



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No. 22-166

For business meeting on September 20, 2022

Title

Rules and Forms: Small Estate Disposition

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Revise forms DE-305 and DE-310

Effective Date

January 1, 2023

Recommended by

Probate and Mental Health Advisory
Committee

Date of Report

September 2, 2022

Hon. Jayne Chong-Soon Lee, Chair

Contact

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Executive Summary

The Probate and Mental Health Advisory Committee recommends revising two forms used in proceedings for the summary disposition of property in estates of small value. Effective April 1, 2022, and without circulation for comment, the Judicial Council adopted one form and revised three forms, including the two in this report, to comply with a statutory mandate to adjust dollar amounts related to small estate disposition and to publish the adjusted amounts. Having circulated the forms for comment, the committee now recommends these revisions.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Revise *Affidavit re: Real Property of Small Value* (form DE-305) to clarify that the declarant must attach form DE-300 to the affidavit if the decedent died on or after April 1, 2022; and
2. Revise *Petition to Determine Succession to Real Property* (form DE-310) to clarify that the declarant must attach form DE-300 to the petition if the decedent died on or after April 1, 2022, and to make technical changes to improve usability.

The proposed revised forms are attached at pages 5–8.

Relevant Previous Council Action

Effective April 1, 2022, the Judicial Council adopted form DE-300 and revised forms DE-305, DE-310, and DE-315 to implement a mandate in Probate Code section 890 to determine and publish adjusted amounts for use in determining the eligibility of property and decedents' estates for summary disposition procedures.¹ The recommendation was adopted without circulation for comment because the time between the publication of the December 2021 Consumer Price Index data, which were needed to calculate the adjustments, and the effective date of the required adjustment based on that data was too short to allow for circulation.

Analysis/Rationale

The Judicial Council adopted form DE-300 for mandatory use and revised forms DE-305, DE-310, and DE-315 to fulfill the mandate in Probate Code section 890.² 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 immediately before that date. These amounts set upper limits on the property values that determine eligibility for disposition of small estates without full probate administration.

The statute requires the council to 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 the December “40 months prior to the adjustment” (this year, December 2018) to “the December immediately preceding the adjustment” (this year, December 2021) and to round each adjusted amount to the nearest \$25.³ The council must also, as of April 1 of each year in which an adjustment is required, publish a list of the adjusted values and the date of the next scheduled adjustment.⁴ Form DE-300, adopted by the Judicial Council effective April 1, 2022, fulfills the publication mandate by listing each code section that specifies a maximum value, briefly describing the property to which that section applies, listing the adjusted value for that section, and giving the date of the next scheduled adjustment.

Sections 13101, 13152, 13200, and 13601, which specify procedures for disposition of specific types of property in small estates without full probate administration, also require an affiant, declarant, or petitioner who seeks to use the procedure authorized by any of those sections to

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 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).

⁴ *Id.*, § 890(c).

attach the published list to the affidavit or petition.⁵ For this reason, the council adopted form DE-300 for mandatory use.

Policy implications

The committee's recommended revisions are intended to improve the quality of justice and service to the public by clarifying the requirements for completing and filing forms DE-305 and DE-310. No policy implications contributed to controversy or intense debate in the committee.

Comments

The proposal was circulated for public comment in the spring 2022 invitation-to-comment period. Two commenters, the Orange County Bar Association and the Superior Court of San Diego County, responded. Both commenters agreed with the proposal and suggested modifications. Based on these suggestions, the committee recommends revising item 4 on form DE-305 and item 8 on form DE-310 to distinguish more clearly the alternative dollar amounts and, as suggested by the Superior Court of San Diego County, to indicate that form DE-300 must be attached to form DE-305 or DE-310 if the decedent died on or after April 1, 2022.⁶ These revisions will give declarants and petitioners better notice of the requirement to attach form DE-300 in appropriate cases.

The San Diego court also noted a lack of clarity regarding how to enforce the requirement to attach form DE-300 to an affidavit or declaration under section 13101 (to collect money, tangible personal property, or evidence of intangible personal property) or section 13601 (to collect compensation owed to a decedent). Such an affidavit requires submission to the holder of the property to which the affiant is claiming succession or the decedent's employer, respectively, but does not require filing with the court or any court supervision or other involvement. Under the statutory scheme at issue, succession to personal property or collection of compensation owed to an estate is a private transaction. The enforcement of the attachment requirement is left to the property holder or the employer. The Judicial Council's purview extends only to rules and forms for *judicial* administration, practice, and procedure.

