



Judicial Council of California

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Subject Details (With Text)

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File #: 22-079 **Version:** 1
Type: Other Proposal **Status:** Passed
File created: 1/14/2022 **In control:** Judicial Council
On agenda: 3/11/2022 **Final action:** 3/11/2022
Title: Rules and Forms | Small Estate Disposition (Action Required)
Sponsors:
Indexes:
Code sections:
Attachments: 1. 20220311-22-079

| Date | Ver. | Action By | Action | Result |
|-----------|------|------------------|----------|--------|
| 3/11/2022 | 1 | Judicial Council | approved | Pass |

Title Rules and Forms | Small Estate Disposition (Action Required)

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.