

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:	
ESTATE OF (name):	CASE NUMBER:
DECEDENT	
PETITION TO DETERMINE SUCCESSION TO REAL PROPERTY <input type="checkbox"/> and Personal Property	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.

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 passed since the 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 (without a will) testate (with a will), and a copy of the will 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—at the time of decedent's death did not exceed **\$166,250** if the decedent died before April 1, 2022, or **\$184,500** if the decedent died on or after April 1, 2022. (Prepare and attach as Attachment 8 an inventory and appraisal of all California property in the estate. (Use Judicial Council forms DE-160 and DE-161.) 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.)

ESTATE OF <i>(name)</i> : _____	CASE NUMBER: _____
DECEDENT	

10. Decedent is survived by *(complete if decedent is 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, and no issue. Check only the first box that applies.)*
- a. a parent or parents who are listed in item 14.
 - b. a sibling, or issue of a deceased sibling, all of whom are listed in item 14.
 - c. other persons who might be entitled to inherit property if decedent did not have a will, 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 California real property and the Assessor's Parcel Number(s) and a description of the personal property in California passing to each 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 the decedent (as defined in Probate Code section 13006) and successor to the decedent's interest in one or more of the pieces of 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 interest claimed by each petitioner in each specific piece of 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, as 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 persons who may be entitled to inherit decedent's property in the absence of a will; and (3) all persons designated in the will to receive any property are listed in Attachment 14.
15. The names and addresses of all executors named in decedent's will are listed below. listed in Attachment 15.
- No executor is named. There is no will.
16. Petitioner is the trustee of a trust designated in decedent's will to receive property. The names and addresses of all persons interested in the trust, as determined in cases of future interests under Probate Code section 15804(a)(1), (2), or (3), 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 Probate Code section 13152(c) requires 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.

