

OPENING THE ESTATE

What is probate? Probate is a "title clearing procedure". We use it, in California, to transfer a deceased person's property to his or her heirs or beneficiaries. The term "probate" actually has two meanings: first, it means the process of proving the Will in court (from the Latin **probare**, to prove); second, it is the legal process of administering the estate of a deceased person, either with or without a Will.

Probate is initiated by filing a form called "Petition for Probate". The form encompasses several different types of actions: appointment of an executor and admission of a Will; appointment of an administrator where there is no Will; appointment of an administrator with Will annexed where no one was appointed executor, or the executor died or resigned; and appointment of a special administrator, where emergency powers are required. Also, the form allows the personal representative to apply for independent powers under the Independent Administration of Estates Act. This Act gives the personal representative the ability to undertake certain actions without court supervision, and is California's answer to the Uniform Probate Code (enacted in about half the states). In addition, the Petition asks for certain basic information about the decedent, the petitioner, and the natural heirs of the decedent.

Prior to filling out the form, the attorney or his paralegal will interview the client, who is usually the person who was nominated in the Will (if there was one) to be executor. Where there is no Will, some close relative (a son or daughter is typical) will ask to be appointed as administrator. The only difference between an executor and an administrator is that the former is nominated in a Will, while the latter acts where there is no Will, or no one was nominated in the Will. Otherwise, their duties are the same.

The interview process should focus on the petition initially so that all questions on the form can be answered. In addition, the interviewer should find out as much as possible about the estate assets. If the client has brought documents to the office, copies should be made for the file: a death certificate, deeds, tax bills, pink slips, etc. However, the original Will must be left with the attorney so that it can be filed with the Petition for Probate. If the Will can't be found, but it is thought to be in a safe deposit box at a local bank, suggest that the client go to the bank, key in hand, and ask to access the box in order to search for the Will. The bank representative should allow entry for that purpose only. If the Will is found, the bank must turn it over to the person named as executor. They'll usually ask that a Receipt be signed. As to the rest of the box's contents, they will have to wait until Letters Testamentary or Letters of Administration are obtained from the court. That won't happen until after the court has approved the Petition for Probate.

Once the Petition has been filled out, the client and attorney sign it, a copy of the Will is attached, along with a list of heirs, and the petition is filed with the court. Courts charge \$355.00 and up to file a petition, but check with the local county clerk's office because the amount varies in some counties (like Riverside). The clerk at the court will stamp the original petition with a date, case number, and hearing date, also filling in the time of the hearing and

the department where the hearing will be located. The clerk will file stamp any copies for the attorney or his service and return them to the person actually doing the filing. Typically, the hearing will be held six to eight weeks from the filing date.

At this point the attorney will have to arrange for publishing a "Notice of Petition to Administer Estate". Locally, the California Newspaper Service Bureau (owned by the Los Angeles Daily Journal) or Bond Services of California can do this for attorneys so the attorney doesn't have to contact any particular newspaper. The law requires that this Notice be published in the city in which the decedent resided, so if the local paper isn't known, they can find this out, publish the Notice, and send you a bill. They can also mail the Notice to the heirs/beneficiaries for a small service charge and will file the newspaper's Affidavit attesting to the fact of publication, along with a Proof of Service by Mail, which acknowledges that they mailed the Notice to the proper persons. [When filing a Petition for Probate, give the clerk an extra copy for the Bureau or bonding company.]

In testate cases, one of the witnesses to the Will must sign a declaration attesting that he/she recognizes his/her signature on the Will. That form, called "Proof of Subscribing Witness", must be filed with the court before the hearing. In the case of a holographic Will, the form is called "Proof of Holographic Instrument", and someone who is familiar with the decedent's handwriting must sign this form. A copy of the Will must be attached to either form. In the case of a handwritten Will, the courts generally require that a typewritten copy accompany the Will (so the court can read it).

Prior to the hearing, each new case will be reviewed by a probate examiner or probate attorney, depending on the particular court. The examiners use a checklist to help them scrutinize each petition. If there are any defects, such as forgotten signatures, or incorrectly marked boxes, the examiner will make a note of it. These "notes" are then typed up (or sometimes handwritten), and are referred to as the "probate notes" or "calendar notes". In Orange County, these notes are available on the Internet about three weeks before the hearings. In Los Angeles, the notes are available on the internet about 1 - 4 days before the hearing. Any defects must be cleared up before the hearing. Los Angeles requires "clearing" to be done at least two days before the hearing (if possible), but Orange County requires at least five *court* days. Some clearing of notes can be done by e-mail, but usually this will not be sufficient. If the notes are not cleared up, the court will require a continuance to the next court date, usually five to eight weeks off. Some courts will allow an attorney to clear the notes (if minor) at the hearing, but it is unwise to rely on last minute clearing. In order to clear up defects, the attorney usually must file a supplement to the petition ("Box 5a should have been marked", or "The date was inadvertently left off the petition..."). Also, the proof of mailing the Notice of Petition to Administer Estate must be in the file, along with the Affidavit of Publication. Usually the newspaper bureau or bonding company does this for the attorney and clears up any notes regarding these defects.

If you can't find at least one of the witnesses to the Will, this can present a problem for the attorney. Typically, the court will require the attorney and client to appear at the hearing,

and the client, or some other knowledgeable person, will have to testify regarding the Will and its execution. Specifically, the court will want to know the circumstances surrounding the execution (signing) of the Will. In most courts, however, if the Will is "self-proving", the court will not require that a Proof of Subscribing Witness form be filed with the court. With a self-proving Will, the witnesses sign under penalty of perjury, so the Will can be admitted to probate without any further proof. Check the local rules of court, however, because some courts do not recognize self-proving wills. In that case, the attorney must submit the form to the court or provide testimony (usually written) before the hearing.

If the examiner finds no defects, he/she will mark the case "RFA" - Recommended For Approval. That means that on the date of the hearing, the judge or clerk will read a list of those cases that have passed muster and approve them without the attorney or anyone else showing up. Cases that have been continued, or are taken off calendar, are also on this list. This speeds up the morning (or afternoon) calendar so that contested or problem cases can be given more time. After the hearing, the attorney then files the Order for Probate, which the judge signs, and the client is appointed personal representative. In addition to the Order, Probate Letters must be issued before the probate officially begins. These Letters, which are signed by the client, are issued by the clerk of the court, and are the client's official "badge of office". They can be used to open a bank account, sell property, or prove that the client is in fact the personal representative. In addition, the court requires that the form "Duties and Liabilities" be signed by the client, which shows that he/she has read the form and agrees to be bound by the rules and laws of the probate court, and a Confidential Supplement must be attached.

