

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

- MURRIETA** 30755-D Auld Rd., Murrieta, CA 92563
 PALM SPRINGS 3255 E. Tahquitz Canyon Wy., Palm Springs, CA 92262

- RIVERSIDE** 4050 Main St., Riverside, CA 92501

RI-PR006

<small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address)</small>		<small>FOR COURT USE ONLY</small>
TELEPHONE NO.:	FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
IN THE MATTER OF THE ESTATE OF:		CASE NUMBER:
Hearing Date:	Time:	Department:
<input type="checkbox"/> FIRST <input type="checkbox"/> (specify): _____ REPORT OF PERSONAL REPRESENTATIVE; <input type="checkbox"/> ACCOUNTING OR <input type="checkbox"/> WAIVER OF ACCOUNT; <input type="checkbox"/> PETITION FOR FINAL DISTRIBUTION, AND FOR PAYMENT OF COMPENSATION (Probate Code §§ 10831, 10900, 10951, 10954, 11620, 11640, et. Seq)		

Petitioner(s) (name(s)): _____ alleges:

1. Decedent (name): _____ died testate intestate on date: _____ at (place): _____ being at the time of death a resident of
 a resident of the County of Riverside, State of California.
 a nonresident of California and left an estate in the County of Riverside, California.
 a citizen of a country other than the United States (specify country): _____ .
2. Will dated _____ and codicil (s) dated _____ was/were admitted to probate by order of this court on _____ .
3. a. This report concerns activity between (start date): _____ and (end date): _____ .
(Note: if this is a first report, the start date should be the date of the decedent's death. If this is a later report, the start date should be the end date of the prior report.)
b. (1) All beneficiaries and/or his heirs waive an accounting by petitioner and required waivers of accounting are on file in this proceeding (Use Local Form RI-PR056.)
(2) A summary of accounting and accounting schedules are attached hereto. (You may use Judicial Council Forms GC-SUM, GC-405(A), GC-405(C), and other forms in the GC-405 series as appropriate).

Personal Representative

4. a. Petitioner qualified as special administrator and Letters were issued to petitioner on (date): _____ .
b. Petitioner qualified as Executor Administrator Administrator w/Will Annexed and letters were issued to petitioner on (date): _____ .
c. At all times since issuance of letters, petitioner has been and now is duly qualified as the personal representative of decedent's estate; or
 Petitioner's authority as personal representative of the decedent's estate was terminated by court order on (date): _____ .

Independent Administration

5. On _____ by order of this court, petitioner was authorized to administer the estate with full limited authority and without court supervision under the Independent Administration of Estates Act. This authority has not been revoked.

6. a. Petitioner did not take any action without prior court approval under the Independent Administration of Estates Act for which notice of proposed action was required; or

b. Petitioner took the following action without prior court approval under the Independent Administration of Estates Act for which notice of proposed action was required:

i. Nature of action: _____
 Gross Sales Price (if sale): _____
 Date action was taken: _____
 When and to whom notice was given (name & date): _____
 When notice was waived and if so, by whom: _____
 Objections received: _____

ii. Nature of action: _____
 Gross Sales Price (if sale): _____
 Date action was taken: _____
 When and to whom notice was given (name & date): _____
 When notice was waived and if so, by whom: _____
 Objections received: _____

Continued on Attachment 6(b).

Creditors

7. Notice of Petition to Administer Estate has been published for the period and in the manner as prescribed by law, and within thirty (30) days after completion of the publication there was filed with the Clerk of this Court an affidavit showing the publication in the manner and form required by law.

8. More than four (4) months have elapsed since the issuance of letters. Reasonable efforts were made to identify creditors of the estate and Notice of Administration has has not been sent to all known creditors of the estate. The time for filing and presenting creditor's claims has expired.

