



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 22-166, Version: 1

Title

Rules and Forms | Small Estate Disposition (Action Required)

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.