

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.: STATE: ZIP CODE: FAX NO.:	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):	DECEDENT	CASE NUMBER:
<b>PETITION TO DETERMINE SUCCESSION TO PRIMARY RESIDENCE</b>		HEARING DATE AND TIME: DEPT.:

## 1. Petitioner (name of each person claiming an interest):

requests a determination that the real property described in item 11 was the decedent's primary residence in California and 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 attached 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, at the time of decedent's death, of decedent's interest in the real property described in item 11, as shown by the attached appraisal, did not exceed (check one):

- a.  \$166,250 (decedent died before April 1, 2022).
- b.  \$184,500 (decedent died on or after April 1, 2022, and before April 1, 2025. Form DE-300 is attached as required by law).
- c.  \$750,000 (decedent died on or after April 1, 2025, and before April 1, 2028. Form DE-300 is attached as required by law). (Prepare and attach as Attachment 8 an appraisal of the property described in item 11. (Use Judicial Council forms DE-160 and DE-161.) A probate referee appointed for the county named above must perform the appraisal. (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  not survived by a stepchild or foster child or children who would have been adopted by decedent if a legal barrier had not prevented adoption. (See Prob. Code, § 6454.)

ESTATE OF (name):

CASE NUMBER:

DECEDENT

10.  Decedent is survived by (complete if decedent is survived by (1) a spouse or registered domestic partner described in Probate Code section 37 but no issue (only a or b apply); or (2) no spouse or registered domestic partner described in Probate Code section 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** and the Assessor's Parcel Number of the real property claimed in this petition; (2) a statement of decedent's interest in the property, including facts that show that the property was decedent's primary residence in California; and (3) if any petitioner's claim to the property is based on succession under Probate Code sections 6401 and 6402, facts that show whether the property was 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 the real property described in item 11 because each petitioner is
- a.  (**will**) a beneficiary who succeeded to that property under decedent's will, and a copy of the will is attached as Attachment 5 or 12a.
  - b.  (**no will**) a person who succeeded to that property under Probate Code sections 6401 and 6402.
13. The interest of each petitioner in the property described in item 11  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)\*

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)\*

(TYPE OR PRINT NAME OF PETITIONER)

(SIGNATURE OF PETITIONER)\*

 SIGNATURE(S) OF ADDITIONAL PETITIONERS ATTACHED

\* Each petitioner (i.e., each person named in item 1) must sign this form. (Prob. Code, § 1020.) If more than 2 petitioners, check the box above and use an attachment.