Unless the Will waives bond, most courts will require that the personal representative post at least a minimum bond (which is like an insurance policy and is designed to keep the personal representative from running off with the estate assets). Bonding companies will not write a bond for less than \$6,000.00, which costs around \$75 - \$100 per year. The court will then order the personal representative to post at least that amount before Letters will be issued. The amount required by the court depends on the assets of the estate. Generally, the amount will be equal to the value of the personal property, plus one year's income on the property (interest, rent, dividends, etc.). If the personal representative desires to sell real property without court supervision (full independent powers), the bond will also include the value of the real estate (less any mortgage). It's a good idea, also, to ask your client if he/she has any credit problems. Bonding companies will not write bonds for people with bad credit.

Even though the court may require a bond in any particular case, if all of the heirs "waive" the requirement of a bond, the court may decide not to require it. Be aware, however, that the court will not waive bond for any personal representative who lives out of state, even if the Will waives bond.

All bonding companies work through agents (just like insurance companies). When you need a bond, you can call up a local agent and tell them what you need. Even though the application for the bond can be taken care of before the hearing, many attorneys will work with a local agent who can attend the hearing and file the Order, Letters, Duties and Liabilities form,

and Bond immediately after the hearing.

Often, a client will say, "I don't know all the addresses for the people named in Dad's Will. What do I do?" First, tell them to check with other relatives or friends. Check local phone books or do a google search. You may have to hire a private investigator to find them. It is extremely important that notice be given to all interested persons (that means anyone who might inherit by Will or intestacy). Failure to give notice is a jurisdictional problem. If someone shows up at a later time and convinces the court that he or she did not receive the proper notice, the court must dismiss the case and start all over again. Our federal and state constitutions guarantee that each person is entitled to "due process of law". That means that each person who may be affected by a lawsuit or proceeding has a right to be notified of that proceeding and that the person has a right to appear in the matter (in court, if necessary). Only after a proper search has been made will the court allow notice to be mailed in care of the county clerk's office (which is, in effect, no notice at all). Some courts may also require that the attorney check with the DMV, Registrar of Voters, or Tax Assessor.

At the time the court returns your copies of the Order, Letters, etc. to you, most courts will assign a Probate Referee to your case. There is a space on the Order for Probate form that allows this. Each county has at least one referee designated to act as an appraiser for probates. However, in some counties, notably Los Angeles, a separate form must be filed in order to have the referee designated. The form is entitled "Application and Order Appointing Probate Referee" and it can be obtained from the L.A. County Clerk's office.

Following your client's appointment as executor or administrator, the court will, at your request, issue as many certified copies of the Probate Letters as you want. The cost runs \$25.50 for each certified copy. Copies can be obtained at any time throughout the probate by simply sending a request to the clerk's office and paying the appropriate fees. If the date on the certified copy is older than 60 days, some banks, title companies, stock brokers, etc. will require a more recent one.

Also, at this time, the attorney should send his/her client copies of the Order, Letters (certified copies), Duties and Liabilities, etc.) so the client can review them and have them for his/her files. The Duties and Liabilities form is particularly important for the client to read because it contains information that tells the client what is expected of him/her during the probate and what he or she can/cannot do. In addition, if the client expects to open an estate bank account at this time or in the near future, the attorney may wish to apply to the IRS for a tax identification number. Banks will not open up an estate bank account without one. The procedure for obtaining this number is to fill out IRS form SS-4 and then call the IRS. The agent will give you a number over the phone. You can also fill out the form on the Internet and get a number in a few minutes. (see website: www.alanddavis.com). You must pick a fiscal year for the estate, which can be almost any twelve month period of time, but usually runs one year from the date of death. Also, you should refer the client to an accountant who is familiar with probates and can assist in preparing any income tax forms for the estate or the decedent (not to mention any estate taxes that might be due).

By this time, the client should know what assets the estate consists of. If not, the client should begin a search, checking with local banks, county recorder's office, etc. An inventory of the assets must be filed with the court within four months of the client's appointment (which is the date the Letters were originally issued), complete with the appraised values (as set by the probate referee). The personal representative must also start thinking about the disposition of certain assets: should he/she sell the family home? sell off the stocks and bonds? sell the car/boat? Remember, cars and boats require insurance and are easily stolen. Houses can be broken into and ransacked, or even burned down. Important papers may be lost. It's the client's job to take care of these things and protect the estate assets. We call this "marshalling of assets", or gathering them so that they can be inventoried, appraised, and protected. In addition, there may be jewelry or stock certificates in a safe deposit box. The client should go to the bank with Letters in hand (and key) to remove any items contained in the box. It is not necessary to have the county treasurer there to inventory the contents (as was the procedure years ago).

Besides the probatable assets, the personal representative should make a note of those things that can be passed to the heirs or beneficiaries without probate. Property held in joint tenancy, for example, passes by law to the surviving joint tenant(s). The procedure in California is to have the survivor (or one of them) sign an Affidavit attesting to the deceased person's identity and that he/she was the same person who owned the real estate in question. A certified copy of the decedent's death certificate is attached to the Affidavit (which can be purchased, or obtained from many title companies), which is then recorded with the County Recorder. Additionally, life insurance, IRA's, and some types of pension benefits typically pass to a beneficiary without probate.

Where the decedent owned a business, the personal representative may have to take immediate action to protect the business from other relatives or heirs, or from employees and creditors. The personal representative may have to find a manager to run the business, or even try to run it himself (if he has the skills).

Failure of the personal representative to carry out his/her duties can be grounds for removal by the court. Typically, an heir complains to the court, the attorney, or files a petition asking that the personal representative be removed for failure to distribute the estate assets in a reasonable time (usually one year from the date the probate is opened). Before the court will remove a personal representative, however, it will require someone to file a petition asking to be appointed successor administrator. If removed, the removed person will have to account to the court and the heirs for all sums in his/her possession and any disbursements made on behalf of the estate. The court can also surcharge the removed executor; that is, charge the person for failing to carry out his/her duties and deduct that amount from any fees that the court would have allowed the person. If the attorney has been negligent in not moving the case along, the court may also surcharge the attorney's fee. Obviously, then, it is important for the attorney to guide the client through the probate to distribution of the estate assets.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Alan D. Davis, #81783 Law Office of Alan D. Davis 1323 N. Broadway Santa Ana, CA 92706 TELEPHONE NO.: (714) 614-0422 FAX NO. (Optional): (714) 285-1425 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): I. L. GETRICH		FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 341 THE CITY DRIVE MAILING ADDRESS: P.O. BOX 14169 CITY AND ZIP CODE: ORANGE, CA 92613-1569 BRANCH NAME: LAMOREAUX JUSTICE CENTER			
ESTATE OF (Name): I. M. DECEASED, <div style="text-align: right;">DECEDENT</div>			
PETITION FOR <input checked="" type="checkbox"/> Probate of Will and for Letters Testamentary <input type="checkbox"/> Probate of Will and for Letters of Administration with Will Annexed <input type="checkbox"/> Letters of Administration <input type="checkbox"/> Letters of Special Administration <input type="checkbox"/> with general powers <input checked="" type="checkbox"/> Authorization to Administer Under the Independent Administration of Estates Act <input type="checkbox"/> with limited authority		CASE NUMBER: A 123456	
		HEARING DATE: 1-31-09	
		DEPT.: L73	TIME: 9:00 A.M.

