The Probate Process

What To Expect



This is a basic explanation to what is supposed to happen in California in the Probate Process. This is NOT Legal Advise, Please contact our office to discuss your particular case.

Will must be filed at Probate Court

Notice must be published in a local newspaper stating a **Probate Petition has** ben filed and give the Hearing Date and Time.

3

A Hearing Date will be set for the Petition and Notice must be given to all Beneficiaries and heirs of the decedent.

At the Hearing if there are no objections and everything has been properly handled, the Petition will be granted and the Will admitted into Probate.

2 Petition for Probate must be filed at Probate Court

> What if There is No Will? If there is not a will then Probate of an Intestate Estate will be ordered by the court.

Intestate:

Adjective not having made a will before one dies. Noun a person who has died without having made a will.

The executor or administrator will have letters issued by the Probate Court, if bond has to be posted there might be a delay.



Once Probate is Open The executor must have the Estate's assets

inventoried and appraised. The inventory and appraisal is sent to a probate referee, who provides values for the non-cash assets. This is then filed with the Probate Court

The Sale of Real Estate If the executor is granted limited authority

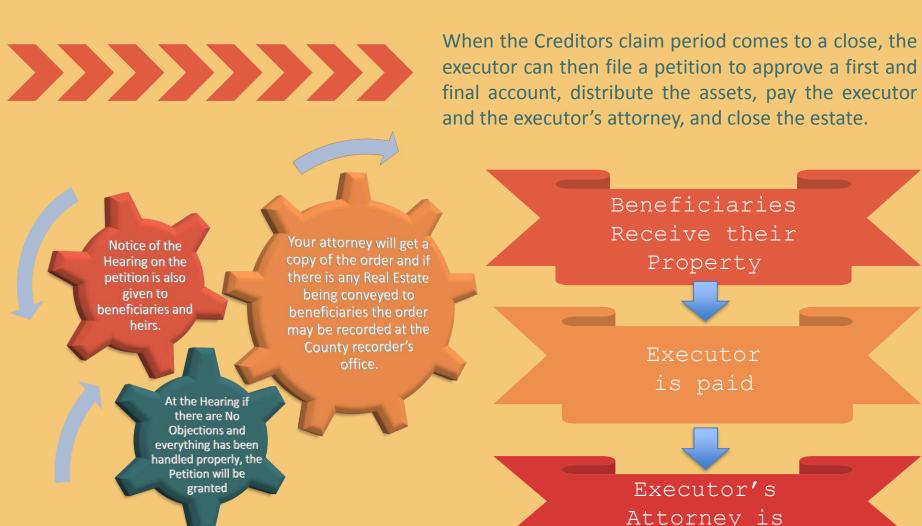
under the Independent Administration of Estates Act (IAEA) than the Probate Court must give prior approval on Real Estate sales. If the executor was granted full authority under the IAEA, no prior approval is needed.

Investment Management

The executor can either keep assets and pass them out to beneficiaries at the end of Probate or sell the asset, put the money in an interest-bearing account and distribute the money at the end of Probate.

Creditors Claim Period This is a 4 month period when creditors of the

decedent can file claims with the executor for payment of the debt owed to them. The executor may approve, deny, or approve in part deny in part the claim.



discharged An Ex Parte Petition is filed with Probate Court Probate is closed

Executor is

Petition is Granted

by the Probate Court

paid

(888) 443-6590 The Grossman Law Firm

www.grossmanlaw.net

This is not intended as legal advise, but we would happy to provide a free 30 minute phone consultation.