

Spousal or Domestic Partner Property Petition

Forms Needed: (* Mandatory Forms)

- [Certificate of Assignment \(RI-PR071\) *](#)
- [Spousal or Domestic Partner Property Petition \(DE-221\) *](#)
- [Riverside County Attachment to Spousal or Domestic Partner Petition \(RI-PR100\) *](#)
- [Attachment to Judicial Council Form \(MC-025\)](#) (one form needed for each required attachment in the Petition)
- [Spousal or Domestic Partner Property Order \(DE-226\) *](#)
- [Notice of Hearing—Decedent's Estate or Trust \(DE-120\) *](#)

Petition to Determine Succession to Real Property

This petition is to transfer or confirm real and personal property of the deceased to a surviving spouse or domestic partner. Any of the following can file a Spousal Petition:

- The surviving spouse,
- The personal representative of a surviving spouse's estate (if the surviving spouse is also now deceased), **or**
- The conservator of the surviving spouse's estate.

Requirements:

- MAY include Real and Personal Property
- No minimum or maximum value of property

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	<p>Complete and sign all the documents</p> <p>Attach – Include supporting exhibits to the Petition.</p> <ul style="list-style-type: none"> ✓ Certified copy of Death Certificate ✓ Copy of Grant Deed ✓ Copy of Will, if one was made (If will is hand written, a copy of the original and another typed version must be attached.) ✓ Internet results from legacy.com/search and tributes.com/obituaries.
2	File with the Court	<p><u>Drop Box, Mail or In Person:</u> Use the court address listed on your forms. Include the following:</p> <ul style="list-style-type: none"> o The original and a copy o An envelope addressed to yourself with sufficient postage affixed. (Required for Drop Box and Mail options.) <p>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.</p>
3	Serve	<p>Make extra copies of the Spousal or Domestic Partner Property Petition (DE-221) and Notice of Hearing (DE-120) [one for each person listed in items 9 and 10 of the Petition]. Have someone other than the people listed in the paperwork and who is 18 years or older mail a copy of the Spousal or Domestic Partner Property Petition (DE-221) and Notice of Hearing (DE-120) and fill out page 2 of the Notice of Hearing. All the following people need to be served by mail:</p> <ul style="list-style-type: none"> o All people listed in items 9 and 10 of the Petition o Address of Real Property
4	File the Notice of Hearing	<p>File the Notice of Hearing (DE-120). See Step 2 for filing instructions, no fee will be required.</p>

DISCLAIMER: Our Self-Help Center staff is not your private attorney and does not represent any party. There is NO attorney-client relationship and staff are unable to provide legal advice based on your individual facts. The Self-Help Center staff may provide information and services to the other party in the case. Further, communications between you and Self-Help Center staff is NOT Confidential. You should consult with your own attorney if you want personalized advice or strategy, to have a confidential conversation, or to be represented by an attorney in court. ⁽¹⁾<https://riverside.courts.ca.gov/FormsFiling/LocalForms/ri-pr043.pdf> ⁽²⁾https://riverside.courts.ca.gov/SelfHelp/FamiliesChildren/FIPackets/feewaiver_packet.pdf

5	Check the Probate Notes	<p>For information about probate notes, please go to https://riverside.courts.ca.gov/Divisions/Probate/whatareprobatenotes.pdf</p> <p>Probate notes are generally not available until the Probate Examiners have reviewed the case. Cases are reviewed approximately one month prior to the scheduled hearing. Once available, the deficiencies need to be corrected prior to the hearing. It is your responsibility to correct the deficiencies to the best of your ability. If you do not make the corrections, your matter may be continued until the corrections are completed.</p> <p>You can review your Probate Notes, at: https://epublic-access.riverside.courts.ca.gov/public-portal/. If you have questions about the probate notes for your case, please email probate.examiners@riverside.courts.ca.gov.</p>
6	Attend Hearing	<p>Attend your scheduled court hearing date. For Telephonic Hearings, please ensure that you call-in for hearing at the time indicated on your notice.</p>
7	Obtain Certified Copy	<p>Obtain a certified copy of the order and take it to the Riverside County Recorder's Office (https://www.asrclkrec.com/home).</p>



If you fail to give proper notice or fail to give your notice on time, you may need to request a continuance. DO NOT rely on a continuance of your hearing. You may STILL have to appear and explain to the court why you were not able to give notice. Please email probate.examiners@riverside.courts.ca.gov to verify eligibility for a continuance.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

PALM SPRINGS 3255 E. Tahquitz Canyon Wy, Palm Springs, CA 92262
 TEMECULA 41002 County Center Dr., Ste. 100, Temecula, CA 92591