1. Publication will be in (specify name of newspaper): **Bond Services of California**

a. Publication requested.
 b. Publication to be arranged.

2. **Petitioner (name each): I. L. GETRICH** requests that

a. decedent's will and codicils, if any, be admitted to probate.
 b. (name): **I. L. GETRICH**
 be appointed
 (1) executor
 (2) administrator with will annexed
 (3) administrator
 (4) special administrator with general powers and Letters issue upon qualification.

c. full limited authority be granted to administer under the Independent Administration of Estates Act.
 d. (1) bond not be required for the reasons stated in item 3d.
 (2) \$ **200,000** bond be fixed. The bond will be furnished by an admitted surety insurer or as otherwise provided by law. (Specify reasons in Attachment 2 if the amount is different from the maximum required by Prob. Code, § 8482.)
 (3) \$ _____ in deposits in a blocked account be allowed. Receipts will be filed.
 (Specify institution and location):

3. a. Decedent died on (date): **12-1-08** at (place): **Santa Ana, CA**
 (1) a resident of the county named above.
 (2) a nonresident of California and left an estate in the county named above located at (specify location permitting publication in the newspaper named in item 1):

b. Street address, city, and county of decedent's residence at time of death (specify):
12345 Main St.
Santa Ana, CA
Orange County

ESTATE OF (Name): I. M. DECEASED,

CASE NUMBER:

DECEDENT

A 123456

3. c. Character and estimated value of the property of the estate (complete in all cases):

(1) Personal property:		\$	25,000
(2) Annual gross income from			
(a) real property:		\$	10,000
(b) personal property:		\$	15,000
(3) Subtotal (add (1) and (2)):		\$	50,000
(4) Gross fair market value of real property:	\$	450,000	
(5) (Less) Encumbrances:	\$	(300,000)	
(6) Net value of real property:	\$	150,000	
(7) Total (add (3) and (6)):	\$	200,000	

- d. (1) Will waives bond. Special administrator is the named executor, and the will waives bond.
(2) All beneficiaries are adults and have waived bond, and the will does not require a bond. (Affix waiver as Attachment 3d(2).)
(3) All heirs at law are adults and have waived bond. (Affix waiver as Attachment 3d(3).)
(4) Sole personal representative is a corporate fiduciary or an exempt government agency.
- e. (1) Decedent died intestate.
(2) Copy of decedent's will dated: 3-1-02 codicil dated (specify for each):
are affixed as Attachment 3e(2).
(Include typed copies of handwritten documents and English translations of foreign-language documents.)
 The will and all codicils are self-proving (Prob. Code, § 8220).

f. Appointment of personal representative (check all applicable boxes):

- (1) Appointment of executor or administrator with will annexed:
(a) Proposed executor is named as executor in the will and consents to act.
(b) No executor is named in the will.
(c) Proposed personal representative is a nominee of a person entitled to Letters. (Affix nomination as Attachment 3f(1)(c).)
(d) Other named executors will not act because of death declination
 other reasons (specify):
 Continued in Attachment 3f(1)(d).
- (2) Appointment of administrator:
(a) Petitioner is a person entitled to Letters. (If necessary, explain priority in Attachment 3f(2)(a).)
(b) Petitioner is a nominee of a person entitled to Letters. (Affix nomination as Attachment 3f(2)(b).)
(c) Petitioner is related to the decedent as (specify):
- (3) Appointment of special administrator requested. (Specify grounds and requested powers in Attachment 3f(3).)

g. Proposed personal representative is a

- (1) resident of California.
(2) nonresident of California (specify permanent address):
(3) resident of the United States.
(4) nonresident of the United States.

ESTATE OF (Name): I. M. DECEASED,

CASE NUMBER:

DECEDENT

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4. Decedent's will does not preclude administration of this estate under the Independent Administration of Estates Act.
5. a. Decedent is survived by (check items (1) or (2), and (3) or (4), and (5) or (6), and (7) or (8))
- (1) spouse.
- (2) no spouse as follows:
- (a) divorced or never married.
- (b) spouse deceased.
- (3) registered domestic partner.
- (4) no registered domestic partner.
(See Fam. Code, § 297.5(c); Prob. Code, §§ 37(b), 6401(c), and 6402.)
- (5) child as follows:
- (a) natural or adopted.
- (b) natural adopted by a third party.
- (6) no child.
- (7) issue of a predeceased child.
- (8) no issue of a predeceased child.
- b. Decedent was was 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 if decedent was survived by (1) a spouse or registered domestic partner but no issue (only a or b apply), or (2) no spouse, registered domestic partner, or issue. (Check the first box that applies):
- a. Decedent was survived by a parent or parents who are listed in item 8.
- b. Decedent was survived by issue of deceased parents, all of whom are listed in item 8.
- c. Decedent was survived by a grandparent or grandparents who are listed in item 8.
- d. Decedent was survived by issue of grandparents, all of whom are listed in item 8.
- e. Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.
- f. Decedent was survived by next of kin, all of whom are listed in item 8.
- g. Decedent was survived by parents of a predeceased spouse or issue of those parents, if both are predeceased, all of whom are listed in item 8.
- h. Decedent was survived by no known next of kin.
7. (Complete only if no spouse or issue survived decedent.)
- a. Decedent had no predeceased spouse.
- b. Decedent had a predeceased spouse who
- (1) died not more than 15 years before decedent and who owned an interest in **real property** that passed to decedent,
- (2) died not more than five years before decedent and who owned **personal property** valued at \$10,000 or more that passed to decedent,
(If you checked (1) or (2), check only the first box that applies):
- (a) Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.
- (b) Decedent was survived by a parent or parents of the predeceased spouse who are listed in item 8.
- (c) Decedent was survived by issue of a parent of the predeceased spouse, all of whom are listed in item 8.
- (d) Decedent was survived by next of kin of the decedent, all of whom are listed in item 8.
- (e) Decedent was survived by next of kin of the predeceased spouse, all of whom are listed in item 8.
- (3) neither (1) nor (2) apply.
8. Listed on the next page are the names, relationships to decedent, ages, and addresses, so far as known to or reasonably ascertainable by petitioner, of (1) all persons mentioned in decedent's will or any codicil, whether living or deceased; (2) all persons named or checked in items 2, 5, 6, and 7; and (3) all beneficiaries of a trust named in decedent's will or any codicil in which the trustee and personal representative are the same person.

