

## NOTICES

Every time a petition is filed with the court asking for some type of action by the judge, the clerk of the court calendars it for at least four weeks in the future (and sometimes a lot longer). The attorney's job, then, is to give notice of the hearing to each beneficiary under the Will, or, in the case of intestacy, to each heir who might inherit. In addition, other persons might be entitled to notice, such as anyone who has filed a Request for Special Notice with the court, or, in some cases, a creditor. California law requires that notice of a hearing must be given (meaning "mailed") at least 15 days before the hearing. Mailing is considered complete upon deposit in a mailbox or in the office mail drop. It is not required that any particular person actually receive the notice, although a hearing could be continued if someone raises an objection based on receiving a late or delayed notice. If a person's address is unknown, and the court is satisfied that you have tried to find the person, the mailing can be made to the County Clerk. The court form DE-121 - pages 5-11 and 5-12 - are required when opening probate.

Personal delivery of any notice is acceptable, of course, though rarely done because of the added cost. The court can require additional notice in any particular case if it feels that the 15 day notice requirement is too liberal, or does not actually give notice to the person or persons who should be receiving it. In addition, the court can "shorten" notice, that is, allow less than 15 days notice, in certain cases, upon a showing of good cause (emergencies, for example). Certain exceptions apply to this rule: a court may not shorten notice on a Petition for Probate, or on a petition to transfer property claimed to belong to decedent or any other person.

Notice of any hearing may be waived *in writing*, and such waiver must be filed with the court. Waivers can be useful where you have forgotten to give notice to someone, or someone has requested *Special Notice*, unbeknownst to you, and you did not give them notice. FAX machines and email can help in getting a waiver to the person or company, which can sign the form, fax or email it back to you, which you can then file with the court. Some courts allow faxing of documents in order to clear the probate notes before the hearing, but only if it's done a week or so before the hearing. Many courts now require electronic filing, which is a great help, but you still need to e-file in a timely manner. In Orange County, for example, if you don't file your documents at least *5 court days* before your hearing, you will probably have your matter continued to the next available date (which may be months away).

If a hearing is continued for any reason, no further Notice of Hearing is required to be mailed unless the court requires it. Probate Code Section 1211 prescribes the form Notice of Hearing (DE-120) for all matters other than the filing of a Petition for Probate. On the back of the form is a Proof of Service by Mail (POS). Typically, the attorney's secretary fills out this portion of the form, indicating to whom he/she has mailed the notice to (with any copies of the petition, if required), and signs the form under penalty of perjury. The notice with POS is then filed with the court.

Any person or entity can request that special notice be given of all actions taken by a personal representative, or of only certain actions (such as the selling of property, or the filing

of an accounting). The form Request for Special Notice (DE-154) is filed with the court, with a copy mailed to the attorney for the personal representative. A copy of any petition filed with the court must accompany the Notice of Hearing when mailed to the requester.

Some petitions require more than just notification by mail. For example, a petition to remove an executor must be personally served on the executor, and a Citation, issued by the court, must accompany the petition at the time of service. The Citation (DE-122) directs the executor to personally appear in court (or by attorney) to answer the petition ("give any legal reason why, according to the verified petition..."). Citations are issued upon request (usually the request is made in the petition) by the clerk of the court. The Citation is served just like a summons: it must be made on the person himself/herself. The court may accept substitute service, that is, service on a person living with the executor, or a co-worker, but each court is different in its requirements. Check the local rules or call the court and speak with the probate attorney/examiner (or try e-mail).

In most cases, the Citation must be served at least five days before the hearing, although the court may give the citee more time to respond. The Proof of Service of the back of the Original Citation must be filled out by the process server or sheriff/marshal, and returned to the court before the hearing so the court can tell that the citee was properly served with the Citation and Petition.

Where the executor in the above scenario can't be found, the court may allow service to be made by publication of the citation in a local newspaper. Requirements for publication are stiff, as judges recognize that this form of giving notice is highly unlikely to give actual notice to the citee. It is only done upon a proper showing by the attorney that he/she has searched for the citee and could not locate the person.

