



RESOURCE CENTER for SELF-REPRESENTED LITIGANTS

Stanley Mosk Courthouse, 110 North Grand Avenue, Los Angeles, CA 90012

STARTING A PROBATE OR OBTAINING LETTERS OF ADMINISTRATION

NOTE: These instructions provide the basic information you need to start a general probate case. These instructions do not provide legal advice or take the place of consulting with a lawyer. The forms can be found at www.courts.ca.gov or as indicated.

REQUIREMENTS TO FILE IN CALIFORNIA

Decedent lived in CA when he/she died

Decedent did not have a valid trust

Decedent died owning more than \$150,000 worth of assets

KEY WORDS/ PHRASES

Decedent

the person who died

Administrator

the person the COURT appointed to be responsible for the Probate

Legal Representative

the person the COURT appointed to be responsible for the Probate

Letters of Administration

court document signed by the Judge confirming the appointment of an administrator or representative

Heirs

relatives that by law will receive a portion of decedent's estate

Estate

the real and personal property owned by the decedent at the time of death

FORMS:

DE-111, Petition for Probate

DE-121, Notice of Petition to Administer Estate

PRO010, Probate Case Cover Sheet

WHAT IS PROBATE?

Probate is the Court Supervised process of collecting the decedent's assets, paying those that are owed money to and distributing what is left to their heirs. Usually, if the decedent died **without a valid trust**, lived in California when they died, and owned real property (house or vacant land), or other assets totaling \$150,000 or more, then a probate must be completed to transfer the property to their heirs or beneficiaries.

Letters of Administration is the form that the Judge signs confirming that he has given that person legal authority to represent the estate. Sometimes the bank will require this form before releasing funds.

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However, Letters of Administration are not needed when the decedent died owning less than \$150,000 in assets. If this is the case, the heirs may complete a small estate affidavit. These can be obtained in the Probate filing room or from your local financial institution.

HOW LONG DOES IT TAKE TO COMPLETE PROBATE?

Probate can take anywhere from 6 months to several years to complete.

COMPLETING THE PETITION FOR PROBATE, DE-111

Write your name and address in the top left box. In the box that reads "Estate of," write the name of the decedent. Leave the box that reads case number, hearing date, Dept, blank. You will get this information when you file your paperwork with the Probate filing window.

Check the appropriate box next to **PETITION FOR:**

- Probate of Will and for Letters Testamentary**- if the decedent had a Will to be offered for probate and the person seeking to be appointed administrator is named in the Will.
- Probate of Will and for Letters of Administration with Will Annexed**- if the decedent had a Will to be offered for probate but the person seeking to be appointed the administrator is **not** named in the Will.
- Letters of Administration**- if the decedent died without a Will.
- Letters of Special Administration**- if you are seeking to preserve the decedent's assets before a permanent administrator can be appointed or you are asking for a particular power (example- to represent the estate in civil litigation, to collect certain assets or manage a particular part of the decedent's estate).
 - **With general powers**- general powers allow a special administrator to sell real property or reject creditor's claims
- Authorization to Administer Under the Independent Administration of Estates Act**- This box is often checked. Do not check this box if you have a Will that prevents one from performing under this act or if you are asking for 'Special Administration.'
 - **Limited authority**- means more Court supervision. With limited authority a representative must have a court order to sell property or borrow money from the estate. The bond amount shall be the value of cash on hand in the estate.
 - **Full authority** - means acting with less court supervision. You may sell real property or borrow money but must notify the heirs first. Heirs may object to your proposed action. In order to act with full authority you need to be bonded for the full value of the estate. *Do not check 'limited authority' if you would like full authority. Leave this box blank.*

Next, complete the form by checking the appropriate box or filling in the requested information. The following sections are those that may be difficult to answer without explanation. The information that follows may be helpful.