ESTATE OF (Name): I. M. DECEASED,	CASE NUMBER
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8. <u>Name and relationship to decedent</u>	<u>Age</u>	<u>Address</u>
I. L. Getrich - spouse	59	12345 Main St., Santa Ana, CA 92701
Ima Air - daughter	adult	54321 Main St., Orange, CA 92866

Continued on Attachment 8.

9. Number of pages attached: 4

Date: 12/15/08

Alan D. Davis, #81783
(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, 1021; 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: 12/15/08

I. L. GETRICH
(TYPE OR PRINT NAME OF PETITIONER)

(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME OF PETITIONER)

(SIGNATURE OF PETITIONER)

Signatures of additional petitioners follow last attachment.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Alan D. Davis, #81783 Law Office of Alan D. Davis 1323 N. Broadway Santa Ana, CA 92706 TELEPHONE NO.: (714) 614-0422 FAX NO. (Optional): (714) 285-1425 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): I. L. GETRICH	FOR COURT USE ONLY CASE NUMBER: A 123456
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 341 THE CITY DRIVE MAILING ADDRESS: P.O. BOX 14169 CITY AND ZIP CODE: ORANGE, CA 92613-1569 BRANCH NAME: LAMOREAUX JUSTICE CENTER	
ESTATE OF (Name): I. M. DECEASED, <div style="text-align: right;">DECEDENT</div>	
NOTICE OF PETITION TO ADMINISTER ESTATE OF (Name): I. M. DECEASED	

1. To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of (specify all names by which the decedent was known): **I. M. DECEASED**

2. A **Petition for Probate** has been filed by (name of petitioner): **I. L. GETRICH** in the Superior Court of California, County of (specify): **ORANGE**
3. The **Petition for Probate** requests that (name): **I. L. GETRICH** be appointed as personal representative to administer the estate of the decedent.
4. The petition requests the decedent's will and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.
5. The petition requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.
6. **A hearing on the petition will be held in this court as follows:**

a. Date: 1-31-13	Time: 1:30 p.m.	Dept.: L73	Room:
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b. Address of court: same as noted above other (specify):

7. **If you object to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.**
8. **If you are a creditor or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under section 9052 of the California Probate Code.**
Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.
9. **You may examine the file kept by the court.** If you are a person interested in the estate, you may file with the court a *Request for Special Notice* (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A *Request for Special Notice* form is available from the court clerk.
10. Petitioner Attorney for petitioner (name): **Alan D. Davis**

(Address): 1323 N. Broadway, Santa Ana, CA 92706

(Telephone): 714-614-0422

NOTE: If this notice is published, print the caption, beginning with the words NOTICE OF PETITION TO ADMINISTER ESTATE, and do not print the information from the form above the caption. The caption and the decedent's name must be printed in at least 8-point type and the text in at least 7-point type. Print the case number as part of the caption. Print items preceded by a box only if the box is checked. Do not print the italicized instructions in parentheses, the paragraph numbers, the mailing information, or the material on page 2.

ESTATE OF (Name): I. M. DECEASED,	CASE NUMBER:
DECEDENT	A 123456

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): 1323 N. Broadway, Santa Ana, CA 92706

3. I served the foregoing *Notice of Petition to Administer Estate* on each person named below by enclosing a copy in an envelope addressed as shown below **AND**
 - a. **depositing** the sealed envelope with the United States Postal Service on the date and at the place shown in item 4, 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: 1-02-13 b. Place mailed (city, state): Santa Ana, CA
5. I served, with the *Notice of Petition to Administer Estate*, 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: 1-02-13


Alan D. Davis
(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.	Al Most Deceased	666 Main St. Santa Ana, CA 92701
2.		
3.		
4.		
5.		
6.		

Continued on an attachment. (You may use form DE-121(MA) to show additional persons served.)

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 <i>Request for Accommodations by Persons With Disabilities and Order</i> (form MC-410). (Civil Code section 54.8.)	
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12/16 pm

DECLARATION OF PUBLICATION

STATE OF CALIFORNIA,)
COUNTY OF ORANGE)

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
AMOREALLY JUSTICE CENTER

DEC 14 2004

ATTORNEY OF RECORD:
ALAN D. DAVIS
P.O. BOX 3476
FULLERTON, CA 92834-3476

ALAN DAVIS, Clerk of the Court

BY D. DAVIS DEPUTY

NOTICE OF DEATH AND PETITION TO ADMINISTER ESTATE OF:

MARIA TERESA
CASE #A221

I am a citizen of the United States and a resident of the aforesaid county; I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the **FULLERTON NEWS TRIBUNE**, a newspaper of general circulation in the city of **FULLERTON** the city where the decedent resided at the time of death or where the decedent's property is located.

FULLERTON NEWS TRIBUNE has been adjudged a newspaper of general circulation in said city by the Superior Court of Orange, State of California, under date of 3/8/52 case # A21215 that the notice, of which the annexed is a printed copy, has been published by distribution in each regular and entire issue of said newspaper any supplement thereof on the following dates:

11/25, 12/2 & 12/9 all in the year 2004.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

X _____
signature

Date: X 12/9/04, Executed at
SANTA ANA, California.

BSC 15033
BOND SERVICES OF CALIFORNIA
2700 N MAIN STREET, STE 1105
SANTA ANA, CA 92705
(714) 558-3007 FAX(714) 245-1926

BSC 15033

NOTICE OF PETITION TO ADMINISTER ESTATE OF: MARIA TERESA CASE NO. _____

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of: **MARIA TERESA**

A PETITION FOR PROBATE has been filed by **ALEJANDRO M. SR.** in the Superior Court of California, County of **ORANGE**.

THE PETITION FOR PROBATE request that **ALEJANDRO M. SR.** be appointed as personal representative to administer the estate of the decedent.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This Authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested persons files an objection to the petition and shows good cause why the court should not grant the authority.

A HEARING on the petition will be held on **DECEMBER 16, 2004** at **1:45 P.M.** in Dept L73 located at 341 The City Drive South, Orange, CA 92868.

