates Eligible for Disposition Without Administration
3. Link A: Assem. Bill 473 (Stats 2019, ch. 122),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB473

⁸ *Id.*, 13200(b). Compare Civil Code section 1189 and Government Code section 8205(a)(2) (certificate of acknowledgment) with Government Code section 8202 (jurat). Although it appears that a notary would typically execute a jurat when taking an affidavit, the description (in Gov. Code, § 8205(a)(3)) of the notary's role in taking an affidavit to be presented to a property holder is not completely clear and, therefore, provides insufficient reason to depart from section 13200(b)'s express requirement of a certificate of acknowledgment.

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 the estate of a decedent who died before April 1, 2022. The values in the right column apply to property of a decedent who died on or after April 1, 2022.

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, 2021, with each adjusted value rounded to the nearest \$25. (See Prob. Code, § 890(b).) Unless otherwise provided by statute after April 1, 2022, these values will next be adjusted April 1, 2025.

<u>Probate Code Section</u>	<u>Description</u>	<u>Amount</u> (for death before Apr. 1, 2022)	<u>Amount</u> (for death on or after Apr. 1, 2022)
1. SMALL ESTATE SET-ASIDE UNDER PROBATE CODE SECTIONS 6600–6613			
§§ 6602, 6609	As of the date of the decedent's death, 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:	\$ 85,900	\$ 95,325
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, not to exceed:	\$ 16,625	\$ 18,450
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 the property described in Probate Code section 13050, must not exceed:	\$ 166,250	\$ 184,500
c. PETITION & COURT ORDER DETERMINING SUCCESSION TO PROPERTY			
§§ 13151, 13152, 13154	The gross value of the decedent's real and personal property in California, excluding the property described in Probate Code section 13050, must not exceed:	\$ 166,250	\$ 184,500
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 the real property described in Probate Code section 13050, must not exceed:	\$ 55,425	\$ 61,500
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>	\$ 16,625	\$ 18,450

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 Real Property* (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 **\$55,425** if the decedent died before April 1, 2022, or **\$61,500** if the decedent died on or after April 1, 2022.
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." (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 the 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 service, or form POS-050 for proof of electronic service.)
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.)

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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(s) is or are:
- 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)
<input type="checkbox"/> 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 attach an additional certificate of acknowledgment to this page on a small strip of paper. If you need one or more additional certificates of acknowledgment, attach them to this form on separate, full-sized 8-1/2 by 11-inch pages.)

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.

WITNESS my hand and official seal.

(SIGNATURE OF NOTARY PUBLIC)

(NOTARY SEAL)

(SEAL)	<h3 style="text-align: center;">CLERK'S CERTIFICATE</h3> <p>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 Probate Code section 13202.)</p> <p>Date: _____ Clerk, by _____, Deputy</p>
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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): <div style="text-align: right;">DECEDENT</div>	CASE NUMBER:
PETITION TO DETERMINE SUCCESSION TO REAL PROPERTY <input type="checkbox"/> and Personal Property	HEARING DATE AND TIME: DEPT.:

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

requests a determination that the real property ☐ and personal property described in item 11 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 affixed 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** of decedent's interest in real and personal property located in California, as shown by the inventory and appraisal attached to this petition—excluding the property described in Probate Code section 13050—at the time of decedent's death did not exceed **\$166,250 if the decedent died before April 1, 2022, or \$184,500 if the decedent died on or after April 1, 2022.** (Prepare and attach as Attachment 8 an inventory and appraisal of all California property in the estate. (Use Judicial Council forms DE-160 and DE-161.) A probate referee appointed for the county named above must appraise all real property and all personal property other than cash or its equivalent. 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 but for a legal barrier. (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 Prob. Code, § 37, but no issue (only a or b apply); or (2) no spouse or registered domestic partner described in Prob. Code, § 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 of decedent's California real property and the Assessor's Parcel Number(s) ☐ and a description of the personal property in California passing to each petitioner; (2) decedent's interest in the property; and (3) if a petitioner's claim to the property is based on succession under Probate Code sections 6401 and 6402, facts that show the character of the property as 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 one or more of the pieces of real property ☐ and personal property ☐ described in item 11 because each petitioner is
- a. ☐ (will) a beneficiary who succeeded to the property under decedent's will.¹
- b. ☐ (no will) a person who succeeded to the property under Probate Code sections 6401 and 6402.
13. The interest claimed by each petitioner in each specific piece of real property ☐ and personal property ☐ 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)*

*(Signature of all petitioners also required (Prob. Code, § 1020).)

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)²

(TYPE OR PRINT NAME OF PETITIONER)

(SIGNATURE OF PETITIONER)²☐ SIGNATURE(S) OF ADDITIONAL PETITIONERS ATTACHED¹ Probate Code section 13152(c) requires that a copy of the will be attached in certain instances. If required, include as Attachment 5 or 12a.² Each person named in item 1 must sign.

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 REAL PROPERTY☐ and Personal Property

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 the California county named above.
 b. ☐ a nonresident of California who owned property in the county named above.
 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 decedent's real and personal property in California at the time of decedent's death, excluding any property described in Probate Code section 13050, did not exceed ☐ \$166,250 (death before April 1, 2022).
☐ \$184,500 (death on or after April 1, 2022).
7. Each petitioner is a successor of the decedent (as defined in Probate Code section 13006) to the decedent's interest the real ☐ and personal ☐ property described in item 8a 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.

THE COURT FURTHER FINDS AND ORDERS

8. a. The real ☐ and personal ☐ property ☐ described in Attachment 8a ☐ described as follows ☐ is property of decedent passing to each petitioner as described in b. (For real property, give legal description):

- b. Each petitioner's name and specific property interest ☐ is stated in Attachment 8b ☐ is as follows (specify):

9. ☐ Other orders are stated in Attachment 9.

10. Number of pages attached: _____

Date:

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

Page 1 of 1

**Calculation of Limits on Value of Property or Estates
Eligible for Disposition Without Administration
(Adjusted April 1, 2022)**

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, 2022, 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, 2022, adjustment requires the following calculation:

$$\text{Adjusted amount} = \left[\frac{(CPI-U [\text{Dec. 2021}] - CPI-U [\text{Dec. 2018}])}{CPI-U (\text{Dec. 2018})} + 1 \right] \times \text{Previous amount}$$

Calculation

The CPI-U in December 2018 was 251.233. The CPI-U in December 2021 was 278.802. The proportional amount of change is determined by performing the calculation in brackets below. The result is 1.109735.

$$\text{Adjusted amount} = \left[\frac{(278.802 - 251.233)}{251.233} + 1 \right] \times \text{Previous amount} = \mathbf{1.109735} \times \text{Previous amount}$$

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, 2022, is then reached by multiplying the amount of each current value by 1.109735 and rounding each product to the nearest \$25. (See Prob. Code, § 890(b).) For example, the current value given in Probate Code section 6602 is \$85,900. The product of multiplying 85,900 by 1.109735 is 95,326.24. Rounded to the nearest \$25, the adjusted value is \$95,325.

¹ The data used for the calculations in this report can be found by searching series report CUUR0000SA0 at <https://data.bls.gov/cgi-bin/srgate>.