9. a. Other than taxes or creditor claims otherwise addressed in this petition, petitioner has no reason to believe that any public entity listed in Probate Code §9201 has any basis for making a claim against the estate; or

b. Notice was sent as follows:

Date Mailed

- Employment Development Department: _____
- State Board of Equalization: _____
- Department of State Hospitals: _____

10. a. i. On (date): _____, the notice required by Probate Code 9202(a) was submitted to the Director of the California Department of Health Care Services with a copy of Decedent's death certificate by mail electronically through the department's official internet website using the online notice of death form.

(A) A copy of the death certificate of the decedent's pre-deceased spouse or registered domestic partner (name): _____ was also submitted.

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(B) The decedent was not the surviving spouse or registered domestic partner of a person who received Medi-Cal benefits.

10. a. ii. The decedent did not receive and was not the surviving spouse or registered domestic partner of a person who received Medi-Cal benefits. Therefore, no notice to the California Department of Health Care Services is required.
- b. i. The notice required by Probate Code §9202(b) was mailed to the Director of the California Victim Compensation Board on (date): _____ ; or
- ii. Petitioner knows of no heir or beneficiary that is or has previously been confined in a prison or facility under the jurisdiction of the California Department of Corrections or the California Department of Youth Authority or confined in any county jail, road camp, industrial farm or other local correctional facility. Therefore, no notice to the California Victim Compensation Board is required.
- c. The notice required by Probate Code §9202(c) was mailed to the California Franchise Tax Board on (date): _____ .
- d. i. On (date): _____ , the notice required by Probate Code 9202(e) was submitted to the Director of the California Department of Child Support Services by mail electronically through the department's official internet website in the manner required by the department; or
- ii. Petitioner does not know or have reason to know that the decedent had a child support obligation under an order issued by a court of competent jurisdiction.
11. a. No claim has been filed with the court; or
- b. The following claims were filed with the court:

i. Allowed Claims That Have Been Paid

Name of Claimant	Date Claim Was Filed	Amount of Claim	Amount Allowed	Date Claim Was Paid
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	

Continued on Attachment 11(b)(i)

ii. Allowed Claims That Have Not Been Paid

Petitioner requests an order to pay the following claims plus ten percent interest from the date of the order as required by Probate Code §§11422-11423: (Also see item 36)

Name of Claimant	Date Claim Was Filed	Amount of Claim	Amount Allowed
		\$	\$
		\$	\$
		\$	\$
		\$	\$
Total			\$

Continued on Attachment 11(b)(ii)

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iii. Rejected Claims

(For claims rejected in part and accepted in part, the claim should be listed twice. The rejected portion should be listed in this subsection, and the accepted portion should be listed in the appropriate subsection above.)

Name of Claimant	Date Claim Was Filed	Amount of Claim	Amount Rejected	Date Rejection Was Served on Claimant	Case Number and Status of Civil Action (If filed)
		\$	\$		
		\$	\$		
		\$	\$		
		\$	\$		
Total			\$		

Continued on Attachment 11(b)(iii)

12. The following written demands for payment were received within four months after letters were first issued, and were treated as filed claims and paid before the expiration of 30 days after the four month period, and (1) the debts were justly due; (2) the debts were paid in good faith; (3) the amounts paid were the true amounts of the indebtedness over and above all payments and offsets; and (4) the estate is solvent.

Date Paid	Payee	Description	Amount

Continued on Attachment 12.

13. The estate is solvent insolvent and petitioner has paid not paid all debts of the decedent and the estate and all expenses of administration except closing expenses and statutory fees.

14. a. No federal or state estate tax return has been filed because the estate was not of sufficient size to require such a return and no estate taxes are due; or
- b. A federal state estate tax return has been filed, taxes owing, if any, have been paid, and the estate has been released from further liability or no clearance letter for estate taxes has yet been received.

15. a. No California or federal income taxes are due or payable by the estate, and no individual or fiduciary income tax returns were filed by the estate; or
- b. The following income tax returns were filed:

i. Individual Return(s)

Year	Date that form 1040 was filed	Amount Paid / (Refund)	Date that form 540 was filed	Amount Paid / (Refund)

Continued on Attachment 15(b)(i).