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of the first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date notice above.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for the Petitioner: **ALAN D. DAVIS**
P.O. BOX 3476
FULLERTON, CA 92834-3476
Publisher: Fullerton News Tribune 8440598
November 25, December 2, 9, 2004 27-505

Proof of Publication

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): (714) 614-0422 Alan D. Davis, #81783 Law Office of Alan D. Davis 1323 N. Broadway Santa Ana, CA 92706	TELEPHONE AND FAX NOS.: (714) 285-1425	FOR COURT USE ONLY
ATTORNEY FOR (Name): I. L. GETRICH		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 341 THE CITY DRIVE MAILING ADDRESS: P.O. BOX 14169 CITY AND ZIP CODE: ORANGE, CA 92613-1569 BRANCH NAME: LAMOREAUX JUSTICE CENTER		
ESTATE OF (Name): I. M. DECEASED,		DECEDENT
PROOF OF SUBSCRIBING WITNESS		CASE NUMBER: A 123456

- I am one of the attesting witnesses to the instrument of which Attachment 1 is a photographic copy. I have examined Attachment 1 and my signature is on it.
 - The name of the decedent was signed in the presence of the attesting witnesses present at the same time by
 - the decedent personally.
 - another person in the decedent's presence and by the decedent's direction.
 - The decedent acknowledged in the presence of the attesting witnesses present at the same time that the decedent's name was signed by
 - the decedent personally.
 - another person in the decedent's presence and by the decedent's direction.
 - The decedent acknowledged in the presence of the attesting witnesses present at the same time that the instrument signed was decedent's
 - will.
 - codicil.
- When I signed the instrument, I understood that it was decedent's will codicil.
- I have no knowledge of any facts indicating that the instrument, or any part of it, was procured by duress, menace, fraud, or undue influence.

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

Date: 1-5-92

Harvey D. Ceased
 (TYPE OR PRINT NAME)

54321 Main St.
 Santa Ana, CA
 (ADDRESS)

 (SIGNATURE OF WITNESS)

ATTORNEY'S CERTIFICATION

(Check local court rules for requirements for certifying copies of wills and codicils)

I am an active member of The State Bar of California. I declare under penalty of perjury under the laws of the State of California that Attachment 1 is a photographic copy of every page of the will codicil presented for probate.

Date:

Alan D. Davis, #81783
 (TYPE OR PRINT NAME)

 (SIGNATURE OF ATTORNEY)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Alan D. Davis, #81783 Law Office of Alan D. Davis 1323 N. Broadway Santa Ana, CA 92706 TELEPHONE AND FAX NOS.: (714) 614-0422 (714) 285-1425	FOR COURT USE ONLY CASE NUMBER: A 123456
ATTORNEY FOR (Name): I. L. GETRICH SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 341 THE CITY DRIVE MAILING ADDRESS: P.O. BOX 14169 CITY AND ZIP CODE: ORANGE, CA 92613-1569 BRANCH NAME: LAMOREAUX JUSTICE CENTER	
ESTATE OF (Name): I. M. DECEASED, <p style="text-align: right;">DECEDENT</p>	
<p style="text-align: center;">PROOF OF HOLOGRAPHIC INSTRUMENT</p>	

1. I was acquainted with the decedent for the following number of years (specify): 20
2. I was related to the decedent as (specify): son
3. I have personal knowledge of the decedent's handwriting which I acquired as follows:
 - a. I saw the decedent write.
 - b. I saw a writing purporting to be in the decedent's handwriting and upon which decedent acted or was charged. It was (specify):
 - c. I received letters in the due course of mail purporting to be from the decedent in response to letters I addressed and mailed to the decedent.
 - d. Other (specify other means of obtaining knowledge):
4. I have examined the attached copy of the instrument, and its handwritten provisions were written by and the instrument was signed by the hand of the decedent. (Affix a copy of the instrument as Attachment 4.)

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

Date:

I.L. GETRICH (TYPE OR PRINT NAME) _____ (SIGNATURE)
 12345 MAIN ST.
 SANTA ANA, CA (ADDRESS)

ATTORNEY'S CERTIFICATION

(Check local court rules for requirements for certifying copies of wills and codicils)

I am an active member of The State Bar of California. I declare under penalty of perjury under the laws of the State of California that Attachment 4 is a photographic copy of every page of the holographic instrument presented for probate.

Date:

Alan D. Davis, #81783 (TYPE OR PRINT NAME) _____ (SIGNATURE OF ATTORNEY)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): (714) 614-0422 Alan D. Davis, #81783 Law Office of Alan D. Davis 1323 N. Broadway Santa Ana, CA 92706		TELEPHONE AND FAX NOS.: (714) 285-1425	FOR COURT USE ONLY
ATTORNEY FOR (Name): I. L. GETRICH			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 341 THE CITY DRIVE MAILING ADDRESS: P.O. BOX 14169 CITY AND ZIP CODE: ORANGE, CA 92613-1569 BRANCH NAME: LAMOREAUX JUSTICE CENTER			
ESTATE OF (Name): I. M. DECEASED, DECEDENT			
ORDER <input checked="" type="checkbox"/> Executor APPOINTING <input type="checkbox"/> Administrator with Will Annexed <input type="checkbox"/> Administrator <input type="checkbox"/> Special Administrator <input checked="" type="checkbox"/> Order Authorizing Independent Administration of Estate <input checked="" type="checkbox"/> with full authority <input type="checkbox"/> with limited authority		CASE NUMBER: A 123456	
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.			

1. Date of hearing: 1-31-05 Time: 9:00 A.M. Dept./Room: L73 Judge: Harecom D'Judge

THE COURT FINDS

- 2. a. All notices required by law have been given.
- b. Decedent died on (date): 12-1-04
 - (1) a resident of the California county named above.
 - (2) a nonresident of California and left an estate in the county named above.
- c. Decedent died
 - (1) intestate
 - (2) testate
 and decedent's will dated: 3-1-02 and each codicil dated:
 was admitted to probate by Minute Order on (date): 1-31-05

THE COURT ORDERS

- 3. (Name): I. L. GETRICH is appointed **personal representative**:
 - a. executor of the decedent's will
 - b. administrator with will annexed
 - c. administrator
 - d. special administrator
 - (1) with general powers
 - (2) with special powers as specified in Attachment 3d(2)
 - (3) without notice of hearing
 - (4) letters will expire on (date):
 and letters shall issue on qualification.
- 4. a. Full Authority is granted to administer the estate under the Independent Administration of Estates Act.
- b. Limited authority is granted to administer the estate under the Independent Administration of Estates Act (there is no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
- 5. a. Bond is not required.
- b. Bond is fixed at: \$ _____ to be furnished by an authorized surety company or as otherwise provided by law.
- c. Deposits of: \$ _____ are ordered to be placed in a blocked account at (specify institution and location): _____ and receipts shall be filed. No withdrawals shall be made without a court order. Additional orders in Attachment 5c.
- d. The personal representative is not authorized to take possession of money or any other property without a specific court order.
- 6. (Name): A. P. PRAISAL is appointed probate referee.

