

Affidavit re Real Property of Small Value

Forms Needed: (* Mandatory Forms) Please note: These forms are attachment in this packet.

- [Certificate of Assignment \(RI-PR071\) *](#)
- [Affidavit re Real Property of Small Value \(DE-305\) *](#)
- [Attachment to Judicial Council Form \(MC-025\)](#) (one form needed for each required attachment in the Petition)
- [Inventory and Appraisal \(DE-160\) *](#)
- [Inventory and Appraisal Attachment \(DE-161\) *](#)
- [Declaration in Support of Affidavit re Real Property of Small Value \(RI-PR076\) *](#)

Affidavit re Real Property of Small Value

An Affidavit re Real Property of Small Value is to transfer only real property of the decedent to the legal heirs. The Petition can only be used if all of the decedent's real property is valued less than \$55,425.

Requirement:

- ONLY for Real Property
- Maximum value of property cannot exceed \$55,425

Please Note: You must wait 6 months after Decedent's date of death to file with the court.

If the Decedent left a will, you will need to file the original and codicils with the court by using the: [Receipt of will \(RI-PR043\)](#)⁽¹⁾ within 30 days of Decedent's passing.

1	Complete all Forms	Complete and sign all the documents. (Each person claiming an interest must sign the Affidavit and have their signature notarized.) Attach – Include supporting exhibits to the Petition. <ul style="list-style-type: none">✓ Certified copy of Death Certificate✓ Copy of Grant Deed✓ Copy of Will, if one was made (If the will is handwritten, a copy of the original and another typed version must be attached.)✓ Inventory and Appraisal (completed by Probate Referee⁽¹⁾) <i>Please note: Notarization of signature(s) is required.</i>
2	File with the Court	<u>Drop box, In-person or Mail:</u> Use the court address listed on the forms. Include the following: <ul style="list-style-type: none"><input type="checkbox"/> The original and a copy<input type="checkbox"/> An envelope addressed to yourself with sufficient postage affixed. <i>The filing fee or fee waiver⁽²⁾ will be required at the time of submission. The court will file the documents and send the copies back to you in the matter you filed.</i>
3	Obtain Certified Copy	Get a certified copy of the Affidavit and take it to the Riverside County Recorder's Office. (https://www.asrclrec.com/home)

Please Note: No hearing will be set for this type of Affidavit; the Clerk will return one certified copy of the Affidavit once filed.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

PALM SPRINGS 3255 E. Tahquitz Canyon Wy., Palm Springs CA 92262

RIVERSIDE 4050 Main St., Riverside, CA 92501

RI-PR071

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

The undersigned declares that the above-entitled matter is filed for proceedings in the following region of the Superior Court under California rules of the Court, rule 7001: Western Mid County Desert

Nature of Action

Ground

- | | |
|---|---|
| <input type="checkbox"/> 1. Decedent's Estate Administration (DE-111)
(Probate Code § 7000-12591) | Either the decedent was (1) a resident of this region at time of death or (2) was not a resident of this state at time of death, died in this County, and left property in this region, or (3) was not a resident of this state at time of death, did not die in a County of this State where he/she left property, but left property in this region. Probate Code § 7051-7052. |
| <input type="checkbox"/> 2. Petition to Determine Succession to Real Property (DE-310)
(Probate Code § 13150-13158) | Either the resident was (1) a resident of this region at time of death or (2) was not a resident of this state at time of death, died in this County, and left property in this region, or (3) was not a resident of this state at time of death, did not die in a County of this State where he/she left property, but left property in this region. Probate Code § 7051-7052. |
| <input type="checkbox"/> 3. Spousal or Domestic Partner Property Petition (DE-221)
(Probate Code § 13650-13660) | Either the resident was (1) a resident of this region at time of death or (2) was not a resident of this state at time of death, died in this County, and left property in this region, or (3) was not a resident of this state at time of death, did not die in a County of this State where he/she left property, but left property in this region. Probate Code § 7051-7052. |

IN THE MATTER OF:	CASE NUMBER:
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- | <u>Nature of Action</u> | <u>Ground</u> |
|--|--|
| <input type="checkbox"/> 4. Conservatorship (GC-310)
(Probate Court § 1400-2955) | Either the proposed conservatee (1) resides in the region, (2) is not a resident of this state and is temporarily living in the region, (3) is not a resident of this state and has property in the region, or (4) establishment of the proceeding in the region is in the best interests of the proposed conservatee. Probate Code § 2201-2202. |
| <input type="checkbox"/> 5. Guardianship (GC-210(P) or GC-210) (Probate Code § 1400-2955) | Either the proposed minor (1) resides in the region, (2) is not a resident of this state and is temporarily living in the region, (3) is not a resident of this state and has property in the region, or (4) establishment of the proceeding in the region is in the best interests of the proposed minor. Probate Code § 2201-2202. |
| <input type="checkbox"/> 6. Affidavit re: Real Property of Small Value (DE-305)
(Probate Code § 13200-13210) | Either (1) the decedent was a resident of this region at the time of death, or (2) the decedent was not a resident of this state at time of death but real property of the decedent is located in this region. Probate Code § 13200. |
| <input type="checkbox"/> 7. Compromise by Parent of Minor's Disputed Claim (MC-350) (Probate Code § 3500) | Either (1) the minor presently resides in this region, or (2) suit on the claim or matter properly could be brought in this region. Probate Code § 3500. |
| <input type="checkbox"/> 8. Other: | |

THIS FILING WOULD NORMALLY FALL WITHIN JURISDICTION OF SUPERIOR COURT.