In the case of a Will Contest, the form Summons (Probate) (DE-125) is used, just as a summons is used in civil proceedings. Anyone objecting to the admission of a Will can file a Will Contest. The Summons is then issued by the clerk of the court. The objector's attorney must have the Summons and Objection to Petition for Probate served on the person who has requested appointment as personal representative. The Summons requires the person served to file a response within 30 days. However, no person named as executor in a Will is under a duty to defend the Will from such contests unless he/she has actually been appointed executor. The Summons is served personally on the petitioner and a Proof of Service (form on back of Summons) must be filled out and returned to the court, with the Original Summons, before the hearing.

### INDEPENDENT ADMINISTRATION OF ESTATES ACT

The Independent Administration of Estate Act (IAEA) gives the personal representative the authority to take certain actions during the probate without court approval. The general rule of thumb is that you always ask for this authority when you file your Petition for Probate. The big question, however, is whether to ask for **full** powers or **limited** powers. The difference between the two is that full power allows the personal representative to sell real property without

court approval, while limited power requires the personal representative to get court approval.

When requesting this authority, an initial determination should be made as to whether the court will require a bond. If there's a Will, and the Will waives bond, ask for full authority. However, if the named executor lives out of state, the court will require a bond regardless, so ask for limited authority. Bonds can be expensive. Only ask for such authority as you think your client can afford until an additional bond becomes necessary (as when you actually sell the family home).

If there's no Will, many courts will require at least a minimal bond, unless there's cash, of course, in the bank. By giving your client full authority, the court will require a bond to match the amount you expect to realize upon the sale. Again, bonds can be expensive, so most attorneys order only a minimal bond and request limited authority for their clients. However, if a sale is anticipated immediately after the client is appointed, you might just ask for full powers, avoid a court hearing, and consider the cost of the bond an expedient way of dealing with the sale and its delays if you had to get court approval. (NOTE: Remember, if all the heirs or beneficiaries waive the bond, the court may go along with them.)

Certain types of actions/petitions require court approval, regardless of IAEA: naturally, petitions for the appointment of a personal representative are in this category, but also the following: petitions for attorney or executor fees; petitions for distributions or accountings; sales to the executor or his attorney; and compromising/settling claims made by the executor or attorney.

Where the personal rep has independent authority, and he/she wishes to take any particular action, the procedure is to mail a Notice of Proposed Action (DE-165) to each interested person/entity, which describes the action to be taken, and gives the person or entity 15 days within which to object. The original Notice of Proposed Action is filed with the court, along with a Proof of Service by Mail (which is not a part of the form so must be typed up on a separate page). If an objection is filed, or received by the personal rep, the action may not be taken without court approval. The objector may also ask the court for a restraining order.

The following actions require a Notice of Proposed Action be mailed at least 15 days before the action is taken: sale or exchange of real property (where there is full IAEA only); selling or incorporating the decedent's business; abandoning tangible personal property (such as a car or boat) where the cost of upkeep (insurance???) exceeds the fair market value; borrowing against or encumbering real property (full IAEA only); giving an option to buy real property (full IAEA only); completing a contract that the decedent entered into prior to death; determining claims by other persons to property in decedent's possession.

In addition, a Notice of Proposed Action **may** be required, and is usually given, in other cases: managing/controlling estate property; entering into contracts for more than two years; investing the estate cash; continuing the decedent's business for more than six months; paying a Family Allowance, or continuing it for more than a year, or increasing it; leasing real or

personal property; selling or exchanging personal property (except securities sold on a stock/bond exchange or through a broker); and granting exclusive rights to sell property.

A personal representative may take certain actions without any notice. For example, he/she may allow, pay, reject, or contest a creditor's claim, or compromise/settle a claim. Also, the personal rep has the authority to sue on behalf of the estate, or defend actions taken against the estate; pay taxes and assessments; and make repairs or improvements to estate property when necessary to preserve it.

If an objection to any action is received by the personal rep or the attorney, the action cannot be taken. If he/she takes the action anyway, he/she may be removed as personal representative, and could be liable to the heirs/beneficiaries for any losses that the estate might have.

