SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

☐ **INDIO** 46-200 Oasis St., Indio, CA 92201   ☐ **TEMECULA** 41002 County Center Dr., #100, Temecula, CA 92591
☐ **RIVERSIDE** 4050 Main St., Riverside, CA 92501

RI-PR081

ATTORNEY OR PARTY WITHOUT ATTORNEY (*Name, State Bar Number and Address*)	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. *(Optional):* E-MAIL ADDRESS *(Optional):* ATTORNEY FOR *(Name)*:	
IN THE MATTER OF:	CASE NUMBER:
Hearing Date: Time: Department:	

PETITION TO SET ASIDE PROBATE HOMESTEAD
Probate Code §§6520 – 6528

1. Petitioner (name): _____ is (check all that apply):
   a. ☐ surviving spouse of the decedent
   b. ☐ registered domestic partner of the decedent
   c. ☐ minor child of the decedent
   d. ☐ interested party (relationship to the decedent): _____
   e. ☐ personal representative

2. Petitioner requests an order that the Court set aside the following probate homestead (provide legal description):

   _____
   _____
   _____

3. Petitioner requests the probate homestead as described in item 2 above be set aside for the following length of time: _____

4. Petitioner alleges the property described above in item 2 should be set aside for the following reasons:

   _____
   _____
   _____

5. a. ☐ Decedent died leaving minor children and the minor children are to be included in this order.
   or
   b. ☐ Decedent died without leaving minor children and order only includes petitioner.

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6.   Decedent died on (date): _____

7.   Letters were issued on (date): _____

8.   Inventory and Appraisal was filed on: _____ and the subject probate homestead has an inventory value of $ _____ .

9.   The character of the property subject to the probate homestead is decedent's: ☐ separate property;   ☐ community property; or   ☐ quasi-community property

10.   The approximate annual income of petitioner is: $ _____ .

11.   a.   ☐ The following third person(s) has a right to possession of the subject property and consents to this petition: _____ (consent must be attached to this form).

      or

      b.   ☐ No other person has a right to possession of the real property.

12.   The estate is expected to be: ☐ solvent   ☐ insolvent

13.   The following creditors have filed claims:

File Date	Payee	Description	Amount

14.   The subject property includes the following secured liens and encumbrances:

Lien/Encumbrance	Description	Amount

15.   Request for Special Notice:
      ☐ has been filed by: _____

      or

      ☐ has not been filed

16. The decedent's heirs/beneficiaries entitled to notice include the following (name, relationship, age (adult or minor as of date of death)):

_____

_____

_____

_____

_____

_____

_____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

_____   _____
(PRINT NAME)   (SIGNATURE)