

# COMPLETING YOUR ORDER FOR PROBATE, LETTERS AND DUTIES & LIABILITIES

*NOTE: These instructions provide the basic information you need to administer (manage) a general probate estate with real property. These instructions do not provide legal advice or take the place of consulting with a lawyer.*

After the Court grants your Petition for Probate at your hearing, you must complete an Order for Probate for the judge to sign. You must also complete Letters and Duties & Liabilities forms for your Letters to “issue” so that you may have the authority to take the necessary actions to administer the estate.

*The underlined documents can be found at [www.courts.ca.gov](http://www.courts.ca.gov) or as indicated.*

- 1) Complete an Order for Probate form – (Forms **DE-140 & Attachment MC-025**), make 2 copies, attach only 1 copy and the original to a self-addressed stamped envelope and drop off in room 429 (Keep the other copy for your own records);
  - a. Complete the **DE-140** according to the Court’s Minute Order from the date of your hearing.
  - b. Any additional language in the Minute Order regarding your next hearing and/or due date of forms must be contained on the Attachment **MC-025** form. You must include a date and signature line for the judge to sign on the last page of any pages attached to your Order.
    - i. Minute Orders can be obtained usually 2-3 days after your hearing from the self-serve computer terminals at the courthouse in Room 112 or 429 for a copying fee.
- 2) Complete a Letters (for Probate) form – (Form **DE-150**) and retain until you receive the Order for Probate in the mail from the Court.
  - a. If the Order has been entered the judge’s signature will be on the last attached page of the Order, then you will be able to submit your Letters to be issued by the court Clerk.
  - b. If the Order has not been entered the judge’s signature will not appear and you will receive a “Rejection Sheet” detailing what needs to be fixed on your Order. You must make the corrections as indicated on the rejection sheet and re-submit your Order (corrected original, 1 copy and the rejection sheet) as stated above in #1.
- 3) Complete the Duties and Liabilities & Confidential Supplement to Duties and Liabilities forms – (Forms **DE-147 & DE 147S**), make 2 copies and file in Room 429 with your Letters form.
  - a. The file Clerk will issue your Letters.
  - b. Your Letters are your official Court powers to administer the estate based on the authority and limitations described in the Orders for Probate.
  - c. Request Certified copies of your Letters in Room 112.
- 4) Once you obtain a certified copy of your Letters you will be able to perform the necessary actions to gather and assess all the assets of the estate.
  - a. You may present a certified copy of your Letters to banks, government agencies and other entities as proof that you are the person in charge of handling the business of the assets in Decedent’s name.



SHORT TITLE: In re Estate of _____	CASE NUMBER:
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ATTACHMENT (Number): DE-140

(This Attachment may be used with any Judicial Council form.)

ORDER FOR PROBATE

Accounting /  Petition for Final Distribution or Status Report to be filed by \_\_\_\_\_ (Date)

and set for hearing. An OSC re: Accounting and/or Status of Distribution is set for hearing on

\_\_\_\_\_ (Date). OSC date vacated if Accounting, Final Distribution or Status Report filed timely.

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, state bar number, and address</i> ):  TELEPHONE AND FAX NOS.:	<b>FOR COURT USE ONLY</b>
ATTORNEY FOR ( <i>Name</i> ): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
ESTATE OF ( <i>Name</i> ):  DECEDENT	
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <input type="checkbox"/> <b>TESTAMENTARY</b>  <input type="checkbox"/> <b>OF ADMINISTRATION WITH WILL ANNEXED</b> </div> <div style="text-align: center;"> <b>LETTERS</b>  <input type="checkbox"/> <b>OF ADMINISTRATION</b>  <input type="checkbox"/> <b>SPECIAL ADMINISTRATION</b> </div> </div>	CASE NUMBER:

**LETTERS**

**AFFIRMATION**

1.  The last will of the decedent named above having been proved, the court appoints (*name*):
  - a.  executor.
  - b.  administrator with will annexed.
2.  The court appoints (*name*):
  - a.  administrator of the decedent's estate.
  - b.  special administrator of decedent's estate
    - (1)  with the special powers specified in the *Order for Probate*.
    - (2)  with the powers of a general administrator.
    - (3)  letters will expire on (*date*):
3.  The personal representative is authorized to administer the estate under the Independent Administration of Estates Act  **with full authority**  **with limited authority** (no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
4.  The personal representative is not authorized to take possession of money or any other property without a specific court order.

1.  PUBLIC ADMINISTRATOR: No affirmation required (Prob. Code, § 7621(c)).
2.  INDIVIDUAL: I **solemnly affirm** that I will perform the duties of personal representative according to law.
3.  INSTITUTIONAL FIDUCIARY (*name*):

I **solemnly affirm** that the institution will perform the duties of personal representative according to law. I make this affirmation for myself as an individual and on behalf of the institution as an officer.  
 (*Name and title*):

4. Executed on (*date*):  
 at (*place*): \_\_\_\_\_, California.



(SIGNATURE)

**CERTIFICATION**

I certify that this document is a correct copy of the original on file in my office and the letters issued the personal representative appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date:  
 Clerk, by \_\_\_\_\_  
 (DEPUTY)

(SEAL)

Date:  
 Clerk, by \_\_\_\_\_  
 (DEPUTY)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>          CASE NUMBER: _____
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
ESTATE OF (Name): _____ DECEDENT	
<b>DUTIES AND LIABILITIES OF PERSONAL REPRESENTATIVE and Acknowledgment of Receipt</b>	

## DUTIES AND LIABILITIES OF PERSONAL REPRESENTATIVE

When the court appoints you as personal representative of an estate, you become an officer of the court and assume certain duties and obligations. An attorney is best qualified to advise you about these matters. You should understand the following:

### 1. MANAGING THE ESTATE'S ASSETS

**a. Prudent investments**

You must manage the estate assets with the care of a prudent person dealing with someone else's property. This means that you must be cautious and may not make any speculative investments.