Occasionally, the personal rep asks for no IAEA powers. Whatever the reason, he or she may later decide that independent powers are the easier way to go. In this case, the attorney can file a petition asking the court to grant IAEA powers, either full or limited. The court will calendar the hearing and make a determination whether to grant the petition or not. Generally, unless there are objections, the court grants the petition. New Letters Testamentary or of Administration will be issued showing the IAEA powers.

Sales of real property with full IAEA powers are much easier than going the long route (with court approval). The attorney will work with the realtor, escrow company, and title insurer by providing them with copies of the Notice of Proposed Action (and Proof of Service by Mail), certified copy of Letters, and sometimes copies of other documents from the file.

### NOTICES TO PUBLIC ENTITIES

Probate Code Sections 9200 - 9205 deal with claims by public entities, such as the Franchise Tax Board or the Department of Health Care Services. Whenever you open an estate, it is essential that you send notice to these agencies and provide them with a copy of the decedent's death certificate. Typically, you will receive back a form letter stating that no claim will be filed or that there is no tax due. The court may want to see these letters when you do your final accounting. In addition, if an heir or beneficiary is incarcerated, you should notify the Director of the California Victim Compensation and Government Claims Board. When someone is sentenced in California, they are often required to pay a fine or compensation to the victim. This agency is responsible for collecting that money, so check with your client and find out if someone involved in the estate is in jail or prison.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> ESTATE OF (name): <input type="checkbox"/> IN THE MATTER OF (name): <div style="text-align: center; margin-top: 10px;"> <input type="checkbox"/> DECEDENT    <input type="checkbox"/> TRUST    <input type="checkbox"/> OTHER         </div>	
<b>NOTICE OF HEARING—DECEDENT'S ESTATE OR TRUST</b>	CASE NUMBER:
<i>This notice is required by law. You are not required to appear in court, but you may attend the hearing and object or respond if you wish. If you do not respond or attend the hearing, the court may act on the filing without you.</i>	

1. NOTICE is given that (name):  
 (fiduciary or representative capacity, if any):  
 has filed a petition, application, report, or account (specify complete title and briefly describe):\*

☐ The filing is a report of the status of a decedent's estate administration made under Probate Code section 12200. See the NOTICE below.

Please refer to the filed documents for more information about the case. (Some documents filed with the court are confidential.)

2. A HEARING on the matter described in 1 will be held as follows:

<div style="border: 2px solid black; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; font-size: 0.8em;">Hearing Date</div> </div>	Date:	Time:	Name and address of court, if different from above:
	Dept.:	Room:	

#### NOTICE

If the filing described in 1 is a report of the status of a decedent's estate administration made under Probate Code section 12200,

**YOU HAVE THE RIGHT TO PETITION FOR AN ACCOUNTING UNDER SECTION 10950 OF THE PROBATE CODE.**



#### Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civ. Code, § 54.8.)

\* Do not use this form to give notice of a petition to administer an estate (see Prob. Code, § 8100, and use form DE-121), notice of a hearing in a guardianship or conservatorship case (see Prob. Code, §§ 1511 and 1822, and use form GC-020), or notice of a hearing on a petition to determine a claim to property (see Prob. Code, § 851, and use form DE-115/GC-015).

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

**CLERK'S CERTIFICATE OF POSTING**

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

Date:

Clerk, by \_\_\_\_\_, Deputy

**PROOF OF SERVICE BY MAIL\***

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify):
  
  
3. I served the foregoing *Notice of Hearing—Decedent's Estate or Trust* on each person named below by enclosing a copy in an envelope addressed as shown below AND
  - a. ☐ **depositing** the sealed envelope on the date and at the place shown in item 4 with the U.S. Postal Service with the postage fully prepaid.
  - b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.
4.
  - a. Date mailed:
  - b. Place mailed (city, state):
5. ☐ I served with the *Notice of Hearing—Decedent's Estate or Trust* a copy of the petition or other document referred to in item 1 of the Notice.

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

**NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**

	Name	Address (street & number, city, state, zip code)
1.		
2.		
3.		
4.		
5.		