RIVERSIDE 4050 Main St., Riverside, CA 92501

RI-PR071

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar Number and Address</i>)		<i>FOR COURT USE ONLY</i>
TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____		
E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____		
IN THE MATTER OF:		CASE NUMBER:
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 Riverside County Local Rule 7001: Western Mid County Desert

- | <u>Nature of Action</u> | <u>Ground</u> |
|--|---|
| <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. |
| <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. |

IN THE MATTER OF:	CASE NUMBER:
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Nature of Action

Ground

- | | |
|---|--|
| <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, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): Self-Represented	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE Palm Springs - 3255 E. Tahquitz Canyon Way, Palm Springs, Ca. 92262 Riverside Historic Courthouse - 4050 Main Street, Riverside, Ca. 92501 Temecula - 41002 County Center Drive #100, Temecula, Ca. 92591	
ESTATE OF (Name): _____	CASE NUMBER: _____
DECEDENT	HEARING DATE: _____
<input type="checkbox"/> SPOUSAL <input type="checkbox"/> DOMESTIC PARTNER <input type="checkbox"/> PROPERTY PETITION	DEPT.: _____ TIME: _____

1. **Petitioner (name):** _____ **requests**
 - a. determination of property passing to the surviving spouse or surviving registered domestic partner without administration (Fam. Code, § 297.5, Prob. Code, § 13500).
 - b. confirmation of property belonging to the surviving spouse or surviving registered domestic partner (Fam. Code, § 297.5, Prob. Code, §§ 100, 101).
 - c. immediate appointment of a probate referee.
2. Petitioner is
 - a. surviving spouse of the decedent.
 - b. personal representative of (name): _____, surviving spouse.
 - c. guardian or conservator of the estate of (name): _____, surviving spouse.
 - d. surviving registered domestic partner of the decedent.
 - e. personal representative of (name): _____, surviving registered domestic partner.
 - f. conservator of the estate of (name): _____, surviving registered domestic partner.
3. Decedent died on (date): _____
4. Decedent was
 - a. a resident of the California county named above.
 - b. a nonresident of California and left an estate in the county named above.
 - c. intestate testate and a copy of the will and any codicil is affixed as Attachment 4c.
(Attach copies of will and any codicil, a typewritten copy of any handwritten document, and an English translation of any foreign-language document.)
5. a. *(Complete in all cases)* The decedent is survived by
 - (1) no child. child as follows: natural or adopted natural, adopted by a third party.
 - (2) no issue of a predeceased child. issue of a predeceased child.
- b. Decedent is is not survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier. *(See Prob. Code, § 6454.)*
6. *(Complete only if no issue survived the decedent. Check **only** the **first** box that applies.)*
 - a. The decedent is survived by a parent or parents who are listed in item 9.
 - b. The decedent is survived by a brother, sister, or issue of a deceased brother or sister, all of whom are listed in item 9.
7. Administration of all or part of the estate is not necessary for the reason that all or a part of the estate is property passing to the surviving spouse or surviving registered domestic partner. The facts upon which petitioner bases the allegation that the property described in Attachments 7a and 7b is property that should pass or be confirmed to the surviving spouse or surviving registered domestic partner are stated in Attachment 7.
 - a. Attachment 7a¹ contains the legal description *(if real property add Assessor's Parcel Number)* of the deceased spouse's or registered domestic partner's property that petitioner requests to be determined as having passed to the surviving spouse or partner from the deceased spouse or partner. This includes any interest in a trade or business name of any unincorporated business or an interest in any unincorporated business that the deceased spouse or partner was operating or managing at the time of death, subject to any written agreement between the deceased spouse or partner and the surviving spouse or partner providing for a non pro rata division of the aggregate value of the community property assets or quasi-community assets, or both.

¹ See Prob. Code, § 13658 for required filing of a list of known creditors of a business and other information in certain instances. If required, include in Attachment 7a.