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ii. Fiduciary Return(s)

Tax Year	Date that form 1041 was filed	Amount Paid / (Refund)	Date that form 541 was filed	Amount Paid / (Refund)

Continued on Attachment 15(b)(ii).

16. a. No real or personal property taxes are due or payable by the estate; or
 b. Real or personal property taxes are due or payable by the estate as follows :

Date Payment was Due	Name of Taxing Entity	Description of Property being Taxed	Amount Due
			\$
			\$
Total			\$

Continued on Attachment 16(b).

Probate Code 1064 Allegations

17. a. Petitioner alleges that no family or affiliate relationship exists between petitioner and any agent hired by petitioner during the period of administration; or
 b. The following family or affiliates were hired:

Name	Capacity Retained	Relationship

Continued on Attachment 17(b).

18. a. There was no cash to invest in interest bearing accounts; or
 b. At all times during the period of administration, petitioner has kept all surplus cash invested in interest bearing accounts.

Special Notice

19. a. No requests for special notice have been filed in this proceeding; or
 b. The following requests for special notice have been filed in this proceeding:

Name	Date Filed	Relationship	Date Withdrawn

Information regarding additional Requests for Special Notice attached as Attachment 19(b).

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Assets

20. The following Inventory and Appraisal(s) have been filed with the court (Do not include reappraisals for sale.):

Date Filed	Type				Total
	<input type="checkbox"/> Partial No.	<input type="checkbox"/> Final	<input type="checkbox"/> Supplemental	<input type="checkbox"/> Corrected/Amended	\$
	<input type="checkbox"/> Partial No.	<input type="checkbox"/> Final	<input type="checkbox"/> Supplemental	<input type="checkbox"/> Corrected/Amended	\$
	<input type="checkbox"/> Partial No.	<input type="checkbox"/> Final	<input type="checkbox"/> Supplemental	<input type="checkbox"/> Corrected/Amended	\$

Continued on Attachment 20.

21. The assets on hand at the end of the period of the report are as follows:

Category	Separate Property	Community / Quasi-Community	Total
a. Cash			
b. <input type="checkbox"/> Non-Cash (Itemize in attachment 21(b). For real property, include address, legal description, and assessor's parcel number. For securities, include ticker symbol and/or CUSIP.			
c. Total			

Continued on Attachment 21.

Distribution

22. a. No preliminary distribution has been made; or
 b. The following preliminary distributions have been made:

Date Ordered, or if not ordered, date made	To Whom Made	Asset Distributed	Carry Value
Total			

Continued on Attachment 22(b).

23. (Check one of the following:)

- a. No will was admitted to probate.
 b. The decedent's will did not make any gift of cash or specific property.
 c. The decedent's will made gift(s) of cash or specific property, but the decedent died less than one year ago.
 d. The decedent's will made gift(s) of cash or specific property, and the decedent died at least one year ago. Attachment 23(d) shows the information required by Probate Code §§1063(d) to (f) and 12002-12006.

Compensation

24. a. The statutory commissions and statutory attorney's fee should be calculated as follows:

Inventory Value:	\$		
Plus Receipts	\$		(Receipts schedule must be attached)
Plus Gains on Sales	\$		(Gains schedule must be attached)
Less Losses on Sales	\$		(Losses schedule must be attached)
Total of Estate for Calculation	\$		
4% of the first \$100,000.00	\$		
3% of the next \$100,00.00	\$		
2% of the next \$800,000.00	\$		
1% of the next \$9,000,000.00	\$		
½ of 1% of the next \$15,000,000.00	\$		
Total statutory compensation:	\$		

Prior Compensation

- b. No previous orders have been made approving statutory or extraordinary commissions or fees.
 The following orders approving statutory or extraordinary commissions or fees have been made:

Date of Order Authorizing Payment	To Whom Made	Amount

Continued on Attachment 24(b).