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

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

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> ESTATE OF (name): <input type="checkbox"/> IN THE MATTER OF (name):  <input type="checkbox"/> DECEDENT <input type="checkbox"/> TRUST <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR	
<b>NOTICE OF HEARING ON PETITION TO DETERMINE CLAIM TO PROPERTY</b>	CASE NUMBER:

**A petition has been filed asking the court to determine a claim to the property identified in 3, and a hearing on the petition has been set. Please refer to the petition for more information.**

**If you have a claim to the property described in 3, you may attend the hearing and object or respond to the petition. If you do not want to attend the hearing, you may also file a written response before the hearing.**

**If you do not respond to the petition or attend the hearing, the court may make orders affecting ownership of the property without your input.**

1. NOTICE is given that (name):  
(fiduciary or representative capacity, if any):  
has filed a petition entitled (state complete title):  
under Probate Code section 850 asking for a court order determining a claim or claims to the property described in 3.
2. A HEARING on the petition will be held as follows:

<div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;"> <b>Hearing Date</b> </div>	→ Date:	Time:	Name and address of court if different from above:
	Dept.:	Room:	

3. The property that is the subject of the petition is (describe each item of real or personal property; for real property—i.e., land or buildings—give the street address or, if none, describe the property's location and give the assessor's parcel number):

☐ Continued on Attachment 3.

Check 4 only if the petition seeks the additional relief described.

4. ☐ In addition to seeking to recover the property described in 3, the petition also alleges and seeks relief for bad faith conduct, undue influence in bad faith, or elder or dependent adult financial abuse. The petition describes these allegations in detail. Based on the allegations, the petition seeks to recover twice the value of the property described in 3  
☐ and requests that the court award attorney's fees and costs to the petitioner. (Prob. Code, § 859.)



#### Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civ. Code, § 54.8.)

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

**PROOF OF SERVICE BY MAIL\***

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify):
  
3. I served the foregoing *Notice of Hearing on Petition to Determine Claim to Property* on each person named below by enclosing a copy in an envelope addressed as shown below AND
  - a. ☐ **depositing** the sealed envelope on the date and at the place shown in item 4 with the U.S. Postal Service with the postage fully prepaid.
  - b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.
4. a. Date mailed:
- b. Place mailed (city, state):
5. ☐ I served with the *Notice of Hearing on Petition to Determine Claim to Property* a copy of the petition referred to in the Notice.

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

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶

\_\_\_\_\_  
(SIGNATURE)

**NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**

	Name	Address (street & number, city, state, zip code)
1.		
2.		
3.		
4.		
5.		
6.		

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

\* Do **not** use this form to prove personal or electronic service. You may use form DE-120(P) or GC-020(P) to prove personal service.



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):		TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
MATTER OF (Name): <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR <input type="checkbox"/> TRUST			
<b>REQUEST FOR SPECIAL NOTICE</b>			CASE NUMBER:

1. a. ☐ I am a person interested in this proceeding.  
 b. ☐ I am the attorney for a person interested in this proceeding (specify name of interested person):

2. I REQUEST SPECIAL NOTICE of (complete only a or b)

- a. ☐ the following matters (check applicable boxes):
- (1) ☐ **all matters** for which special notice may be requested (Do not check boxes (2)-(8).)
  - (2) ☐ inventories and appraisals of property, including supplements
  - (3) ☐ accountings
  - (4) ☐ reports of the status of administration
  - (5) ☐ objections to an appraisal
  - (6) ☐ petitions for the sale of property
  - (7) ☐ *Spousal Property Petition* (form DE-221) (Prob. Code, § 13650)
  - (8) ☐ other petitions: ☐ all petitions    ☐ the following petitions (specify):

- b. ☐ the following matters (specify):

3. SEND THE NOTICES to

- a. ☐ the interested person at the following address (specify):

- b. ☐ the attorney at the following address (specify):

Date:

..... (TYPE OR PRINT NAME)



..... (SIGNATURE)

☐ Attorney for person requesting special notice (client's name):

(Continued on reverse)

MATTER OF (Name):

CASE NUMBER:

**NOTE:** A formal proof of service or a written admission of service must accompany this *Request for Special Notice* when it is filed with the court.

You must have your request served on either the personal representative, conservator, guardian, or trustee, or his or her attorney, or obtain a signed *Admission of Service* (see below).

