

California Probate Checklist

Presented by Lawvex - California's Trusted Estate Planning & Probate Law Firm

Step 1: Immediate Steps After a Loved One Dies

- ☐ Obtain 10-15 certified copies of the death certificate
- ☐ Locate the original Will (check safe deposit box, home safe, or attorney)
- ☐ Notify close family members and the person named as Executor
- ☐ Secure the decedent's home, property, and valuables
- ☐ Notify the decedent's employer (if applicable)
- ☐ Locate car keys, house keys, and any safe combinations
- ☐ Forward mail to the Executor's address

Step 2: Locate Important Documents

- ☐ Will and any Trust documents
- ☐ Birth certificate and marriage certificate
- ☐ Social Security card
- ☐ Property deeds and vehicle titles
- ☐ Bank and investment account statements
- ☐ Life insurance policies
- ☐ Retirement account statements (IRA, 401k, pension)
- ☐ Tax returns (last 3-5 years)
- ☐ Credit card statements and loan documents
- ☐ List of recurring bills and subscriptions
- ☐ Digital asset inventory (passwords, online accounts)
- ☐ Funeral or burial instructions

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Step 3: Does the Estate Need Probate?

Probate is Generally Required If:

- ☐ The decedent owned real estate in their name alone
- ☐ Total separate property exceeds \$166,250 (CA threshold)
- ☐ The decedent died without a valid Will (intestate)
- ☐ The Will is being contested or is unclear

California's probate threshold of \$166,250 means most homeowners exceed it, making probate necessary for many estates.

Probate is Generally NOT Required If:

- ☐ All assets are held in a living trust
- ☐ Assets pass directly to a surviving joint tenant
- ☐ Assets have named beneficiaries (life insurance, retirement accounts)
- ☐ Total estate value is under \$166,250 (small estate affidavit)
- ☐ Community property with surviving spouse (limited authority)

Step 4: The Probate Process Timeline

Weeks 1-3: Filing

- ☐ File the Will with the superior court (county of residence)
- ☐ File a Petition for Probate
- ☐ Pay the filing fee (typically \$435-\$500)
- ☐ Obtain Letters Testamentary or Letters of Administration

Weeks 3-6: Notice & Publication

- ☐ Publish notice in a local newspaper (required by CA law)
- ☐ Notify all beneficiaries and legal heirs
- ☐ Notify known creditors
- ☐ File proof of publication with the court

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Weeks 6-12: Inventory & Appraisal

- ☐ Prepare complete inventory of all estate assets
- ☐ Obtain appraisals of real property
- ☐ File Inventory and Appraisal within 4 months of appointment

Months 4-7: Creditor Period & Administration

- ☐ Wait for the 4-month creditor claim period to expire
- ☐ Review and approve/reject creditor claims
- ☐ Pay valid debts from estate funds
- ☐ File preliminary tax returns if needed

Months 7-12+: Distribution & Closing

- ☐ File final income tax returns
- ☐ Prepare final accounting of receipts and distributions
- ☐ File Petition for Final Distribution
- ☐ Distribute remaining assets to beneficiaries
- ☐ Petition for discharge (closes the probate case)

Step 5: When to Hire a California Probate Attorney

Consider hiring an experienced attorney if:

- ☐ Estate includes real property worth over \$166,250
- ☐ Multiple heirs with potential disagreements
- ☐ The Will is being contested
- ☐ Significant debts or creditor issues
- ☐ Complex assets (business interests, multiple properties)
- ☐ Out-of-state property is involved
- ☐ You are unfamiliar with California probate procedures

About Lawvex

With over 6,400 estate plans completed and 100+ active probate cases annually, Lawvex has guided thousands of California families through the probate process. We offer fixed-fee probate representation, executor guidance, and virtual consultations throughout California.

Get Started Today

Visit: lawvex.com/probate/

Schedule a consultation: lawvex.lawbrokr.com/probate

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