The address of the petitioner, decedent, conservatee, ward, place of incident or other factors that qualify this case for filing in the above-designated district is:

(NAME-INDICATE TITLE OR OTHER QUALIFYING FACTOR)	(ADDRESS)	
(CITY)	(STATE)	(ZIP CODE)

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

Date: _____

(TYPE OR PRINT NAME OF <input type="checkbox"/> ATTORNEY <input type="checkbox"/> PARTY)	(SIGNATURE)
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ATTORNEY OR PARTY WITHOUT ATTORNEY (*name, address, and State Bar number*):
 After recording return to:

TEL NO.: FAX NO.:

EMAIL ADDRESS:

ATTORNEY FOR (*name*):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

FOR RECORDER'S USE ONLY

MATTER OF (*name*):

DECEDENT

CASE NUMBER:

**AFFIDAVIT RE REAL PROPERTY OF SMALL VALUE
 (\$55,425 or Less)**

FOR COURT USE ONLY

1. Decedent (*name*):
 died on (*date*):
2. Decedent died at (*city, state*):
3. At least **six months** have elapsed since the date of death of decedent as shown in the certified copy of decedent's death certificate attached to this affidavit. (*Attach a certified copy of decedent's death certificate.*)
4. a. Decedent was domiciled in this county at the time of death.
 b. Decedent was **not** domiciled in California at the time of death. Decedent died owning real property in this county.
5. a. The **legal description** and the Assessor's Parcel Number (APN) of decedent's real property claimed by the declarant(s) are provided on an attached page labeled Attachment 5a, "Legal Description." (*Copy legal description **exactly** from deed or other legal instrument.*)
 b. Decedent's interest in this real property is as follows (*specify*):
6. Each declarant is a successor of decedent (as defined in Probate Code section 13006) and a successor to decedent's interest in the real property described in item 5a, or signs this declaration on behalf of an entity that is a successor of decedent and to decedent's interest in the real property, and no other person or entity has a superior right, because each declarant or entity is:
 - a. (*will*) a beneficiary that succeeded to the property under decedent's will. (*Attach a copy of the will.*)
 - b. (*no will*) a person who succeeded to the property under Probate Code sections 6401 and 6402.
7. Names and addresses of each guardian or conservator of decedent's estate at date of death: none are as follows:*

<u>Names</u>	<u>Addresses</u>
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(*You must mail [or serve, per Prob. Code, § 1216] a copy of this affidavit and all attachments to each guardian or conservator listed above. You may use Judicial Council form POS-030 for a proof of mailing or form POS-020 for a proof of personal service.)

8. The **gross value** of decedent's interest in all real property located in California as shown by the attached *Inventory and Appraisal*—excluding the real property described in Probate Code section 13050 (property held in joint tenancy or as a life estate or other interest terminable upon decedent's death, property passing to decedent's spouse, property in a trust revocable by the decedent, etc.)—did not exceed \$55,425 as of the date of decedent's death.

MATTER OF (Name):	CASE NUMBER:
DECEDENT	

- 9. An *Inventory and Appraisal* of all of decedent's interests in **real property** in California is attached. The appraisal was made by a probate referee appointed for the county in which the property is located. *(You must prepare the Inventory on Judicial Council forms DE-160 and DE-161. You may select any probate referee appointed for the county for the appraisal. The California State Controller's Office has a list of all probate referees, shown by county on its website, and each court has a list of probate referees appointed for its county. Check with the probate referee you select or consult an attorney for help in preparing the Inventory.)*
- 10. No proceeding is now being or has been conducted in California for administration of decedent's estate.
- 11. Funeral expenses, expenses of last illness, and all known unsecured debts of the decedent have been paid. *(NOTE: You may be personally liable for decedent's unsecured debts up to the fair market value of the real property and any income you receive from it.)*

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)*

▶

(SIGNATURE OF DECLARANT)

Date: _____

(TYPE OR PRINT NAME)*

▶

(SIGNATURE OF DECLARANT)

SIGNATURE OF ADDITIONAL DECLARANTS ATTACHED

*** A declarant claiming on behalf of a trust or other entity should also state the name of the entity that is a beneficiary under the decedent's will, and declarant's capacity to sign on behalf of the entity (e.g., trustee, Chief Executive Officer, etc.).**

NOTARY ACKNOWLEDGMENT *(NOTE: No notary acknowledgment may be affixed as a rider (small strip) to this page. If additional notary acknowledgments are required, they must be attached as 8-1/2-by-11-inch pages.)*