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1. **Publication-** publication is required when filing for Letters of Administration. You either may arrange for publication with a newspaper in the Courthouse by marking publication requested or arrange for publication in a newspaper located outside of the Courthouse.
2. **Character and estimated value of the property.-** this section must be completed.
 - Personal property-**write the total resale value of furniture, clothing, cars, etc. owned by the decedent at the time of death. Personal property also includes cash.
 - Annual gross income from real property-**If decedent owned rental property, write the yearly amount of rental income received by the decedent.
 - Annual gross income from personal property-** This includes the yearly income received from the sale or exchange of personal property.
 - The gross fair market value of real property-** Estimate the fair market value of decedent's home.
 - Encumbrances-** Write the full amount of the mortgage on the property or the amount of any other loan, lien, claim, or financial interest in the property that would prevent it from passing free and clear.
 - Net Value of Real Property-** Subtract the encumbrances from the fair market value and write on line (6).
 - Don't forget to add line (6) to line (3).**
3. **Waiver of Bond.** Section 3.d. concerns waiving bond. If any of the statements in 3d apply please mark them.
4. **Intestacy.** Section 3.e.concerns intestacy. If decedent died *without* a will, he died intestate. If this is true, check this box. If decedent had a will that is to be attached to the petition and probated, then check (2) and write the date.
5. **Appointment of Personal Representative.-** Section 3.f. concerns appointment of representatives. If you are probating a will check the appropriate box under 3. f. (1). Executor is the person named in a will. If you are not probating a will, check the appropriate box under 3.f. (2). If you are seeking to be appointed as the special administrator check 3.f. (3).
6. **Heirs.** Section 5 and 6 concerns living relatives and next of kin. Everyone must complete 5. Complete 6, if the decedent died and was not survived by a spouse and kids *or* if the decedent died survived by only a spouse (check only a or b).

Complete the remainder of the form. Date, print and sign your name in two places on the bottom of page 4.

Once you have completed this form, copy it and turn it into the filing window in Room 429 along with 1) the Probate Case Cover Sheet and 2) the original and copy of the will, if there is one and 3) your filing fee of \$435 or a Request for Fee Waiver, FW-001 and FW-003.

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You may contact the Los Angeles County Bar Association at (213) 243-1525 for attorney referrals.

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COMPLETING YOUR ORDER FOR PROBATE LETTERS AND DUTIES & LIABILITIES

NOTE: These instructions provide the basic information you need to administer (manage) a general probate estate. These instructions do not provide legal advice or take the place of consulting with a lawyer.

After the Court grants your Petition for Probate at your hearing, you must complete an Order for Probate for the judge to sign. You must also complete Letters and Duties & Liabilities forms for your Letters to “issue” so that you may have the authority to take the necessary actions to administer the estate. *The underlined documents can be found at www.courts.ca.gov or as indicated.*

- 1) Complete an Order for Probate form – (Forms **DE-140 & Attachment MC-025**)
 - a. Complete the **DE-140** according to the Court’s Minute Order from the date of your hearing.
 - b. Any additional language in the Minute Order regarding your next hearing and/or due date of forms must be contained on the Attachment **MC-025** form. You must include a date and signature line for the judge to sign on the last page of any pages attached to your Order for Probate.
 - i. Minute Orders can be obtained usually 2-3 days after your hearing from the self-serve computer terminals at the courthouse in Room 112 for a copying fee.
- 2) Complete a Letters (for Probate) form – (Form **DE-150**)
- 3) Complete the Duties and Liabilities & Confidential Supplement to Duties and Liabilities forms – (Forms **DE-147 & DE 147S**)
- 4) Filing Instructions: Make 2 copies of each document, Order, Letters and Duties & Liabilities, attach only 1 copy and the original to a self-addressed stamped envelope and drop off in Room 429 (Keep the other copy of the forms for your own records);
 - a. When the Order has been entered the judge’s signature will be on the last attached page of the Order, then your Letters can be issued by the court Clerk.
 - b. If the Order has not been entered the judge’s signature will not appear and you will receive a “Rejection Sheet” detailing what needs to be fixed on your Order. You must make the corrections as indicated on the Rejection Sheet and re-submit your Order (corrected original, 1 copy and the Rejection Sheet) as stated above in #1.
 - c. The file Clerk will issue your Letters when the Order is entered.
 - d. Your Letters are your official Court powers to administer the estate based on the authority and limitations described in the Order for Probate.
 - e. Request Certified copies of your Letters in Room 112.
- 5) Once you obtain a certified copy of your Letters you will be able to perform the necessary actions to gather all the assets of the estate. You may present a certified copy of your Letters to banks, government agencies and other entities as proof that you are the person in charge of handling the business of the assets in Decedent’s name.

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AFTER YOUR ORDER FOR PROBATE IS ENTERED AND LETTERS ISSUED YOU NEED TO . . .

NOTE: These instructions provide the basic information you need to administer (manage) a general probate estate. These instructions do not provide legal advice or take the place of consulting with a lawyer.