Date:

JUDGE OF THE SUPERIOR COURT
HARECOM D' JUDGE
 SIGNATURE FOLLOWS LAST ATTACHMENT

7. Number of pages attached: _____

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): Alan D. Davis, #81783 Law Office of Alan D. Davis P.O. Box 3476 Fullerton, CA 92834-3476 TELEPHONE NO.: (714) 614-0422 FAX NO. (<i>Optional</i>): (714) 285-1425 E-MAIL ADDRESS (<i>Optional</i>): ATTORNEY FOR (<i>Name</i>): I. L. GETRICH	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 341 THE CITY DRIVE MAILING ADDRESS: P.O. BOX 14169 CITY AND ZIP CODE: ORANGE, CA 92613-1569 BRANCH NAME: Central District	
ESTATE OF (<i>Name</i>): I. M. DECEASED, <p style="text-align: right;">DECEDENT</p>	
DUTIES AND LIABILITIES OF PERSONAL REPRESENTATIVE and Acknowledgment of Receipt	CASE NUMBER: A 123456

DUTIES AND LIABILITIES OF PERSONAL REPRESENTATIVE

When the court appoints you as personal representative of an estate, you become an officer of the court and assume certain duties and obligations. An attorney is best qualified to advise you about these matters. You should understand the following:

1. MANAGING THE ESTATE'S ASSETS

a. Prudent investments

You must manage the estate assets with the care of a prudent person dealing with someone else's property. This means that you must be cautious and may not make any speculative investments.

b. Keep estate assets separate

You must keep the money and property in this estate separate from anyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is an estate account and not your personal account. Never deposit estate funds in your personal account or otherwise mix them with your or anyone else's property. Securities in the estate must also be held in a name that shows they are estate property and not your personal property.

c. Interest-bearing accounts and other investments

Except for checking accounts intended for ordinary administration expenses, estate accounts must earn interest. You may deposit estate funds in insured accounts in financial institutions, but you should consult with an attorney before making other kinds of investments.

d. Other restrictions

There are many other restrictions on your authority to deal with estate property. You should not spend any of the estate's money unless you have received permission from the court or have been advised to do so by an attorney. You may reimburse yourself for official court costs paid by you to the county clerk and for the premium on your bond. Without prior order of the court, you may not pay fees to yourself or to your attorney, if you have one. If you do not obtain the court's permission when it is required, you may be removed as personal representative or you may be required to reimburse the estate from your own personal funds, or both. You should consult with an attorney concerning the legal requirements affecting sales, leases, mortgages, and investments of estate property.

2. INVENTORY OF ESTATE PROPERTY

a. Locate the estate's property

You must attempt to locate and take possession of all the decedent's property to be administered in the estate.

b. Determine the value of the property

You must arrange to have a court-appointed referee determine the value of the property unless the appointment is waived by the court. You, rather than the referee, must determine the value of certain "cash items." An attorney can advise you about how to do this.

c. File an inventory and appraisal

Within four months after Letters are first issued to you as personal representative, you must file with the court an inventory and appraisal of all the assets in the estate.

ESTATE OF (Name): I. M. DECEASED, DECEDENT	CASE NUMBER: A 123456
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d. File a change of ownership

At the time you file the inventory and appraisal, you must also file a change of ownership statement with the county recorder or assessor in each county where the decedent owned real property at the time of death, as provided in section 480 of the California Revenue and Taxation Code.

3. NOTICE TO CREDITORS

You must mail a notice of administration to each known creditor of the decedent within four months after your appointment as personal representative. If the decedent received Medi-Cal assistance, you must notify the State Director of Health Services within 90 days after appointment.

4. INSURANCE

You should determine that there is appropriate and adequate insurance covering the assets and risks of the estate. Maintain the insurance in force during the entire period of the administration.

5. RECORD KEEPING

a. Keep accounts

You must keep complete and accurate records of each financial transaction affecting the estate. You will have to prepare an account of all money and property you have received, what you have spent, and the date of each transaction. You must describe in detail what you have left after the payment of expenses.

b. Court review

Your account will be reviewed by the court. Save your receipts because the court may ask to review them. If you do not file your accounts as required, the court will order you to do so. You may be removed as personal representative if you fail to comply.

6. CONSULTING AN ATTORNEY

If you have an attorney, you should cooperate with the attorney at all times. You and your attorney are responsible for completing the estate administration as promptly as possible. **When in doubt, contact your attorney.**

NOTICE: 1. This statement of duties and liabilities is a summary and is not a complete statement of the law. Your conduct as a personal representative is governed by the law itself and not by this summary.
2. If you fail to perform your duties or to meet the deadlines, the court may reduce your compensation, remove you from office, and impose other sanctions.

ACKNOWLEDGMENT OF RECEIPT

- I have petitioned the court to be appointed as a personal representative.
- My address and telephone number are (*specify*): 123 Main St., Santa Ana, CA 92700
(714) 123-4567
- I acknowledge that I have received a copy of this statement of the duties and liabilities of the office of personal representative.

Date:

I. L. GETRICH
(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

CONFIDENTIAL INFORMATION: If required to do so by local court rule, you must provide your date of birth and driver's license number on supplemental Form DE-147S. (Prob. Code, § 8404(b).)

CONFIDENTIAL

DE-147S

ESTATE OF (Name): I. M. DECEASED DECEDENT	CASE NUMBER: A 123456
--	---------------------------------

**CONFIDENTIAL STATEMENT OF BIRTH DATE
AND DRIVER'S LICENSE NUMBER**

(Supplement to *Duties and Liabilities of Personal Representative* (Form DE-147))

(NOTE: This supplement is to be used if the court by local rule requires the personal representative to provide a birth date and driver's license number. Do not attach this supplement to Form DE-147.)

This separate *Confidential Statement of Birth Date and Driver's License Number* contains confidential information relating to the personal representative in the case referenced above. This supplement shall be kept separate from the *Duties and Liabilities of Personal Representative* filed in this case and shall not be a public record.

INFORMATION ON THE PERSONAL REPRESENTATIVE:

- 1. Name:** I. L. GETRICH
- 2. Date of birth:** 1-1-47
- 3. Driver's license number:** A20202020 **State:** CA

**TO COURT CLERK:
THIS STATEMENT IS CONFIDENTIAL. DO NOT FILE
THIS CONFIDENTIAL STATEMENT IN A PUBLIC COURT FILE.**



American Contractors Indemnity Company

All papers and notices may be served at
AMERICAN CONTRACTORS INDEMNITY COMPANY
9841 Airport Blvd., Suite 1414, Los Angeles, CA 90045

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

Bond No. _____

IN AND FOR THE _____ COUNTY OF ORANGE

IN THE MATTER OF

Estate of:

I. M. DECEASED,

Case No. A 123456

Bond upon Qualifying Additional Bond

Premium _____
Per Annum

KNOW ALL MEN BY THESE PRESENTS:

That we, I. L. GETRICH

as Principal and the AMERICAN CONTRACTORS INDEMNITY COMPANY as Surety, are held and firmly bound unto

_____ in the sum of
One Hundred Thousand Dollars (\$ 100,000.00)

for which payment, well and truly to be made, we bind ourselves, our heirs, executors, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT,

WHEREAS, an order was duly made and entered by the Superior Court of the State of California, for the

_____ County of Orange on _____

Appointing the above Principal, I. L. Getrich of the estate of _____
I. M. Deceased

Directing the said Principal to execute an additional bond according to law in sum above named.

