

PROBATE LAW 134 - CLASS PROJECT

Prepare the necessary court forms that will enable you to file a probate action in Orange County Superior Court and have the case "recommended for approval". Use the following case scenario as the basis of your petition:

Sophia Petrillo died of old age on January 5, 2009, at the Shady Pines Nursing Home, and her son, Stanley, comes to see you about probating the estate. Besides Stanley, there are two other children, Dorothy and Rose. Sophia was a widow. Her husband, Sal, died a few years earlier. Sophia owned her own home in Santa Ana free and clear. She also had two Certificates of Deposit at a local bank, two small bank accounts, an old car, and some very old furniture. Stanley says the house is worth about \$350,000.00 and is "free and clear". The C.D.'s are each valued at \$10,000, while the bank accounts have about \$5,000 in them. The car, a 1972 Plymouth, is sitting in the driveway of the house on blocks, doesn't run, and is an eyesore in the neighborhood. The furniture is filthy and stained.

Stanley shows you a handwritten Will he found that does not name an executor. It merely leaves everything to the three children equally. It appears to be properly signed by Sophia when you examine it. Stanley says he will act as personal representative because Dorothy and Rose live too far away.

Using the latest court forms, prepare all of the documents that will enable you to file a probate on behalf of Stanley and get him appointed as personal representative. Points will be taken off for each negative "probate note". *Don't change the facts!*

Do not prepare the Order, Letters, or Duties and Liabilities forms. Please do not use covers or looseleaf binders. Just staple everything together. Please type, use a "forms" program, or print in ink. **BE CREATIVE!**