As the appointed Personal Representative of the Estate you may be required to complete the below listed actions and/or complete and file specific forms in order to continue with the Probate Process:

The underlined documents can be found at [-www.courts.ca.gov](http://www.courts.ca.gov) or as indicated.

- 1) Complete an Application and Order Appointing Probate Referee – (Local Form **PRO-001**), make 2 copies, attach a self-addressed stamped envelope and file in Room 429, (Form can be found on www.lasuperiorcourt.org);
- 2) Complete a Change in Ownership Statement - Death of Real Property Owner and if the property is to be distributed to a child or grandchild of the decedent, also complete a Claim for Reassessment Exclusion for Transfer between Parent and Child or a Claim for Reassessment Exclusion for Transfer between Grandparent and Grandchild. File all forms with the County of Los Angeles Office of the Assessor, 500 West Temple St., Room 205, Los Angeles, CA 90012 (Forms can be found on <http://assessor.lacounty.gov/extranet/list/forms.aspx>);
- 3) Complete an Inventory and Appraisal, (Forms **DE – 160 & DE -161**) listing the legal description, Assessor's ID Number and address of any real property - leaving the value blank; send this form to the appointed Probate Referee. Once it is returned with the appraised value, make 2 copies and file in Room 429;
- 4) Complete and send Notice of Administration of the Estate – (Form **DE – 157**) to all **known** creditors, check decedent's mail and/or credit report for any outstanding debts, attach a blank Creditor's Claim (Form DE – 172) to the notice, make 2 copies and file it in Room 429;
- 5) Under California law notice of death must be sent to the Department of Health Services. (Information can be found on http://www.dhcs.ca.gov/services/Pages/TPLRD_ER_cont.aspx);
- 6) You must give notice no later than 90 days after the date Letters are issued to:
 - a. Franchise Tax Board - information can be found at:
https://www.ftb.ca.gov/aboutFTB/contact.shtml?WT.mc_id=Global_UTILITY>Contact

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- b. Victim's Compensation – information can be found at:
<http://www.vcgcb.ca.gov/restitution/probate.aspx>
 - c. Internal Revenue Service – information can be found at:
<http://www.irs.gov/taxtopics/tc356.html>
- 7) Personal income taxes for the decedent need to be filed if income earned by decedent prior to death;
 - 8) An Estate Tax Return may need to be filed - check with a CPA;
 - 9) A fiduciary income tax return may need to be filed if the estate is receiving income – check with a CPA;
 - 10) If the decedent had any cash in bank accounts, that money should be transferred to an estate bank account in your name as the administrator of the estate.

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CLOSING YOUR PROBATE ESTATE

NOTE: These instructions provide the basic information you need to close out a general probate case. These instructions do not provide legal advice or take the place of consulting with a lawyer. The underlined forms can be found at www.courts.ca.gov or as indicated.

Below is information you may need to complete and close the Probate Estate:

- 1) Complete and file Allowance or Rejection of Creditor's Claim -DE 174 for each claim filed.
 - a. Creditors have 60 days to file a Creditor's Claim after the date of a Notice of Administration is mailed, or 4 months after letters were issued, whichever is later. Once a Creditor's Claim has been filed you have 30 days to pay, allow, reject or contest the claim.
 - b. Allowable claims are those that are: a) signed and dated; b) the debt was incurred prior to the date of death; c) verified as debt of the decedent; d) the claim was filed within 4 months after letters were issued or 60 days after written notice was given to the creditor.

Priority of Claims

- (a) All debts owed to the United States or to the State of California
 - (i) Examples: IRS or Franchise Tax Board
 - (b) Administrative Expenses
 - (c) Secured Creditors
 - (d) Funeral and Last Illness Expenses
 - (e) Family Allowance
 - (f) Wage Claims
 - (g) General Debts
- 2) If there is no money in the estate, you may need to sell the real property. If a year has passed since the decedent's death you will first need to complete and file an Inventory
 - 3) and Re-Appraisal -DE 160. Then list the property for sale with a licensed realtor. Once you have an offer that you would like to accept, file a Report of Sale and Petition to Confirm Sale of Real Property -DE 260.
 - a. You do not need to file a Report of Sale and Petition to Confirm Sale of Real Property if you have *Full Authority*. Check your Order for Probate and Letters to determine the type of authority you have.