#### PROOF OF SERVICE BY MAIL

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (*specify*):
3. I served the foregoing *Request for Special Notice* 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 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' 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 of deposit:

b. Place of deposit (*city and state*):

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

Date:

.....  
(TYPE OR PRINT NAME)

.....  
(SIGNATURE OF DECLARANT)

#### NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

☐ List of names and addresses continued in attachment.

#### ADMISSION OF SERVICE

1. I am the ☐ personal representative, conservator, guardian, or trustee ☐ the attorney.

2. I ACKNOWLEDGE that I was served a copy of the foregoing *Request for Special Notice*.

Date:

.....  
(TYPE OR PRINT NAME)

.....  
(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):      TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> ESTATE OR TRUST <input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> OTHER OF (Name): <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR <input type="checkbox"/> OTHER	
<b>CITATION—PROBATE*</b>	CASE NUMBER:

1. **TO (name):**
2. **You are hereby cited and required to appear at a hearing in this court on**

a. Date:	Time:	Dept.:	Room:
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b. Address of court: ☐ same as noted above    ☐ other (specify):

3. At this hearing you are required to give any legal reason why the relief requested in the verified petition attached to and served with this citation, and filed with this court, should not be granted.

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



Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

(SEAL)	<p><b>NOTICE TO THE PERSON SERVED:</b> You are served</p> <p>a. <input type="checkbox"/> as an individual.</p> <p>b. <input type="checkbox"/> as the person cited under the fictitious name of (specify):</p> <p>c. <input type="checkbox"/> On behalf of (specify):</p> <p style="padding-left: 20px;">under</p> <p style="padding-left: 20px;"><input type="checkbox"/> Code Civ. Proc., § 416.10 (corporation)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Code Civ. Proc., § 416.20 (defunct corporation)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Code Civ. Proc., § 416.40 (association or partnership)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Code Civ. Proc., § 416.60 (minor)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Code Civ. Proc., § 416.90 (individual)</p> <p style="padding-left: 20px;"><input type="checkbox"/> other (specify):</p> <p>d. by personal delivery on (date):</p>
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\* For use in all proceedings under the Probate Code EXCEPT to start a conservatorship.  
 Use *Citation for Conservatorship* (form GC-320) for that purpose.

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<input type="checkbox"/> ESTATE OR TRUST <input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> OTHER	CASE NUMBER:
OF (NAME):	

**PROOF OF SERVICE**

1. At the time of service I was at least 18 years of age and not a party to this action, and I **served copies** of the *Citation—Probate* and the following documents (*specify*):
  
2. a. Party served (*specify name of party as shown on the documents served*):
  - b. Person served: (1) ☐ party in item 2a (2) ☐ other (*specify name and title or relationship to the party named in item 2a*):
  
  - c. Address (*specify*):
  
3. I served the party named in item 2
  - a. ☐ **by personally delivering** the copies (1) on (*date*): (2) at (*time*):
  - b. ☐ **by leaving** the copies with or in the presence of (*name and title or relationship to person indicated in item 2b*):
    - (1) ☐ (**business**) a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him or her of the general nature of the papers.
    - (2) ☐ (**residence**) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the person served. I informed him or her of the general nature of the papers.
    - (3) on (*date*): (4) at (*time*):
    - (5) ☐ A **declaration of diligence** is attached. (*Substituted service on natural person, minor, conservatee, or political candidate.*)
  - c. ☐ **by mailing** the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,
    - (1) on (*date*): (2) from (*city*):
    - (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt—Civil* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt—Civil (form POS-015.)*)
    - (4) ☐ to an address outside California with return receipt requested. (*Attach completed return receipt.*)
  - d. ☐ **other** (*specify other manner of service and authorizing code section*):
  
4. The "Notice to the Person Served" (on the citation) was completed as follows:
  - a. ☐ as an individual defendant.
  - b. ☐ as the person sued under the fictitious name of (*specify*):
  - c. ☐ On behalf of (*specify*):
 

under <input type="checkbox"/> Code Civ. Proc., § 416.10 (corporation)	<input type="checkbox"/> Code Civ. Proc., § 416.60 (minor)
<input type="checkbox"/> Code Civ. Proc., § 416.20 (defunct corporation)	<input type="checkbox"/> Code Civ. Proc., § 416.90 (individual)
<input type="checkbox"/> Code Civ. Proc., § 416.40 (association or partnership)	<input type="checkbox"/> other ( <i>specify</i> ):
  
5. a. Person serving (*name, address, and telephone number*):
  - d. ☐ Exempt from registration under Business and Professions Code, § 22350(b).
  - e. ☐ Registered California process server.
    - (1) ☐ Employee or independent contractor
    - (2) Registration no. (*specify*):
    - (3) County (*specify*):
    - (4) Expiration (*date*):
  
- b. ☐ **Fee for service:** \$
- c. ☐ Not a registered California process server.
  