Prior Personal Representatives

- c. No other party was appointed personal representative of the decedent in this estate, and therefore no division of statutory commissions is necessary; or
 Attachment 24(c) provides a list of all parties appointed as personal representative of the decedent in this estate, including petitioner. (For each personal representative, indicate (1) the date letters issued, (2) the date letters were revoked, stricken, or superseded, (3) the portion of the statutory compensation that personal representative should receive, and (4) whether apportionment is made based on agreement or services rendered, and the facts to support the apportionment.)

Prior Attorneys

- d. No other party has served as attorney of record for a personal representative of the decedent in this estate, and therefore no division of statutory fees is necessary; or
 Attachment 24(d) provides a list of all attorneys who have served as attorney of record for a personal representative of the decedent in this estate, including petitioner's counsel. (For each attorney, indicate (1) the date representation began, (2) the date representation ended, (3) the portion of the statutory fees the attorney should receive, and (4) whether apportionment is made based on agreement or services rendered, and the facts to support the apportionment.)

Statutory Commissions

- e. i. Petitioner requests payment to the petitioner (if being split) as indicated in attachment 33(a) of:
 (for final reports) all unpaid statutory commissions.
 (if not a final report) a portion of the statutory commissions in the amount of \$ _____ because petitioner has already performed a total of (percentage) _____ % of the ordinary services. A detailed description of the ordinary services petitioner has already performed and those remaining to be performed is provided in attachment 24(e). (Also see item 33(a).)
ii. (for final reports) Petitioner waives the right to request statutory commissions as personal representative.

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Statutory Fees

24. f. i. Petitioner requests payment to the petitioner's attorney (if being split) as indicated in attachment 34(a) of:
- (for final reports) all unpaid statutory compensation.
 - (if not a final report) a portion of the statutory fees in the amount of \$ _____. A detailed description of the ordinary services petitioner's attorney has already performed and those remaining to be performed is in the attorney declaration provided as attachment 24(f), which indicates that the attorney has already performed a total of (percentage) _____ % of the ordinary services. (Also see item 34(a).)
- ii. (for final reports) Petitioner's attorney waives the right to request statutory fees.

Extraordinary Compensation

25. a. Petitioner requests compensation for extraordinary services to the estate as described in attachment 25(a) in the amount of \$ _____ which has not been paid. (Also see item 33(b).)
- b. Petitioner requests compensation to attorney (name): _____ for extraordinary services to the estate as described in the attorney declaration provided as attachment 25(b) in the amount of \$ _____ which has not been paid. (Also see item 34(b).)

Costs

26. a. Petitioner has performed all required duties as personal representative of the estate. All costs of administration incurred to date, including costs of publication and the probate referee's fees, have been paid and the estate is now in a condition to be closed.
- b. Petitioner does not request reimbursement from the estate for any filing fee, publication fee, or other costs advanced to the estate, or has already been reimbursed from the estate; or
- c. Petitioner requests an order authorizing reimbursement from the estate for the following costs advanced from petitioner's personal funds: (Also see item 35)

Date Incurred	Payee	Purpose	Amount
Total			

Continued on Attachment 26(c).

- d. Petitioner requests an order authorizing reimbursement from the estate for the following costs advanced by petitioner's attorney: (Also see item 35)

Date Incurred	Payee	Purpose	Amount
Total			

Continued on Attachment 26(d).

- e. Petitioner requests an order authorizing reimbursement from the estate to one or more other parties for costs they advanced as described in Attachment 26(e). (Also see item 35)

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Reserve

27. a. Petitioner requests \$ _____ to be reserved for the reasons indicated below (also see item 37):
- Taxes and tax preparation fees
 - County Recorder Fees
 - Closing Expenses
 - Other: _____
- b. No reserve is requested.

Distribution of Remaining Assets on Hand

28. (Also see items 39)
- Petitioner requests final distribution of the remaining property in the estate as indicated in Attachment 28(a)
- as follows:

a. Distribution of Assets on Hand

Name and Relationship to Decedent	Age	Share of Estate

- b. Time until Discharge
- Petitioner expects to complete the final distribution and request a discharge within 90 days of the court's order within (number): _____ of days after the court's order because (explain why additional time is needed):
- _____
- _____

- Continued on Attachment 28(b).

