

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
ESTATE OF (Name): _____	CASE NUMBER: _____
DECEDENT	HEARING DATE: _____
<input type="checkbox"/> <b>SPOUSAL</b> <input type="checkbox"/> <b>DOMESTIC PARTNER</b> <b>PROPERTY PETITION</b>	DEPT.: _____    TIME: _____

1. **Petitioner (name):** \_\_\_\_\_ **requests**
  - a.  determination of property passing to the surviving spouse or surviving registered domestic partner without administration (Fam. Code, § 297.5, Prob. Code, § 13500).
  - b.  confirmation of property belonging to the surviving spouse or surviving registered domestic partner (Fam. Code, § 297.5, Prob. Code, §§ 100, 101).
  - c.  immediate appointment of a probate referee.
  
2. Petitioner is
  - a.  surviving spouse of the decedent.
  - b.  personal representative of (name): \_\_\_\_\_, surviving spouse.
  - c.  guardian or conservator of the estate of (name): \_\_\_\_\_, surviving spouse.
  - d.  surviving registered domestic partner of the decedent.
  - e.  personal representative of (name): \_\_\_\_\_, surviving registered domestic partner.
  - f.  conservator of the estate of (name): \_\_\_\_\_, surviving registered domestic partner.
  
3. Decedent died on (date): \_\_\_\_\_
4. Decedent was
  - a.  a resident of the California county named above.
  - b.  a nonresident of California and left an estate in the county named above.
  - c.  intestate     testate and a copy of the will and any codicil is affixed as Attachment 4c.  
*(Attach copies of will and any codicil, a typewritten copy of any handwritten document, and an English translation of any foreign-language document.)*
  
5. a. *(Complete in all cases)* The decedent is survived by
  - (1)  no child.     child as follows:  natural or adopted     natural, adopted by a third party.
  - (2)  no issue of a predeceased child.     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.)*
6. *(Complete only if no issue survived the decedent. Check **only the first** box that applies.)*
  - a.  The decedent is survived by a parent or parents who are listed in item 9.
  - b.  The decedent is survived by a brother, sister, or issue of a deceased brother or sister, all of whom are listed in item 9.
7. Administration of all or part of the estate is not necessary for the reason that all or a part of the estate is property passing to the surviving spouse or surviving registered domestic partner. The facts upon which petitioner bases the allegation that the property described in Attachments 7a and 7b is property that should pass or be confirmed to the surviving spouse or surviving registered domestic partner are stated in Attachment 7.
  - a.  Attachment 7a<sup>1</sup> contains the legal description *(if real property add Assessor's Parcel Number)* of the deceased spouse's or registered domestic partner's property that petitioner requests to be determined as having passed to the surviving spouse or partner from the deceased spouse or partner. This includes any interest in a trade or business name of any unincorporated business or an interest in any unincorporated business that the deceased spouse or partner was operating or managing at the time of death, subject to any written agreement between the deceased spouse or partner and the surviving spouse or partner providing for a non pro rata division of the aggregate value of the community property assets or quasi-community assets, or both.

<sup>1</sup> See Prob. Code, § 13658 for required filing of a list of known creditors of a business and other information in certain instances. If required, include in Attachment 7a.

ESTATE OF (Name):	CASE NUMBER:
DECEDENT	

7. b.  Attachment 7b contains the legal description (if real property add Assessor's Parcel Number) of the community or quasi-community property petitioner requests to be determined as having belonged under Probate Code sections 100 and 101 and Family Code section 297.5 to the surviving spouse or surviving registered domestic partner upon the deceased spouse's or partner's death, subject to any written agreement between the deceased spouse or partner and the surviving spouse or partner providing for a non pro rata division of the aggregate value of the community property assets or quasi-community assets, or both.
8. There  exists  does not exist a written agreement between the deceased spouse or deceased registered domestic partner and the surviving spouse or surviving registered domestic partner providing for a non pro rata division of the aggregate value of the community property assets or quasi-community assets, or both. (If petitioner bases the description of the property of the deceased spouse or partner passing to the surviving spouse or partner or the property to be confirmed to the surviving spouse or partner, or both, on a written agreement, a copy of the agreement must be attached to this petition as Attachment 8.)
9. The names, relationships, ages, and residence or mailing addresses so far as known to or reasonably ascertainable by petitioner of (1) all persons named in decedent's will and codicils, whether living or deceased, and (2) all persons checked in items 5 and 6  are listed below  are listed in Attachment 9.

<u>Name and relationship</u>	<u>Age</u>	<u>Residence or mailing address</u>
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10. The names and addresses of all persons named as executors in the decedent's will and any codicil or appointed as personal representatives of the decedent's estate  are listed below  are listed in Attachment 10  none

11.  The 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 who are entitled to notice under Probate Code section 13655(a)(2) are listed in Attachment 11.

12. A petition for probate or for administration of the decedent's estate
- a.  is being filed with this petition.
- b.  was filed on (date):
- c.  has not been filed and is not being filed with this petition.

13. Number of pages attached: \_\_\_\_\_

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF ATTORNEY)
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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 PETITIONER)
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