

THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA
COUNTY OF KERN



INSTRUCTIONS

**AFFIDAVIT RE: REAL PROPERTY OF SMALL VALUE
(\$55,425 OR LESS)**

1. Forms enclosed are: Affidavit Re Small Value, Inventory and Appraisalment.
2. All forms must be typewritten or handwritten legibly. This office will not accept for filing, documents which do not comply with Rule 2.110-2.119 of the California Rules of Court.
3. Applicants must answer all questions, including all check marks required to complete each form.
4. Date and sign all forms before presenting for filing.
5. Strike out the words "Attorney for" wherever they appear in the upper left corner of the forms and type in the words "In Pro Per" which means that you are representing yourself; and type your name, address and phone number in the space at the upper left of each form you file.
6. One copy of each form is included. You will need to submit one original and one photocopy. You must provide a self-address stamped envelope, if you want your copy returned to you by mail.
7. California Probate Referees in Kern County are:

Michael Burger
4915 Calloway Drive, Suite 101B
Bakersfield, CA 93312
(661)588-4381

Shahin S. Boroomand
1201 24th St. Ste. B110-107
Bakersfield, CA 93301
(661)476-6800

The Superior Court Clerks are prohibited from giving legal advice or assisting in the preparation of your documents. You may utilize the Law Library on the 3rd floor of the 1415 Truxtun Avenue Building or by visiting their website at <https://kclawlib.org> in addition to visiting the Self-Help Website at <http://courts.ca.gov/selfhelp.htm>. Additional copies of these forms may be printed from <http://courts.ca.gov/forms.htm>. There are services that prepare legal documents if you choose to enlist their assistance; these services are listed online or in the local phone book. You will also want to visit the court's website at <http://kern.courts.ca.gov> to familiarize yourself with the local court rules.

Filing and Certification fee.....\$45.00

**MAXIMUM VALUES FOR SMALL ESTATE SET-ASIDE
& DISPOSITION OF ESTATE WITHOUT ADMINISTRATION**

This form lists the maximum dollar values of a decedent's estate or specific property in that estate, *as of the date of the decedent's death*, for purposes of determining eligibility for

- (1) an order setting the estate aside for the decedent's surviving spouse and minor children; or
- (2) disposition of the estate or specific real or personal property in the estate informally, without full administration.

NOTE: The values in the left column apply to property of a decedent who died between April 1, 2022, and March 31, 2025. The values in the right column apply to property of a decedent who died on or after April 1, 2025. To find the values that apply to property of a decedent who died before April 1, 2022, see the Self-Help Guide to the California Courts at <https://selfhelp.courts.ca.gov/>.

The amount of the adjustment of the prior values is based on the change in the United States city average of the Consumer Price Index for All Urban Consumers for the three-year period ending December 31, 2024, with each adjusted value rounded to the nearest \$25. (See Prob. Code, § 890(b).) Unless otherwise provided by statute after April 1, 2025, these values will next be adjusted April 1, 2028.

<u>Probate Code Section</u>	<u>Description</u>	Amount (death between Apr. 1, 2022, and Mar. 31, 2025)	Amount (death on or after Apr. 1, 2025)
1. SMALL ESTATE SET-ASIDE UNDER PROBATE CODE SECTIONS 6600–6613			
§§ 6602, 6609	The net value of the decedent's estate, excluding all liens and encumbrances at the date of death and the value of any probate homestead set apart under Probate Code section 6520, must not exceed:	\$ 95,325	\$ 107,900
2. DISPOSITION OF ESTATE WITHOUT ADMINISTRATION UNDER SECTIONS 13000–13606			
a. PROPERTY EXCLUDED FROM DETERMINING VALUE OF ESTATE			
§ 13050(c)	The amount of any salary or other compensation owed to the decedent for personal services from any employment, not to exceed:	\$ 18,450	\$ 20,875
b. AFFIDAVIT FOR COLLECTION, RECEIPT, OR TRANSFER OF PERSONAL PROPERTY			
§§ 13100, 13101	The gross value of the decedent's real and personal property in California— excluding any property described in Probate Code section 13050 and any property included in a petition filed under Probate Code section 13151—must not exceed:	\$ 184,500	\$ 208,850
c. PETITION & COURT ORDER DETERMINING SUCCESSION TO PRIMARY RESIDENCE			
§§ 13151, 13152, 13154	The gross value of the decedent's primary residence in California must not exceed:	\$ 184,500	\$ 750,000
d. AFFIDAVIT FOR SUCCESSION TO REAL PROPERTY OF SMALL VALUE			
§ 13200	The gross value of all real property in the decedent's estate located in California— excluding any real property described in Probate Code section 13050—must not exceed:	\$ 61,500	\$ 69,625
e. AFFIDAVIT FOR COLLECTION OF COMPENSATION OWED TO DECEASED SPOUSE			
§§ 13600, 13601	Net salary or other compensation owed, in aggregate, by one or more employers for personal services of the deceased spouse, must not exceed: <i>(This limit does not apply if the decedent was a firefighter or peace officer described in Government Code section 22820(a).)</i>	\$ 18,450	\$ 20,875