6. ☐ I **declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
7. ☐ I **am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date:

(SIGNATURE OF PERSON SERVING)

# SUMMONS

(CITACION JUDICIAL)

## PROBATE (JUICIO TESTAMENTARIO)

FOR COURT USE ONLY (SOLO  
PARA USO DE LA CORTE)

NOTICE TO: (Aviso a)

FROM: (De)

ESTATE OF: (Herencia de)

A court proceeding has been started which may affect your interests in the estate. Read the document delivered with this *Summons*. You have 30 CALENDAR DAYS after this summons is served on you to file at this court a typewritten response if you want to be heard by the court.

A letter or phone call will not protect you. Your typewritten response must be in proper legal form if you want the court to consider it.

If you do not file your response on time, you may lose your right to participate in the proceeding or present your evidence. You will not receive another warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

La corte ha comenzado a tramitar una acción judicial testamentaria que puede afectar sus intereses sucesorios. Lea el documento enviado con esta citación judicial.

Después de que le entreguen esta citación usted tiene un plazo de 30 DIAS CALENDARIOS para presentar en esta corte una respuesta escrita a máquina, si desea una audiencia ante la corte.

Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita a máquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte considere su caso.

Si usted no presenta su respuesta a tiempo, puede perder su derecho a participar en el proceso judicial o a presentar sus pruebas. Usted no recibirá notificación adicional por parte de la corte.

Existen otros requisitos legales. Es posible que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea el directorio telefónico).

The name and address of the COURT is: (El nombre y dirección de la CORTE es)

CASE NUMBER (Número del caso):

The name, address, and telephone number of the filing party's attorney, or the party without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del accionante, o del accionante que no tiene abogado, es)

DATE:  
(Fecha)

Clerk, by \_\_\_\_\_, Deputy  
(Actuario) (Delegado)

(SEAL)

### NOTICE TO THE PERSON SERVED: You are served

a. ☐ as an individual.

b. ☐ on behalf of (specify):

under: ☐ Code Civ. Proc., § 416.10 (corporation)

☐ Code Civ. Proc., § 416.20 (defunct corporation)

☐ Code Civ. Proc., § 416.40 (association or partnership)

☐ Code Civ. Proc., § 416.60 (minor)

☐ Code Civ. Proc., § 416.70 (conservatee)

☐ Code Civ. Proc., § 416.90 (individual)

☐ other (specify):

c. ☐ by personal delivery on (date):

(Proof of Service on reverse)

Page 1 of 2

**PROOF OF SERVICE**

1. At the time of service I was at least 18 years of age and not a party to this action, and I **served copies** of the (specify documents):

2. a. Party served (specify name of party as shown on the documents served):

b. Person served: ☐ party in item 2a ☐ other (specify name and title or relationship to the party named in item 2a):

c. Address:

3. I served the party named in item 2

a. ☐ by personally delivering the copies (1) on (date): (2) at (time):

b. ☐ by leaving the copies with or in the presence of (name and title or relationship to person indicated in item 2b):

(1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him or her of the general nature of the papers.

(2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the person served. I informed him or her of the general nature of the papers.

(3) on (date): (4) at (time):

(5) ☐ A declaration of diligence is attached. (Substituted service on natural person, minor, conservatee, or candidate.)

c. ☐ by mailing the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,

(1) on (date): (2) from (city):

(3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me (attach completed form).

