

# PROBATE

## Transferring Property When Someone Dies



Superior Court of California  
County of Riverside

Self-Help Center

### **DO I HAVE TO GO TO COURT TO INHERIT PROPERTY FROM SOMEONE WHO DIES?**

Not always. If you have the legal right to inherit personal property, like money in a bank account or stocks, and the estate is worth \$150,000 or less, you may not have to go to court.

There is a simplified process you can use to transfer the property to your name. This process is not for real property, like a house.

### **HOW DO I KNOW IF THE ESTATE IS WORTH \$150,000 OR LESS?**

To calculate the value of the estate:

*Include:*

- All real and personal property
- All life insurance or retirement benefits that will be paid to the estate

*Do not include:*

- Cars
- Real property outside of California
- Mobile homes
- Property held in trust, including a living trust
- Real or personal property that the person who died owned with someone else (joint tenancy)
- Property (community, quasi-community or separate) that passed directly to the surviving spouse
- Life insurance, death benefits, or other assets not subject to probate that pass directly to the beneficiaries
- Unpaid salary or other compensation up to \$5000.00 owed to the person who died.
- The debts or mortgages of the person who died

For a complete list, see Probate Code §13050.

### **CAN I SUBTRACT THE DEAD PERSON'S DEBTS TO CALCULATE THE VALUE OF THE ESTATE?**

No. You are not allowed to subtract the debts of the person who died.

### **CAN ANYONE USE THIS SIMPLIFIED PROCESS?**

You must be a beneficiary in the will or an heir if the person died without a will. Other people may qualify too, like the guardian or the conservator of the estate.

### **HOW LONG DO I HAVE TO WAIT TO TRANSFER THE PROPERTY?**

You must wait at least 40 days after the person's date of death.

### **HOW DO I TRANSFER THE PERSONAL PROPERTY TO MY NAME?**

You must complete an [\*Affidavit for Collection of Personal Property\*](#), *Local Form F-02*. The form must be notarized. The form is not filed with the court. You must attach a certified copy of the decedent's death certificate and proof of your identity.

### **HOW DO I TRANSFER MY SPOUSE'S PROPERTY TO ME?**

You can file a [\*Spousal or Domestic Partner Property Petition\*](#), Form DE-221. An inventory and appraisal is not required. You must also complete a [\*Notice of Hearing\*](#), Form DE-120. (See Probate Code § 13650)

## **WHAT IF THERE IS REAL PROPERTY BUT THE TOTAL VALUE IS LESS THAN \$150,000?**

You can file a [\*\*Petition to Determine Succession to Real Property and Personal Property\*\*](#), Form DE-310. An [\*\*Inventory and Appraisal\*\*](#) of all real property in California owned by the decedent must be included, Form DE-160. You must also include a [\*\*Notice of Hearing\*\*](#), Form DE-120.

You will receive a location, date, and time for a hearing to have the matter heard. The court will determine who will receive the decedent's property.

## **WHAT IF THE ESTATE IS OVER \$150,000?**

You must file a Petition for Probate. The initial forms to begin the process are as follows:

- [\*\*Petition for Probate\*\*](#), Form DE-111
- [\*\*Duties and Liabilities of Personal Representative\*\*](#), Form DE-147
- [\*\*Confidential Supplement to Duties and Liabilities of Personal Representative\*\*](#), Form DE-147(s)
- [\*\*Notice of Petition to Administer Estate\*\*](#), Form De-121
- [\*\*Order for Probate\*\*](#), Form DE-140
- [\*\*Letters\*\*](#), Form DE-150

## **ADDITIONAL ASSISTANCE:**

For more information - [\*\*click here\*\*](#)

You can also contact Inland Counties Legal Services at: (951) 368-2555

## **PROBATE CALENDAR NOTES**

- To View Probate Calendar Notes [\*\*click here\*\*](#).
- **How to contact a probate examiner regarding probate notes**

After reviewing the probate notes on the website, you may contact the probate examiner by calling the clerk's office at 951.777.3147 and request to speak with an examiner. You can also [\*\*email a Probate Examiner\*\*](#). (E-mail is checked daily and you should receive a response within 24 hours.)

However, keep in mind the examiner may only speak with you regarding procedure. Examiners may not give legal advice or advise you how to handle your matter.