**b. Keep estate assets separate**

You must keep the money and property in this estate separate from anyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is an estate account and not your personal account. Never deposit estate funds in your personal account or otherwise mix them with your or anyone else's property. Securities in the estate must also be held in a name that shows they are estate property and not your personal property.

**c. Interest-bearing accounts and other investments**

Except for checking accounts intended for ordinary administration expenses, estate accounts must earn interest. You may deposit estate funds in insured accounts in financial institutions, but you should consult with an attorney before making other kinds of investments.

**d. Other restrictions**

There are many other restrictions on your authority to deal with estate property. You should not spend any of the estate's money unless you have received permission from the court or have been advised to do so by an attorney. You may reimburse yourself for official court costs paid by you to the county clerk and for the premium on your bond. Without prior order of the court, you may not pay fees to yourself or to your attorney, if you have one. If you do not obtain the court's permission when it is required, you may be removed as personal representative or you may be required to reimburse the estate from your own personal funds, or both. You should consult with an attorney concerning the legal requirements affecting sales, leases, mortgages, and investments of estate property.

### 2. INVENTORY OF ESTATE PROPERTY

**a. Locate the estate's property**

You must attempt to locate and take possession of all the decedent's property to be administered in the estate.

**b. Determine the value of the property**

You must arrange to have a court-appointed referee determine the value of the property unless the appointment is waived by the court. You, rather than the referee, must determine the value of certain "cash items." An attorney can advise you about how to do this.

**c. File an inventory and appraisal**

Within four months after Letters are first issued to you as personal representative, you must file with the court an inventory and appraisal of all the assets in the estate.

ESTATE OF (Name): _____	CASE NUMBER: _____
DECEDENT	

**d. File a change of ownership**

At the time you file the inventory and appraisal, you must also file a change of ownership statement with the county recorder or assessor in each county where the decedent owned real property at the time of death, as provided in section 480 of the California Revenue and Taxation Code.

**3. NOTICE TO CREDITORS**

You must mail a notice of administration to each known creditor of the decedent within four months after your appointment as personal representative. If the decedent received Medi-Cal assistance, you must notify the State Director of Health Services within 90 days after appointment.

**4. INSURANCE**

You should determine that there is appropriate and adequate insurance covering the assets and risks of the estate. Maintain the insurance in force during the entire period of the administration.

**5. RECORD KEEPING**

**a. Keep accounts**

You must keep complete and accurate records of each financial transaction affecting the estate. You will have to prepare an account of all money and property you have received, what you have spent, and the date of each transaction. You must describe in detail what you have left after the payment of expenses.

**b. Court review**

Your account will be reviewed by the court. Save your receipts because the court may ask to review them. If you do not file your accounts as required, the court will order you to do so. You may be removed as personal representative if you fail to comply.

**6. CONSULTING AN ATTORNEY**

If you have an attorney, you should cooperate with the attorney at all times. You and your attorney are responsible for completing the estate administration as promptly as possible. **When in doubt, contact your attorney.**

**NOTICE:** 1. This statement of duties and liabilities is a summary and is not a complete statement of the law. Your conduct as a personal representative is governed by the law itself and not by this summary.  
 2. If you fail to perform your duties or to meet the deadlines, the court may reduce your compensation, remove you from office, and impose other sanctions.

**ACKNOWLEDGMENT OF RECEIPT**

1. I have petitioned the court to be appointed as a personal representative.
2. My address and telephone number are (specify):  
>
3. I acknowledge that I have received a copy of this statement of the duties and liabilities of the office of personal representative.

Date: >

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
 (SIGNATURE OF PETITIONER)

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
 (SIGNATURE OF PETITIONER)

**CONFIDENTIAL INFORMATION:** If required to do so by local court rule, you must provide your date of birth and driver's license number on supplemental Form DE-147S. (Prob. Code, § 8404(b).)

ESTATE OF (Name):	CASE NUMBER:
DECEDENT	

**CONFIDENTIAL STATEMENT OF BIRTH DATE  
AND DRIVER'S LICENSE NUMBER**

**(Supplement to *Duties and Liabilities of Personal Representative* (Form DE-147))**

*(NOTE: This supplement is to be used if the court by local rule requires the personal representative to provide a birth date and driver's license number. Do **not** attach this supplement to Form DE-147.)*

This separate *Confidential Statement of Birth Date and Driver's License Number* contains confidential information relating to the personal representative in the case referenced above. This supplement shall be kept separate from the *Duties and Liabilities of Personal Representative* filed in this case and shall not be a public record.

INFORMATION ON THE PERSONAL REPRESENTATIVE:

- 1. Name: >
- 2. Date of birth: >
- 3. Driver's license number: > State: >

**TO COURT CLERK:**  
THIS STATEMENT IS **CONFIDENTIAL**. DO NOT FILE  
THIS CONFIDENTIAL STATEMENT IN A PUBLIC COURT FILE.