NOTICE

If the decedent died on or after April 1, 2022, this form must be attached to

- an affidavit or declaration furnished under Probate Code section 13101;
- a *Petition to Determine Succession to Primary Residence* (form DE-310) filed under Probate Code section 13151;
- an *Affidavit re: Real Property of Small Value* (form DE-305) filed under Probate Code section 13200; or
- an affidavit or declaration furnished under Probate Code section 13601.

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.:
 After recording, return to:
 NAME:
 FIRM NAME:
 STREET ADDRESS:
 CITY, STATE, ZIP CODE:
 TELEPHONE NO.: FAX NO.:
 EMAIL ADDRESS:
 ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
 STREET ADDRESS:
 MAILING ADDRESS:
 CITY AND ZIP CODE:
 BRANCH NAME:

FOR RECORDER'S USE ONLY

ESTATE OF (name):
 DECEDENT

CASE NUMBER:

AFFIDAVIT RE REAL PROPERTY OF SMALL VALUE

FOR COURT USE ONLY

1. The decedent (name):
 died on (date):
 at (city, state):
2. At least **six months** have passed since the decedent's death. (Attach a certified copy of the decedent's death certificate.)
3. a. The decedent was domiciled in this county at the time of death.
 b. The decedent was **not** domiciled in California at the time of death, but the decedent died owning real property in this county.
4. The **gross value**, on the date of the decedent's death, of all real property in the decedent's estate located in California, as shown by the attached inventory and appraisal—excluding the real property described in Probate Code section 13050—did not exceed (check one):
 a. **\$55,425** (decedent died before April 1, 2022).
 b. **\$61,500** (decedent died on or after April 1, 2022, and before April 1, 2025. Form DE-300 is attached as required by law).
 c. **\$69,625** (decedent died on or after April 1, 2025. Form DE-300 is attached as required by law).
5. a. The **legal description** and the Assessor's Parcel Number of the particular item of the decedent's real property claimed by the declarant(s) are provided on an attached page titled Attachment 5a [legal description of real property]. (Copy legal description **exactly** from deed or other legal instrument.)
 b. The decedent's interest in this real property is (specify):

6. Name and address of each guardian or conservator of the decedent's estate at time of death: none are as follows:*

<u>Name</u>	<u>Address</u>
-------------	----------------

Additional guardians or conservators are identified in Attachment 6.
 (* You must deliver a copy of this affidavit and all attachments in any manner provided in Probate Code section 1215 to each guardian or conservator named above. You may use Judicial Council form POS-030 for proof of mailing, form POS-020 for proof of personal delivery, or form POS-050 for proof of electronic delivery.)

7. An inventory and appraisal of all of the decedent's **real property** in California is attached. The appraisal was made by a probate referee appointed by the State Controller for the county in which the property is located. (You must prepare the inventory on Judicial Council forms DE-160 and DE-161. You may select any probate referee appointed for the county to perform the appraisal. A list of all probate referees, shown by county, is available at www.sco.ca.gov/eo_probate_contact.html. Each court also has a list of referees appointed for its county. Check with the probate referee or consult an attorney if you need help preparing the inventory.)
8. a. No proceeding for administration of decedent's estate is now being or has been conducted in California.
 b. The decedent's personal representative has consented in writing to the use of the procedure provided by Probate Code section 13200 et seq. (Attach a copy of the consent and a copy of the personal representative's letters of administration.)