NOW, THEREFORE, if the said Principal shall faithfully execute the duties of the trust according to law, then this obligation shall be void, otherwise to remain in full force and effect.

Signed and dated at _____ California on _____

JOE'S BONDING COMPANY

AMERICAN CONTRACTORS INDEMNITY COMPANY

IN WITNESS WHEREOF, The corporate seal and name of said Surety Company is hereto affixed and attested by _____, who declares under penalty of perjury that he is duly authorized Attorney-in-Fact acting under an unrevoked power of attorney on file with the Clerk of the County in which above entitled Court is located.

By _____
Attorney-in-Fact

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Alan D. Davis, #81783 Law Office of Alan D. Davis P.O. Box 3476 Fullerton, CA 92834-3476 ATTORNEY FOR (Name): I. L. GETRICH	TELEPHONE AND FAX NOS.: (714) 614-0422 (714) 285-1425	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 341 THE CITY DRIVE MAILING ADDRESS: P.O. BOX 14169 CITY AND ZIP CODE: ORANGE, CA 92613-1569 BRANCH NAME: LAMOREAUX JUSTICE CENTER		
ESTATE OF (Name): I. M. DECEASED,		
LETTERS		CASE NUMBER: A 123456
<input checked="" type="checkbox"/> TESTAMENTARY <input type="checkbox"/> OF ADMINISTRATION WITH WILL ANNEXED		<input type="checkbox"/> OF ADMINISTRATION <input type="checkbox"/> SPECIAL ADMINISTRATION

LETTERS

1. The last will of the decedent named above having been proved, the court appoints (name):
 I.L. Getrich
 - a. executor.
 - b. administrator with will annexed.
2. The court appoints (name):
 - a. administrator of the decedent's estate.
 - b. special administrator of decedent's estate
 - (1) with the special powers specified in the *Order for Probate*.
 - (2) with the powers of a general administrator.
 - (3) letters will expire on (date):
3. The personal representative is authorized to administer the estate under the Independent Administration of Estates Act with full authority with limited authority (no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
4. The personal representative is not authorized to take possession of money or any other property without a specific court order.

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)	Date: _____ Clerk, by _____ _____ (DEPUTY)
--------	---

AFFIRMATION

1. PUBLIC ADMINISTRATOR: No affirmation required (Prob. Code, § 7621(c)).
2. INDIVIDUAL: I solemnly affirm that I will perform the duties of personal representative according to law.
3. INSTITUTIONAL FIDUCIARY (name):

 I solemnly affirm that the institution will perform the duties of personal representative according to law. I make this affirmation for myself as an individual and on behalf of the institution as an officer.
 (Name and title): _____
4. Executed on (date): 1-2-05
 at (place): Santa Ana, California.

(SIGNATURE)

I.L. Getrich

CERTIFICATION

I certify that this document is a correct copy of the original on file in my office and the letters issued the personal representative appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)	Date: _____ Clerk, by _____ _____ (DEPUTY)
--------	---

NAME AND ADDRESS OF ATTORNEY ALAN D. DAVIS, Bar #81783 Attorney at Law FAX: (562) 407-1417 14241 E. Firestone Blvd., Suite 400 La Mirada, CA 90638-5534	TELEPHONE NO.: (562) 407-1415	FOR COURT USE ONLY CASE NUMBER: BP 23456
NAME OF COURT, OR BRANCH, MAILING AND STREET ADDRESS LOS ANGELES COUNTY SUPERIOR COURT, CENTRAL DISTRICT 111 N. HILL ST., LOS ANGELES, CA 90012		
ESTATE OF: I. M. DECEASED, <input checked="" type="checkbox"/> DECEDENT <input type="checkbox"/> INCOMPETENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR		
APPLICATION AND ORDER APPOINTING PROBATE REFEREE		

It is requested that a Probate Referee be appointed to appraise the assets of the above entitled estate consisting of the following approximate values:

- 1. CASH \$ 5,000 _____
- 2. REAL ESTATE \$ 100,000 _____
- 3. PERSONAL PROPERTY \$ 5,000 _____

REMARKS _____

 Attorney
 ALAN D. DAVIS

IT IS ORDERED that (name):

a disinterested person, is appointed Probate Referee to appraise the above entitled estate. When a Probate Referee is appointed, such referee is authorized to fix the clear market value of the estate as of the date of death of the decedent, or as of the date of appointment if a conservatorship or guardianship, and to appraise all interest, inheritances, transfers, and property of the estate under the laws of the State of California.

DATED:

 Judge of the Superior Court

Probate Notes

Department LA 9 **Court Convened at:** 8:30:00 AM 12/24/20

Honorable Commr G. Judge
 Andrea , **Deputy County Clerk** - , **Deputy Sheriff**
 Tamara CSR , **Reporter**

BP 102 LLOYD - DECEDENT
 Probate Will-Ltrs Te

PROBATE LOST WILL/L.T./IAEA

Petitioner(s): Jimmy

Attorney(s): Davis, Alan D., Esq.

Continuance Number: **Continuance From:**

Last Date Changed: Monday, December 17, 2007 11:05:05 AM

Last Note Changed By: MHOM

To clear probate notes "filed documents" must be submitted to Rm 258, within time frames set forth in Rule 10.19(a) of LASC Rules. You may contact the Probate Attorney whose E-Mail address appears at the end of these notes, subject to compliance with all conditions governing the use of Interactive E-Mail. E-mail Rules are available in Rm 258 and on the Court's web site at www.LASuperiorCourt.org.

SUMMARY: D/D 3/7/06

Petrn is Son, named executor in lost Will Will waives bond
 Ntc of adm to (3) affected parties as set forth in petn filed
 Full IAEA ok

FACTS:

Decd's original Will was given to James F. following Decd's death by the
 Petnr. He states he filed it with the Los Angeles County Superior Court or misplaced
 it in his office.