29. The parties entitled to notice of this petition are as follows:

Name and Relationship to Decedent	Age	Address

- Continued on Attachment 29

30. Other allegations attached as Attachment 30.

THEREFORE, Petitioner prays that:

31. The report and account waiver of account of the personal representative be approved.
32. All acts of the petitioner as personal representative be confirmed and approved.
33. a. Statutory commissions due to the personal representative be waived paid in the sum of \$ _____ to the petitioner (if being split) as indicated in attachment 33(a).
- b. Extraordinary commissions of \$ _____ be paid to the petitioner (if being split) as indicated in attachment 33(b).

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34. a. Statutory fees due to the attorney for the personal representative be waived paid in the sum of \$ _____ to the petitioner's attorney (if being split) as indicated in attachment 34(a).
- b. Extraordinary fees of \$ _____ be paid to the petitioner's attorney (if being split) as indicated in attachment 34(b).

35. Reimbursement for costs advanced be paid in the amount of \$ _____ to the petitioner \$ _____ to the petitioner's attorney (name): _____ (if paid to others) as indicated in attachment 35.

36. The personal representative be ordered to pay the following creditor claims from the estate's funds plus ten percent interest from the date of the order as required by Probate Code 11422-11423:

Name of Claimant	Date Claim was filed	Amount

Continued in Attachment 36.

37. The personal representative be authorized to reserve estate funds in the amount of \$ _____ for closing costs.
- a. (If amount is over \$1,500): An accounting of the reserve will be attached to the Ex Parte Petition for Discharge (form DE-295) per local rule 7160.
- b. (If amount is \$10,000 or more): An accounting of the reserve will be attached to the Ex Parte Petition for Discharge (form DE-295) per local rule 7160. Petitioner will give notice of hearing along with a copy of the Ex Parte Petition for Discharge and the attached accounting to all residuary devisees or intestate heirs.

38. Source of Funds

- a. The sum of items 33-37 is (number): \$ _____
- b. (Complete either (i) or (ii).)
- i. The estate consists entirely of either separate property or community property. The total of the cash on hand at item 21 is:
- A. Sufficient to pay the amount in (a).
- B. Insufficient to pay the amount in (a). The difference will be paid by petitioner from funds outside the estate one or more other parties, who have provided written consent to do so in Attachment 38(b).
- ii. The estate consists of both separate property and community property. (Complete one of the following):
- A. All affected parties have consented in the writing in Attachment 38(b)(ii) to pay the amount in (a) from the sources indicated.
- B. The amount in (a) should be paid from the following sources:

Category	Separate Property	Community / Quasi-Community
Assets on Hand		
Preliminary Distributions		
Total		
Percentage of total		
Calculated Dollar Amount from Percentage of Item 38(a)		
Total of Cash on Hand at Item 21		

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- The total of the cash on hand, in both columns in item 38(a)(b)(ii) above, is
 - sufficient to pay the Calculated Dollar Amount From Percentage indicated.
 - insufficient to pay the Calculated Dollar Amount From Percentage Indicated in one or both columns. The difference will be paid by petitioner from funds outside the estate one or more other parties, who have provided written consent to do so in Attachment 38(b)(ii).

39. Final distribution be made
- a. as indicated in Attachment 28(a) as follows:

Name and Relationship to Decedent	Age	Share of Estate

- Continued in Attachment 39(a).
- b. Any property of the estate acquired or discovered after the court order for final distribution is made, including any unused portion of the reserve for closing costs, be distributed as indicated in Attachment 28(a) as follows:

Name and Relationship to Decedent	Age	Share of Estate

- Continued in Attachment 39(b).
- c. Petitioner be ordered to complete final distribution and request a discharge within 90 days of the court's order within (number): _____ days after the court's order.

40. Other orders as attached on Attachment 40.

(DATE)

(TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY)

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 PETITIONER)

(TYPE OR PRINT NAME OF PETITIONER)

(SIGNATURE OF PETITIONER)

(SIGNATURE OF PETITIONER)