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- b. If you have *Full Authority*, you may sell real property (and other personal property) by giving Notice of Proposed Action – DE 165, to all heirs and to those requesting Special Notice.
- 4) File a Petitioner for Final Distribution – Pleading Paper (No Court Form) or Report of Administrator – (Local Form PRO-039), Form can be found on www.lasuperiorcourt.org

*****You may NOT distribute real property, or other assets, (e.g. change title, give out money) until you have a court order!*****

A court hearing will be set when you file the Petition for Final Distribution. If the Court grants your Petition for Final Distribution, you must prepare and file an Order for Final Distribution.

- 5) After the judge signs the Order for Distribution - Pleading Paper (No Court Form) and distribute the remaining funds according to the order.
- 6) All heirs or beneficiaries must sign a Receipt of Distribution - Pleading Paper (No Court Form) listing they receive.
- 7) When all property of the estate has been distributed according to the Order for Distribution, you may file an Ex Parte for Final Discharge and Order – DE 295 along with the Receipts showing distribution.

This final step is needed to close the estate. This will discharge you from your duties and liabilities as the personal representative!

All filed Probate Court documents are available to view at public computer terminals located in Los Angeles County courthouses. Copies are available for a fee in Room 112.

You may contact the Los Angeles County Bar Association at (213) 243-1525 for attorney referrals.

Handout #2

Inventory & Appraisal Form

DE-160/GC-040

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) Cynthia R. Cox; Jordan C. Parr COX LAW GROUP INC. 23326 HAWTHORNE BOULEVARD, SUITE 390 TORRANCE, CALIFORNIA 90505 TELEPHONE NO: 310-798-6150 FAX NO. (Optional) 310-798-6850 E-MAIL ADDRESS (Optional) cynthia@coxlawgroupinc.com; jordan@coxlawgroupinc.com ATTORNEY FOR (Name) Select Fiduciary Group LLC	FOR COURT USE ONLY SBN: 153298; 332114
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse	CASE NUMBER: 21STPB00621
ESTATE OF (Name): John Joseph Scherer, aka John J. Scherer, aka John Scherer <input checked="" type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR	Date of Death of Decedent or of Appointment of Guardian or Conservator: January 19, 2021
INVENTORY AND APPRAISAL <input checked="" type="checkbox"/> Partial No.: 1 <input type="checkbox"/> Corrected <input type="checkbox"/> Final <input type="checkbox"/> Reappraisal for Sale <input type="checkbox"/> Supplemental <input checked="" type="checkbox"/> Property Tax Certificate	

APPRAISALS

1. Total appraisal by representative, guardian, or conservator (Attachment 1):	\$	0.00
2. Total appraisal by referee (Attachment 2):	\$	1,269,000.00
TOTAL:		\$ 1,269,000.00

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: 05/22/21

Select Fiduciary Group LLC by Ronald K. Miller
(TYPE OR PRINT NAME; INCLUDE TITLE IF CORPORATE OFFICER)

Select Fiduciary Group LLC by
 Ron Miller
(SIGNATURE)

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: \$ 1,145,000.00 Sufficient Insufficient
8. Receipts for: \$ _____ have been filed with the court for deposits in a blocked account at (specify institution and location):

To bond personal property and equity in real property.

Date: 05/22/21

Cynthia R. Cox,

(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

ESTATE OF (Name): John Joseph Scherer, aka John J. Scherer, aka John Scherer <input checked="" type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR	CASE NUMBER: 21STPB00621
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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: | \$ | 1,269.00 |
| Expenses (specify): | \$ | 30.00 |
| TOTAL: | \$ | 1,299.00 |

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

Date: May 17, 2021

Donald L. McGrew

(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 (Name): John Joseph Scherer, aka John J. Scherer, aka John Scherer

CASE NUMBER:
21STPB00621INVENTORY AND APPRAISAL
ATTACHMENT NO.: 2

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

Page: 1 of: 1 total pages.
(Add pages as required.)

Item No.DescriptionAppraised value

SINGLE FAMILY RESIDENTIAL:

954 Kingsley Drive, Arcadia, CA 91007

\$ 1,243,000.00

1. Lot 21 of Tract 13313, in the City of Arcadia, County of Los Angeles, State of California, as per map recorded in Book 268 Page(s) 33 and 34 of Maps, in the office of the County Recorder of said County.

APN: 5777-017-001

2. 2017 Lexus ES350

26,000.00

VIN: 58ABK1GG8HU042274

Total Attachment No. 2:

\$ 1,269,000.00