ESTATE OF (Name):	CASE NUMBER:
DECEDENT	

7. b. Attachment 7b contains the legal description (if real property add Assessor's Parcel Number) of the community or quasi-community property petitioner requests to be determined as having belonged under Probate Code sections 100 and 101 and Family Code section 297.5 to the surviving spouse or surviving registered domestic partner upon the deceased spouse's or partner's death, subject to any written agreement between the deceased spouse or partner and the surviving spouse or partner providing for a non pro rata division of the aggregate value of the community property assets or quasi-community assets, or both.
8. There exists does not exist a written agreement between the deceased spouse or deceased registered domestic partner and the surviving spouse or surviving registered domestic partner providing for a non pro rata division of the aggregate value of the community property assets or quasi-community assets, or both. (If petitioner bases the description of the property of the deceased spouse or partner passing to the surviving spouse or partner or the property to be confirmed to the surviving spouse or partner, or both, on a written agreement, a copy of the agreement must be attached to this petition as Attachment 8.)
9. The names, relationships, ages, and residence or mailing addresses so far as known to or reasonably ascertainable by petitioner of (1) all persons named in decedent's will and codicils, whether living or deceased, and (2) all persons checked in items 5 and 6 are listed below are listed in Attachment 9.

<u>Name and relationship</u>	<u>Age</u>	<u>Residence or mailing address</u>
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10. The names and addresses of all persons named as executors in the decedent's will and any codicil or appointed as personal representatives of the decedent's estate are listed below are listed in Attachment 10 none
- Name: _____ Address: _____

11. The petitioner is the trustee of a trust that is a devisee under decedent's will. The names and addresses of all persons interested in the trust who are entitled to notice under Probate Code section 13655(a)(2) are listed in Attachment 11.
12. A petition for probate or for administration of the decedent's estate
- a. is being filed with this petition.
 - b. was filed on (date): _____
 - c. has not been filed and is not being filed with this petition.

13. Number of pages attached: _____

Date: _____

_____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY)
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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 PETITIONER)
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RE IN THE MATTER OF:	CASE NUMBER:
Riverside County Mandatory Attachment to Spousal or Domestic Partner Petition (Form DE-221)	

(Continued from Spousal or Domestic Partner Petition (form DE-221).)

- 14. I have enclosed a true and correct copy of the decedent's death certificate (with social security number redacted), as Attachment 14, as required by Local Rule 7200.

- 15. *(Complete if "testate" is checked at item 4(c))* Decedent's original will *(Check one)*:
 - a. is lodged concurrently with this petition as required by Local Rule 7210
 - b. has already been lodged in *(specify case number)*: _____
 - c. is lost *(affix Attachment 15 stating reasons why the presumption in Probate Code 6124 does not apply.)*

- 16. The vesting deed(s) by which the decedent acquired title to all real property to be passed under this petition is enclosed as Attachment 16.

- 17. I have completed an internet search to identify and locate heirs of the decedent as required by Local Rule 7132. A true and correct copy of the entry related to the decedent from each website or, if none, the listing of results, is enclosed as Attachment 17.

Date: _____

(TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY)

*(Signatures of all petitioners are also required. All petitioners must sign, but the petition may be verified by any one of them (Prob. Code §§ 1020, 2021; Cal. Rules of Court, rule 7.103).)

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)

(TYPE OR PRINT NAME)

(SIGNATURE)

Signatures of additional petitioners follow last attachment.

SHORT TITLE: _____ Estate of (Name):	CASE NUMBER:
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ATTACHMENT (Number): DE-221 7a 7b

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

7a:

7b:

(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)

SHORT TITLE: Estate of :	CASE NUMBER:
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ATTACHMENT (Number): _____

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

Date of Marriage: _____

Date of Purchase of Property: _____

Describe funds used to purchase property:

Down Payment:

Earnest Money:

Closing Costs

Mortgage Payments:

(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 (*name, address, and State Bar number*):
 After recording, return to:

TEL NO.: FAX NO. (optional):

E-MAIL ADDRESS (*optional*):

ATTORNEY FOR (name): **Self-Represented**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Palm Springs - 3255 E. Tahquitz Canyon Way, Palm Springs, Ca. 92262

Riverside Historic Courthouse - 4050 Main Street, Riverside, Ca. 92501

Temecula - 41002 County Center Drive #100, Temecula, Ca. 92591

FOR RECORDER'S USE ONLY

ESTATE OF (<i>Name</i>):	CASE NUMBER:
DECEDENT	

<input type="checkbox"/> SPOUSAL <input type="checkbox"/> DOMESTIC PARTNER PROPERTY ORDER	<i>FOR COURT USE ONLY</i>
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1. Date of hearing: _____ Time: _____
 Dept.: _____ Room: _____

THE COURT FINDS

- 2. All notices required by law have been given.
- 3. Decedent died on (*date*):
 - a. a resident of the California county named above.
 - b. a nonresident of California and left an estate in the county named above.
 - c. intestate. testate.
- 4. Decedent's surviving spouse surviving registered domestic partner is (*name*):

