

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE**

**PROPOSED LOCAL RULE/FORM CHANGES
TITLE 7 – PROBATE
EFFECTIVE JANUARY 1, 2024**

[RULE 7104

ELDER OR DEPENDENT ADULT ABUSE RESTRAINING ORDERS

Requests for temporary restraining orders shall be issued or denied on the same day they are received if submitted to the court by 2:00 p.m. Requests for temporary restraining orders received after 2:00 p.m. may be issued the same day if the court has time for effective review. If the request is filed too late in the date to permit effective review, the order shall be granted or denied on the next day of judicial business.

Reference:

Welfare and Institutions Code 15657.03(e)]

RULE 7132

FRAUD PREVENTION

A. Notice Mailed to Real Property Addresses

In addition to the notice required under the Probate Code, a petitioner under Probate Code 8000 et seq. (Petition for Probate, form DE-111), Probate Code 13150 et seq. (Petition to Determine Succession to Real Property, form DE-310), or Probate Code 13650 et seq. (Spousal or Domestic Partner Property Petition, form DE-221) shall also mail notice in the same manner as is required for the petition to the address of any real property where the petitioner knows or has reason to know that title to all or part of the property is held in the name of the decedent. If mail is not received at the address of the real property (e.g. vacant land), the notice shall be mailed to the mailing address indicated in the county assessor's records for the property.

B. Vesting Deed Attached to Petition

Any petitioner under Probate Code 13150 et seq. (Petition to Determine Succession to Real Property, form DE-310), or Probate Code 13650 et seq. (Spousal or Domestic Partner Property Petition, form DE-221) requesting an order concerning title to real property held in whole or in part by the decedent shall attach to the petition a copy of all deeds by which the decedent acquired title.

C. Diligent Search for Intestate Heirs

Additions are shown by bold and bracket **[example]**. Deletions are shown by ~~example~~.

A petitioner filing a petition under Probate Code 8000 et seq. (Petition for Probate, form DE-111), Probate Code 13150 et seq. (Petition to Determine Succession to Real Property, form DE-310), or Probate Code 13650 et seq. (Spousal or Domestic Partner Property Petition, form DE-221) shall attach to the petition ~~as part of attachment 8~~ a printout of the results of an internet search on each of the following websites using the name, city of residence, and date of birth or death of the decedent, as applicable: **[legacy.com and also on either findagrave.com or dignitymemorial.com. If the website does not produce a result related to the decedent, the listing of results shall be attached. The search on each website shall be conducted as follows:]**

- ~~1. legacy.com/search, after selecting "View Obituary" and "Read more" for the entry related to the decedent.~~
- ~~2. tributes.com/obituaries, after selecting the entry related to the decedent.~~

~~If either of the above websites does not produce a result related to the decedent, the listing of results shall be printed.~~

[legacy.com/search

Enter the first and last name of the decedent, State of residence, and the date range of "All." Click the "Search" button. For the entry related to the decedent, select "View Obituary" and "Read more". If the obituary refers to a website, search for an obituary on that website.

findagrave.com

Enter the first and last name of decedent, year born, year died, and State of cemetery location. Select the entry related to the decedent.

Dignitymemorial.com/obituaries

Enter the first and last name of the decedent, click "search," and select the appropriate decade under "date of birth," and the "State or Province" of decedent's residence. Select the entry related to the decedent.

D. Bond

If a petition under Probate Code 8000 et seq. (Petition for Probate, form DE-111) alleges that the decedent died without a spouse, issue, parents, or issue of parents surviving them, before the court will find that a bond is not required pursuant to Probate Code 8481(a) the court must first make both of the following findings:

- 1. The petition demonstrates that the estate has the ability to pay for the expenses of a guardian ad litem appointed by the court for unidentified heirs of the decedent to locate the unidentified heirs.**
- 2. The court has appointed a guardian ad litem for the unidentified heirs of the decedent, and the guardian ad litem has completed a diligent search for the**

Additions are shown by bold and bracket **[example]**. Deletions are shown by strikethrough (example).

heirs of the decedent and has filed the result of this investigation and served it on the petitioner and all known heirs of the decedent.]

RULE 7162

DOCUMENTS FILED IN SUPPORT OF ACCOUNTINGS

- A. Along with each court accounting [**or request to waive or dispense with an accounting**], the [**filing**] party filing the accounting shall [**also**] file the following supporting documents in the manner provided in Probate Code 2620 and Local Rule 7112:
1. Original closing escrow statement received showing the charges and credits for any sale of real property of the estate.
 2. All account statements as defined in Probate Code 2620(c)(1) showing the account balance as of the closing date of the accounting period of the court accounting. If the accounting is the first court accounting filed by the party and the party has not filed a Final Inventory and Appraisal with the supporting documents required by Local Rule 7129, the party shall also provide to the court all account statements showing the account balance immediately preceding the start date of the accounting. [**This subsection shall not apply to requests to waive or dispense with an accounting.**]

Additions are shown by bold and bracket [**example**]. Deletions are shown by ~~example~~.