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA, COUNTY OF *(specify)*: _____

On *(date)*: _____, before me *(name and title)*: _____

personally appeared *(name(s))*: _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the instrument in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(SIGNATURE OF NOTARY PUBLIC)

(NOTARY SEAL)

(SEAL)

CLERK'S CERTIFICATE

I certify that the foregoing, including any attached notary acknowledgments and any attached legal description of the property (but excluding other attachments), is a true and correct copy of the original affidavit on file in my office. *(Certified copies of this affidavit do not include the (1) death certificate, (2) will, or (3) inventory and appraisal. See Probate Code section 13202.)*

Date: _____ Clerk, by _____, Deputy

SHORT TITLE: <hr/>	CASE NUMBER:
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ATTACHMENT (Number): _____

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

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

Page _____ of _____

(Add pages as required)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____</p> <p>E-MAIL ADDRESS (<i>Optional</i>): _____</p> <p>ATTORNEY FOR (<i>Name</i>): _____</p>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE	
ESTATE OF (<i>Name</i>): <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR	
<p style="text-align: center;">INVENTORY AND APPRAISAL</p> <input type="checkbox"/> Partial No.: <input type="checkbox"/> Corrected <input type="checkbox"/> Final <input type="checkbox"/> Reappraisal for Sale <input type="checkbox"/> Supplemental <input type="checkbox"/> Property Tax Certificate	CASE NUMBER: Date of Death of Decedent or of Appointment of Guardian or Conservator:

APPRAISALS

1. Total appraisal by representative, guardian, or conservator (Attachment 1): \$
2. Total appraisal by referee (Attachment 2): \$
- TOTAL: \$**

DECLARATION OF REPRESENTATIVE, GUARDIAN, CONSERVATOR, OR SMALL ESTATE CLAIMANT

3. Attachments 1 and 2 together with all prior inventories filed contain a true statement of
 all a portion of the estate that has come to my knowledge or possession, including particularly all money and all just claims the estate has against me. I have truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 1.
4. No probate referee is required by order of the court dated (*specify*):
5. **Property tax certificate.** I certify that the requirements of Revenue and Taxation Code section 480
 a. are not applicable because the decedent owned no real property in California at the time of death.
 b. have been satisfied by the filing of a change of ownership statement with the county recorder or assessor of each county in California in which the decedent owned property at the time of death.

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; INCLUDE TITLE IF CORPORATE OFFICER)		_____ (SIGNATURE)
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STATEMENT ABOUT THE BOND

(Complete in all cases. Must be signed by attorney for fiduciary, or by fiduciary without an attorney.)

6. Bond is waived, or the sole fiduciary is a corporate fiduciary or an exempt government agency.
7. Bond filed in the amount of: \$ _____ Sufficient Insufficient
8. Receipts for: \$ _____ have been filed with the court for deposits in a blocked account at (*specify institution and location*):

Date:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)
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ESTATE OF (Name): <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR	CASE NUMBER:
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DECLARATION OF PROBATE REFEREE

9. I have truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 2.
 10. A true account of my commission and expenses actually and necessarily incurred pursuant to my appointment is:


Statutory commission: \$

Expenses (*specify*): \$

TOTAL: \$

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)		(SIGNATURE OF REFEREE)

INSTRUCTIONS

(See Probate Code sections 2610-2616, 8801, 8804, 8852, 8905, 8960, 8961, and 8963 for additional instructions.)

- See Probate Code section 8850 for items to be included in the inventory.
- If the minor or conservatee is or has been during the guardianship or conservatorship confined in a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services, mail a copy to the director of the appropriate department in Sacramento. (Prob. Code, § 2611.)
- The representative, guardian, conservator, or small estate claimant shall list on Attachment 1 and appraise as of the date of death of the decedent or the date of appointment of the guardian or conservator, at fair market value, moneys, currency, cash items, bank accounts and amounts on deposit with each financial institution (as defined in Probate Code section 40), and the proceeds of life and accident insurance policies and retirement plans payable upon death in lump sum amounts to the estate, except items whose fair market value is, in the opinion of the representative, an amount different from the ostensible value or specified amount.
- The representative, guardian, conservator, or small estate claimant shall list in Attachment 2 all other assets of the estate which shall be appraised by the referee.
- If joint tenancy and other assets are listed for appraisal purposes only and not as part of the probate estate, they must be separately listed on additional attachments and their value excluded from the total valuation of Attachments 1 and 2.
- Each attachment should conform to the format approved by the Judicial Council. (*See Inventory and Appraisal Attachment* (form DE-161/GC-041) and Cal. Rules of Court, rules 2.100—2.119.)

ESTATE OF <i>(name)</i> :	CASE NUMBER:
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**INVENTORY AND APPRAISAL
ATTACHMENT NO.:**

(In decedents' estates, attachments must conform to Probate Code section 8850(c) regarding community and separate property.)

Page: of: total pages.
(Add pages as required.)

<u>Item No.</u>	<u>Description</u>	<u>Appraised value</u>
1.		\$ _____