The Orange County Bar Association suggested that forms DE-305, DE-310, and DE-315 be revised to include a reference to the date of the next required scheduled adjustment to the values specified in those forms. The committee declined to make these suggested changes because, as required by Probate Code section 890(c), form DE-300, which must be attached to forms DE-305 and DE-310, already includes the date of the next scheduled adjustment.

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).

⁶ Section 13200(f) requires the list of adjusted dollar amounts, that is, form DE-300, to be attached to an affidavit or declaration claiming succession of a decedent who died on or after April 1, 2022, to a particular item of real property. The council adopted form DE-305 to serve as that affidavit or declaration. Section 13152(f)(2) imposes an analogous requirement on a petition for a judicial determination that the petitioner has succeeded to a particular item of real property. The council has adopted form DE-310 to serve as that petition.

A chart of comments is attached at pages 9–12.

Alternatives considered

The committee considered not revising the forms to avoid costs to courts and litigants, but determined that the two revisions recommended would not impose significant costs on courts and would likely reduce delays by leading more litigants to attach form DE-300 to their initial filings.

Fiscal and Operational Impacts

Courts will need to replace paper copies of existing forms DE-305 and DE-310. The revisions should save costs and time for litigants by reducing the number of forms filed without the required attachment.

Attachments and Links

1. Forms DE-305 and DE-310, at pages 5–8
2. Chart of comments, at pages 9–12
3. Link A: Assem. Bill 473 (Stats. 2019, ch. 122) (showing amendments),
https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201920200AB473&showamends=true

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 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." (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(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)

Date: _____

(TYPE OR PRINT NAME)*

(SIGNATURE OF DECLARANT)

☐ SIGNATURES OF ADDITIONAL DECLARANTS ATTACHED

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

CERTIFICATE OF ACKNOWLEDGMENT

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

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

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: <div style="display: flex; justify-content: space-between;"> <div>HEARING DATE AND TIME:</div> <div>DEPT.:</div> </div>
PETITION TO DETERMINE SUCCESSION TO REAL PROPERTY <input type="checkbox"/> and Personal Property	

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 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 real and personal property in California—excluding the property described in Probate Code section 13050—as shown by the attached inventory and 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 form DE-300 is attached as required by law).

(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 Probate 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 Family Code, § 297.5(c); Probate 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 Probate 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, § 37, but no issue (only a or b apply); or (2) no spouse or registered domestic partner described in Probate 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, **and a copy of the will is attached as Attachment 5 or 12a.**
- 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)*

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.

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Rules and Forms: Small Estate Disposition (adopt form DE-300; revise forms DE-305, DE-310, DE-315)

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

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association by Daniel S. Robinson, President Newport Beach	AM	<p>The OCBA agrees that this proposal appropriately addresses the stated purpose if it is modified as follows:</p> <p>(1) Attachment “A” should be attached and referenced as part of the Form DE-300 “Maximum Values” chart; it is a useful explanation for determination of values.</p> <p>(2) On Form DE-305 “Affidavit re Real Property of Small Estate” a reference should be made at paragraph 4 that the amount of \$61,500 is to be adjusted in Probate Code §890 in the same manner as referenced on Form DE-300.</p> <p>(3) On Form DE-305 add at paragraph 10 after the words - “(Attach a copy of the will)” in parentheses the phrase - “if you claim under the will and no estate proceeding is pending or has been conducted in California).”</p>	<p>The committee does not recommend the suggested change. Attachment to form DE-300 could mislead some form users to think that they were required or authorized to perform a calculation. They are not. The Judicial Council is required by statute to perform those calculations. Form DE-300 shows the results. Attachment A, which explains the basis of the council’s calculation, is attached to the report adopted by the council at its March 11, 2022, meeting. The report is available on the California Courts website as item 22-079 on the public agenda for that meeting.</p> <p>The committee does not recommend the suggested change. Probate Code section 890(c) requires that the list of the adjusted amounts include the date of the next scheduled adjustment. The Judicial Council has adopted form DE-300 as the list of the adjusted amounts. That form, which must be attached to form DE-305 when the latter is filed, gives April 1, 2025, as the date of the next scheduled adjustment. No additional reference on form DE-305 to the next adjustment is necessary or appropriate.</p> <p>The committee does not recommend the suggested change. Item 8 provides the information necessary to comply with the requirement in Probate Code section 13200(a)(7) that the affidavit or declaration state either that “[n]o proceeding for</p>