ESTATE OF <i>(name)</i> :	CASE NUMBER:
DECEDENT	

9. Funeral expenses, expenses of last illness, and all known unsecured debts of the decedent have been paid. **(NOTE: You may be personally liable for decedent's unsecured debts up to the fair market value of the real property and any income you receive from it.)**
10. The declarant—or a trust or other entity, on behalf of which the declarant is acting—is, or all declarants together constitute, the successor of the decedent (as defined in Probate Code section 13006) to the decedent's interest in the property described in item 5, and no other person or entity has a superior right to the decedent's interest in that property, because the declarant is:
- a. **(if decedent left a will)** the sole beneficiary or all the beneficiaries who succeeded to the property under the decedent's will. *(Attach a copy of the will.)*
 - b. **(if decedent died without a will)** the sole person or all the persons who succeeded to the property under Probate Code sections 6401 and 6402.

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)

Date: _____

(TYPE OR PRINT NAME)*

▶

(SIGNATURE OF DECLARANT)

SIGNATURES OF ADDITIONAL DECLARANTS ATTACHED

*** A declarant claiming on behalf of a trust or other entity should also state the name of the entity that is a beneficiary under the decedent's will and declarant's capacity to sign on behalf of the entity (trustee, chief executive officer, etc.).**

CERTIFICATE OF ACKNOWLEDGMENT

(NOTE: Do not use a small strip of paper to attach an additional certificate of acknowledgment to this page. If you need one or more additional certificates of acknowledgment, attach each one to this form on a separate, full-sized 8-1/2 by 11-inch page.)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA, COUNTY OF *(specify)*:
On *(date)*: _____, before me *(name and title)*:

personally appeared *(name of each)*:
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(SIGNATURE OF NOTARY PUBLIC)

(NOTARY SEAL)

(SEAL)

CLERK'S CERTIFICATE

I certify that the foregoing, including any attached certificates of acknowledgment and any attached legal description of the property (but excluding other attachments), is a true and correct copy of the original affidavit on file in my office. *(Certified copies of this affidavit do not include the (1) death certificate, (2) will, or (3) inventory and appraisal. (See Prob. Code, § 13202.)*

Date: _____ Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
ESTATE OF (Name): <div style="text-align: center;"> <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR </div>	
<div style="text-align: center;"> INVENTORY AND APPRAISAL </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Partial No.: <input type="checkbox"/> Final <input type="checkbox"/> Supplemental </div> <div style="width: 45%;"> <input type="checkbox"/> Corrected <input type="checkbox"/> Reappraisal for Sale <input type="checkbox"/> Property Tax Certificate </div> </div>	CASE NUMBER: Date of Death of Decedent or of Appointment of Guardian or Conservator:

APPRAISALS

- | | | |
|---|-----------|--|
| 1. Total appraisal by representative, guardian or conservator (Attachment 1): | \$ | |
| 2. Total appraisal by referee (Attachment 2): | \$ | |
| TOTAL: | \$ | |

DECLARATION OF REPRESENTATIVE, GUARDIAN, CONSERVATOR, OR SMALL ESTATE CLAIMANT

3. Attachments 1 and 2 together with all prior inventories filed contain a true statement of
 all a portion of the estate that has come to my knowledge or possession, including particularly all money and all just claims the estate has against me. I have truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 1.
4. No probate referee is required by order of the court dated (specify):
5. **Property tax certificate.** I certify that the requirements of Revenue and Taxation Code section 480
- a. are not applicable because the decedent owned no real property in California at the time of death.
- b. have been satisfied by the filing of a change of ownership statement with the county recorder or assessor of each county in California in which the decedent owned property at the time of death.

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

Date:

_____ (TYPE OR PRINT NAME; INCLUDE TITLE IF CORPORATE OFFICER)	▶	_____ (SIGNATURE)
---	---	----------------------

STATEMENT ABOUT THE BOND

(Complete in all cases. Must be signed by attorney for fiduciary, or by fiduciary without an attorney.)

6. Bond is waived, or the sole fiduciary is a corporate fiduciary or an exempt government agency.
7. Bond filed in the amount of: \$ _____ Sufficient Insufficient
8. Receipts for: \$ _____ have been filed with the court for deposits in a blocked account at (specify institution and location):

Date:

_____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)
-------------------------------	---	--