THE COURT FURTHER FINDS AND ORDERS

- 5. a. The property described in Attachment 5a is property passing to the surviving spouse or surviving registered domestic partner named in item 4, and no administration of it is necessary.
- b. See Attachment 5b for further order(s) respecting transfer of the property to the surviving spouse or surviving registered domestic partner named in item 4.
- 6. To protect the interests of the creditors of (*business name*):
 an unincorporated trade or business, a list of all its known creditors and the amount owed each is on file.
 - a. Within (*specify*): _____ days from this date, the surviving spouse or surviving registered domestic partner named in item 4 shall file an undertaking in the amount of \$ _____
 - b. See Attachment 6b for further order(s) protecting the interests of creditors of the business.
- 7. a. The property described in Attachment 7a is property that belonged to the surviving spouse or surviving registered domestic partner under Family Code section 297.5 and Probate Code sections 100 and 101, and the surviving spouse's or surviving domestic partner's ownership upon decedent's death is confirmed.
- b. See Attachment 7b for further order(s) respecting transfer of the property to the surviving spouse or surviving domestic partner.
- 8. All property described in the *Spousal or Domestic Partner Property Petition* that is not determined to be property passing to the surviving spouse or surviving registered domestic partner under Probate Code section 13500, or confirmed as belonging to the surviving spouse or surviving registered domestic partner under Probate Code sections 100 and 101, shall be subject to administration in the estate of decedent. All of such property is described in Attachment 8.
- 9. Other (*specify*):

Continued in Attachment 9.

10. Number of pages attached:

Date:

 JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

SHORT TITLE: Estate of (Name):	CASE NUMBER:
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ATTACHMENT (Number): DE-226

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

5a:

7a:

(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>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): Self-Represented	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE Palm Springs - 3255 E. Tahquitz Canyon Way, Palm Springs, Ca. 92262 Riverside Historic Courthouse - 4050 Main Street, Riverside, Ca. 92501 Temecula - 41002 County Center Drive #100, Temecula, Ca. 92591	
<input type="checkbox"/> ESTATE OF (<i>Name</i>): <input type="checkbox"/> IN THE MATTER OF (<i>Name</i>): <input type="checkbox"/> DECEDENT <input type="checkbox"/> TRUST <input type="checkbox"/> OTHER	
NOTICE OF HEARING—DECEDENT'S ESTATE OR TRUST	CASE NUMBER: _____

This notice is required by law.
This notice does not require you to appear in court, but you may attend the hearing if you wish.

1. NOTICE is given that (*name*):
 (*representative capacity, if any*):
 has filed (*specify*): * Spousal or Domestic Partner Property Petition (Probate—Decedents Estates) - DE-221

2. You may refer to the filed documents for more information. (*Some documents filed with the court are confidential.*)

3. A HEARING on the matter will be held as follows:

a.	Date:	Time:	Dept.:	Room:
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b. Address of court shown above is (*specify*):

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



* Do **not** use this form to give notice of a petition to administer estate (see Prob. Code, § 8100 and form DE-121) or notice of a hearing in a guardianship or conservatorship (see Prob. Code, §§ 1511 and 1822 and form GC-020).

<input type="checkbox"/> ESTATE OF (Name): <input type="checkbox"/> IN THE MATTER OF (Name):	CASE NUMBER:
<input type="checkbox"/> DECEDENT <input type="checkbox"/> TRUST <input type="checkbox"/> OTHER	

CLERK'S CERTIFICATE OF POSTING

1. I certify that I am not a party to this cause.
2. A copy of the foregoing *Notice of Hearing—Decedent's Estate or Trust*
 - a. was posted at (address):

 - b. was posted on (date):

Date: _____ Clerk, by _____, Deputy

PROOF OF SERVICE BY MAIL *

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify):

3. I served the foregoing *Notice of Hearing—Decedent's Estate or Trust* on each person named below by enclosing a copy in an envelope addressed as shown below AND
 - a. **depositing** the sealed envelope on the date and at the place shown in item 4 with the United States Postal Service with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
4. a. Date mailed: _____ b. Place mailed (city, state): _____
5. I served with the *Notice of Hearing—Decedent's Estate or Trust* a copy of the petition or other document referred to in the Notice.

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 PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

	<u>Name of person served</u>	<u>Address (number, street, city, state, and zip code)</u>
1.		
2.		
3.		
4.		

Continued on an attachment. (You may use Attachment to Notice of Hearing Proof of Service by Mail, form DE-120(MA)/GC-020(MA), for this purpose.)

* Do not use this form for proof of personal service. You may use form DE-120(P) to prove personal service of this Notice.