MATTERS TO CLEAR

- A. Who is James F. who filed Decl re lost Will? Decl with circumstances & including statement to overcome presumption of revocation or destruction of will [PC 6121 - PC 6124] required - Has safekeeping been check for original will?
- B. No Aff re Proof of 8/18/1993 Will - self-proving but proof of will is required with lost will (petn filed 1/20/07)
- C. No Pub (Whittier)

RELIEF:

JTD admit 8/18/1993 lost Will - testimony required

If lost will admitted: LONG FORM ATTORNEY ORDER required with terms of will set forth in their entirety (in haec verba) [PC 8223]

Court to order Status Report or Petition for Final Distribution filed not later than 12/24/08 and Court to set status hearing 1/26/09

PE'S COMMENTS: see above notes - T/T re facts to rebut presumption of revocation of will, See PC 6124

mhom@lasuperiorcourt.org MH 12/17

RECOMMENDED DISPOSITION:

RELATED ITEMS:

Order to be Prepared By Clerk: Attorney:

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF ORANGE

NOTICE TO ATTORNEYS / PROBATE EXAMINERS NOTES

ALAN D DAVIS
1323 N BROADWAY
SANTA ANA CA 92706

TO: DAVIS, ALAN D
ATTORNEY FOR: PETITIONER - ADAMS
REGARDING CASE: A246 - -D CDD: November 14, 20
PARTY NUMBER: 1 MATTER: 1 PROBATE OF WILL
HEARING SET FOR: 01:45 PM December 20, 20 DEPT L73 Page 1 of 2

REVIEWED DATE: 12/7/

DECEDENT DIED ON 8/9/ , A RESIDENT OF LA PALMA.

COURT TO DETERMINE IF DECLARATION FILED 11/14/07 IS SUFFICIENT TO ESTABLISH WILL NOT REVOKED.

REQUIRES COPY OF PROVISIONS OF WILL TO BE ATTACHED TO ORDER SUBMITTED -- IF WILL IS ADMITTED AS LOST/DESTROYED. (LOCAL RULE 603.12)

REQUIRES PROOF OF SUBSCRIBING WITNESS FORM TO BE FILED.

TO OBTAIN UPDATED PROBATE NOTES OR TO DETERMINE WHETHER YOUR PETITION IS APPROVED, VISIT OUR WEBSITE AT
<http://www.occourts.org/PROBATE> TO CONTINUE YOUR MATTER GO TO
<http://www.occourts.org/probate/#continuances>. PARTIES AND ATTORNEYS WITH QUESTIONS REGARDING NOTES ON CALENDAR GO TO
<http://www.occourts.org/probate/#questions>.

PROBATE SCHEDULE

PREPARATION AND FILING OF PETITION FOR PROBATE

NOTICE OF PETITION TO ADMINISTER ESTATE

PUBLICATION OF NOTICE

HEARING IN COURT

ISSUANCE OF PROBATE LETTERS

NOTICE OF ADMINISTRATION TO CREDITORS

PREPARATION OF INVENTORY AND APPRAISEMENT

APPRAISAL BY REFEREE

POSSIBLE SALES OF ESTATE ASSETS

PREPARATION OF ACCOUNTING AND PETITION FOR DISTRIBUTION

HEARING IN COURT (ATTENDANCE NOT REQUIRED)

PAYMENT OF ATTORNEYS' FEES

DECREE OF DISTRIBUTION

DISTRIBUTION OF ESTATE ASSETS TO HEIRS

RECORDING OF DECREE (REAL PROPERTY)

HEIRS SIGN RECEIPTS

FINAL DISCHARGE

Superior Court of California
County of Los Angeles

APPENDIX A

COMMONLY USED ABBREVIATIONS

Acct	Account
Admin	Administrator
Admin CTA	Administrator with Will Annexed
Aff	Affidavit/Prob C 8100 Ntc
A.O.	Attorney Order
Appl	Appraisal
ARA	Account, Report, Acts
Auth	Authority/Authorize
Bene	Beneficiary
Cite	Citation
Cod	Codicil
Consee	Conservatee
Consr	Conservator
Cont	Continue
C/P	Community property
CRC	California Rules of Court, Title 7 [Probate]
DCFS	Department of Children and Family Services
D/D	Date of Death
Decd	Decedent/deceased
DHS	Department of Health Services
DMH	Department of Mental Health
Dist	Distribution
DOB	Date of Birth
DSS	Department of Social Services
DWOP	Deny without prejudice
Ex	Extraordinary
Extr	Executor
FBO	For Benefit of
FMV	Fair market value
GAL	Guardian ad Litem
Gdn	Guardian
Holo	Holographic
IAEA	Independent Administration of Estates Act
I&A	Inventory & Appraisal
ITF	In Trust For
J/T	Joint Tenancy
JTD	Judge To Determine
Juris	Jurisdiction
LASC Ch 10	Chapter 10 of Los Angeles Superior Court Rules
Ltd	Limited

**Superior Court of California
County of Los Angeles**

Ltrs	Letters
M.O	Minute Order
Ntc	Notice
NTE	Not To Exceed
Objs	Objections
Objr	Objector
O/C	Off Calendar
OTR	Ordered To Return
o/w	Otherwise
PA	Public Administrator
P&E	Person & Estate
Pers Rep	Personal Representative
Petnr	Petitioner
Prob C	Probate Code
P/P	Personal property
Pub	Publication
PVP	Probate Volunteer Panel Attorney
R/A	Request of Attorney
Reapprl	Reappraisal
RFA	Recommended for Approval
R/P	Real property
S/P	Separate Property
Spec Admin	Special Administrator
Spec Ntc/copy	Special Notice & Copy
Stat	Statutory
Succ	Successor
Supp req	Supplement required
Tee	Trustee
Temp	Temporary
Tr	Trust
T/T	Take Testimony
VA	Veteran's Administration

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7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF ORANGE**
10

11 Estate of:) CASE NO. A 123456
12 I. M. DECEASED,) SUPPLEMENT TO PETITION
13) FOR PROBATE
14) DATE: 1/31/05
Deceased.) TIME: 1:45 p.m. DEPT. L73

15 I, I. L. GETRICH, declare:
16 1. Item 4a on the Petition for Probate was inadvertently not
17 filled in to indicate the death of decedent's death. The date of
18 death was December 1, 2004. Also, item 4b was inadvertently
19 omitted to show the place of death as Santa Ana, California.
20 2. A copy of the Will, dated March 1, 1992, was not attached
21 to the Petition for Probate. It is attached hereto.
22 3. Item 6a(5) was not marked. It should have been marked to
23 indicate that the decedent was survived by natural children.
24 I declare under penalty of perjury under the laws of the State
25 of California that the foregoing is true and correct.
26 Executed on _____ at Santa Ana, California.

27 _____
I. L. GETRICH
28

Alan D. Davis
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