



Judicial Council of California

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Subject Text

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Title

Rules and Forms | Decedents' Estates: Succession to Property of Small Value (Action Required)

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 retitle 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 retitle 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.