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

SPR22-16

Rules and Forms: Small Estate Disposition (adopt form DE-300; revise forms DE-305, DE-310, DE-315)

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

	Commenter	Position	Comment	Committee Response
			<p>(4) On Form DE-310 “Petition to Determine Succession” a reference to the Probate Code §890 adjustment to the value at paragraph 8.</p> <p>(5) On Form DE-315 “Order Determining Succession to Real Property” a reference to the Probate Code §890 adjustment to the value at paragraph 6.</p>	<p>administration of decedent's estate is now being or has been conducted in California” or that “[t]he decedent's personal representative has consented in writing to the use of the procedure provided by Probate Code section 13200 et seq.”</p> <p>The committee does not recommend the suggested change. Probate Code section 890(c) requires that the list of the adjusted amounts include the date of the next scheduled adjustment. The Judicial Council has adopted form DE-300 as the list of the adjusted amounts. That form, which must be attached to form DE-310 when the latter is filed, gives April 1, 2025, as the date of the next scheduled adjustment. No additional reference on form DE-310 to the next adjustment is necessary or appropriate.</p> <p>The committee does not recommend the suggested change. Probate Code section 890(c) requires that the list of the adjusted amounts include the date of the next scheduled adjustment. The Judicial Council has adopted form DE-300 as the list of the adjusted amounts. That form gives April 1, 2025, as the date of the next scheduled adjustment. No additional reference on form DE-315 to the next adjustment is necessary or appropriate.</p>
2.	Superior Court of San Diego County by Mike Roddy, Executive Officer	AM	<p><i>Does the proposal appropriately address the stated purpose? Yes</i></p> <p><i>Would the proposal provide cost savings? If so, please quantify. No</i></p>	<p>The committee appreciates these comments. No further response is required.</p> <p>No further response is required.</p>

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

SPR22-16

Rules and Forms: Small Estate Disposition (adopt form DE-300; revise forms DE-305, DE-310, DE-315)

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

Commenter	Position	Comment	Committee Response
		<p><i>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></p> <p>Minimal staff training. Clerical, Examiners, and Judges to be informed of new dollar amounts and be made aware of the new and revised forms.</p> <p><i>Q: How well would this proposal work in courts of different sizes?</i></p> <p>It appears this proposal would work similarly among courts of all sizes.</p> <p><i>Other Comments:</i></p> <p>It is not entirely clear that the new form, DE-300, must be attached to certain affidavits/petitions unless specifically looking at DE-300. It would be helpful to either add this form as a Page-3 to DE-305 and DE-310 or add a checkbox or bullet point that prompts the filer to include the new attachment. See suggestions below.</p> <p>DE-305 – <i>Affidavit RE: Real Property of Small Value</i></p> <p>4. b. [] The decedent died on or after April 1, 2022. Judicial Council form, DE-300, Maximum Values for Small Estates Set-Aside& Disposition of Estate Without Administration is attached.</p>	<p>No further response is required.</p> <p>No further response is required.</p> <p>The committee agrees with this suggestion and has added the following language to item 4b on form DE-305 and item 8b on form DE-310: “(decedent died on or after April 1, 2022, and form DE-300 is attached as required by law).”</p>

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

SPR22-16

Rules and Forms: Small Estate Disposition (adopt form DE-300; revise forms DE-305, DE-310, DE-315)

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

	Commenter	Position	Comment	Committee Response
			<p>DE-310 – <i>Petition to Determine Succession to Real Property</i></p> <p>8. b. [] The decedent died on or after April 1, 2022. Judicial Council form, DE-300, Maximum Values for Small Estates Set-Aside& Disposition of Estate Without Administration is attached.</p> <p>It is also unclear how this requirement would be enforced on non-court supervised proceedings, such as an affidavit under probate code section 13100 or 13601.</p>	<p>The committee acknowledges that the statutory scheme leaves a putative successor's compliance with the attachment requirement in a collection or transfer under section 13101 or 13601 to the vigilance of the holder of the property claimed or the employer. In this respect, enforcement of that requirement is no different from enforcement of any of the other content requirements in those sections. Because the statutes do not call on the court to enforce these requirements, developing forms for that purpose is beyond the scope of the Judicial Council's purview.</p>

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