

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
MATTER OF (name): DECEDENT	CASE NUMBER:
PETITION TO DETERMINE SUCCESSION TO REAL PROPERTY ☐ and Personal Property (Estates of \$166,250 or Less)	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 and that no administration of decedent's estate is necessary.

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 elapsed since the date of 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 ☐ testate and a copy of the will and any codicil 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 (property held in joint tenancy or as a life estate or other interest terminable upon decedent's death, property passing to decedent's spouse, property in a trust revocable by decedent, etc.)—did not exceed \$166,250 as of the date of decedent's death. (Prepare and attach an *Inventory and Appraisal as Attachment 8* (use Judicial Council forms DE-160 and DE-161 for this purpose). 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.)

MATTER OF (name):

DECEDENT

CASE NUMBER:

10. ☐ Decedent is survived by (complete if decedent was 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, or issue. Check the **first** box that applies.):

- a. ☐ A parent or parents who are listed in item 14.
 b. ☐ A brother, sister, or issue of a deceased brother or sister, all of whom are listed in item 14.
 c. ☐ Other heirs under Probate Code section 6400 et seq., 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 real property and its Assessor's Parcel Number (APN) and ☐ a description of personal property in California passing to 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 decedent (as defined in Probate Code section 13006) and a successor to decedent's interest in the 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 specific property interest claimed by each petitioner in the 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 so 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 heirs of decedent; and (3) all devisees of decedent (persons designated in the will to receive any property) are listed in Attachment 14.

15. The names and addresses of all persons named as executors in decedent's will

☐ are listed below ☐ are listed in Attachment 15 ☐ No executor is named. ☐ There is no will.

16. ☐ Petitioner is the trustee of a trust that is a devisee under decedent's will. The names and addresses of all persons interested in the trust, as determined in cases of future interests under paragraphs (1), (2), or (3) of subdivision (a) of Probate Code section 15804, 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 ATTACHED

¹ See Probate Code section 13152(c) for the requirement 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.