(4) ☐ to an address outside California with return receipt requested. (Attach completed form.)

d. ☐ by causing copies to be mailed. A declaration of mailing is attached.

e. ☐ other (specify other manner of service and authorizing code section):

4. The "Notice to the Person Served" (on the Summons) was completed as follows:

a. ☐ as an individual defendant.

b. ☐ as the person sued under the fictitious name of (specify):

c. ☐ on behalf of (specify):

under: ☐ Code Civ. Proc., § 416.10 (corporation)

☐ Code Civ. Proc., § 416.20 (defunct corporation)

☐ Code Civ. Proc., § 416.40 (association or partnership)

☐ Code Civ. Proc., § 416.60 (minor)

☐ Code Civ. Proc., § 416.70 (conservatee)

☐ Code Civ. Proc., § 416.90 (individual)

☐ other (specify):

5. Person serving (name, address, and telephone number):

a. Fee for service \$:

b. ☐ Not a registered California process server.

c. ☐ Exempt from registration under Business & Professions Code, § 22350(b).

d. ☐ Registered California process server.

(1) ☐ Employee or independent contractor

(2) Registration No. (specify):

(3) County (specify):

(4) Expiration (date):

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

7. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):		TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
ESTATE OF (Name):			
NOTICE OF PROPOSED ACTION Independent Administration of Estates Act <input type="checkbox"/> Objection <input type="checkbox"/> Consent			CASE NUMBER:

**NOTICE:** If you do not object in writing or obtain a court order preventing the action proposed below, you will be treated as if you consented to the proposed action and you may not object after the proposed action has been taken. If you object, the personal representative may take the proposed action only under court supervision. An objection form is on the reverse. If you wish to object, you may use the form or prepare your own written objection.

- The personal representative (executor or administrator) of the estate of the deceased is (names):
- The personal representative has authority to administer the estate without court supervision under the Independent Administration of Estates Act (Prob. Code, § 10400 et seq.)
  - ☐ with full authority under the act.
  - ☐ with limited authority under the 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).
- On or after (date): \_\_\_\_\_, the personal representative will take the following action without court supervision (describe in specific terms here or in Attachment 3):  
☐ The proposed action is described in an attachment labeled Attachment 3.
- ☐ Real property transaction (Check this box and complete item 4b if the proposed action involves a sale or exchange or a grant of an option to purchase real property.)
  - The material terms of the transaction are specified in item 3, including any sale price and the amount of or method of calculating any commission or compensation to an agent or broker.
  - \$ \_\_\_\_\_ is the value of the subject property in the probate inventory. ☐ No inventory yet.

**NOTICE:** A sale of real property without court supervision means that the sale will NOT be presented to the court for confirmation at a hearing at which higher bids for the property may be presented and the property sold to the highest bidder.

(Continued on reverse)

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

**5. If you OBJECT to the proposed action**

- a. **Sign** the objection form below and deliver or mail it to the personal representative at the following address (*specify name and address*):

**OR**

- b. **Send** your own written objection to the address in item 5a. (*Be sure to identify the proposed action and state that you object to it.*)

**OR**

- c. **Apply** to the court for an order preventing the personal representative from taking the proposed action without court supervision.

- d. **NOTE:** Your written objection or the court order must be received by the personal representative before the date in the box in item 3, or before the proposed action is taken, whichever is later. If you object, the personal representative may take the proposed action only under court supervision.

6. If you **APPROVE** the proposed action, you may sign the consent form below and return it to the address in item 5a. If you do not object in writing or obtain a court order, you will be treated as if you consented to the proposed action.

7. If you need more **INFORMATION**, call (*name*):

(*telephone*):

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PERSONAL REPRESENTATIVE OR ATTORNEY)
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**OBJECTION TO PROPOSED ACTION**

- ☐ I **OBJECT** to the action proposed in item 3.

**NOTICE:** Sign and return this form (both sides) to the address in item 5a. The form must be received before the date in the box in item 3, or before the proposed action is taken, whichever is later. (*You may want to use certified mail, with return receipt requested. Make a copy of this form for your records.*)

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF OBJECTOR)
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**CONSENT TO PROPOSED ACTION**

- ☐ I **CONSENT** to the action proposed in item 3.

**NOTICE:** You may indicate your *consent* by signing and returning this form (both sides) to the address in item 5a. If you do not object in writing or obtain a court order, you will be treated as if you consented to the proposed action.

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF CONSENTER)
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