

Summary Probate Procedure Chart

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	Small Estate Set-Aside §6600 et seq.	Collection PP by Affidavit §13100 et seq.	Succession to RP by Order §13150 et seq.	Transfer RP by Affidavit §13200 et seq.	Passage to Surviving Spouse by Affidavit §13500 (13540)	Passage to Surviving Spouse by Order §13650 et seq.
Type of Property	PP and RP	PP (e.g. Notes & beneficial interests in Trust Deeds)	RP w/add-in PP	RP (e.g. mineral rights or R-Ranch Shares)	RP	RP and PP
Persons Entitled	Surviving spouse, minor children, or both	Successors, whether by will or intestate succession	Successors in interest to property	Successors in interest to RP	Surviving spouse	Surviving spouse
Max Value of Estate or Property	Net of D's estate per §6600 <=\$20,000	Gross of D's non-13050 RP &PP in CA <= \$150,000	Gross of D's non-13050 RP & PP in CA <= \$150,000	Gross of D's non-§13050 RP in CA <=\$50,000.	No maximum	No maximum
Procedure to Collect	Petition and court order	Affidavit or declaration, at least 40 days from DOD	Petition and court order, at least 40 days from DOD	Affidavit or declaration, at least 6 months from DOD	Affidavit under 13540(b), at least 40 days from DOD unless §13541 notice recorded.	Petition and court
Is Publication Required?	No	No	No	No	No	No
Is Inventory & Appraisal Required?	Yes	Yes, if D's estate as defined contains RP. No, if D's estate contains no RP.	Yes	Yes	No	No, but it is permitted under §13659.
Creditors Concerns	Transferee liable for D's unsecured debts up to net FMV transferred, minus homestead. See §6611.	Transferee liable for D's unsecured debts up to net FMV collected. See §§13109, 13110, 13112.	Successor personally liable for D's unsecured debts up to net FMV transferred. See §13156.	Transferee liable for D's unsecured debts up to net FMV transferred. See §§13204, 13207.	Complex spousal property rules apply. See §13550 et seq.	Complex spousal property rules apply. See §13550 et seq.
BFP Protections	No. But see §6609.	Yes. See §13106.5.	No. But see §13155.	Yes. See §13203.	No. But see §13540(a).	No. But see §13657.

DISCLAIMER—Don't rely on this chart as legal advice. If you want legal advice, you must discuss your unique legal circumstances with an attorney.