

Probate in California

**Avoiding Pitfalls,
Saving Time &
Money**



What is Probate?

Probate is the legal court process of validating a will, distributing assets, and settling debts of a deceased person. It can be complex, time-consuming, and costly without proper guidance

The Probate Process Steps

Filing the Petition

An executor or personal representative is appointed to oversee the estate.



Inventory & Appraisal

The estate's property & assets are inventoried and appraised to determine their value.

Paying Debts & Taxes

Outstanding debts and taxes are settled using the estate's funds.



Distribution of Assets

The remaining assets are distributed to the beneficiaries as outlined in the will.

Problems that Could Arise with Probate

Time Delays



High Costs



Public Disclosure



Potential for Family Disputes



Risk of Asset Loss



Frequently Asked Questions about Probate

Who is responsible for managing the probate process?

- In California, the individual named as executor in the decedent's will is responsible for overseeing the probate process. **When there is no will, the court appoints an administrator to manage the estate's affairs.** A petition needs to be filed with the court

How long does probate take in California?

- The probate process in California typically ranges from **12 to 24 months**, depending on the estate's complexity. **Factors such as disputes among beneficiaries, the need to sell property, or complications in asset valuation can extend this timeline.**

What are the costs associated with probate?

- Probate expenses in California include court filing fees, executor fees, attorney fees, and other administrative costs. Attorney and executor fees are often calculated as a percentage of the estate's value, as outlined in the California Probate Code. **These costs can accumulate to a HIGHER cost than a simple estate plan.**

Can probate be avoided?

- **Yes, probate can be avoided through convenient estate planning.** Establishing a living will and trust, designating beneficiaries on accounts, and holding property in joint tenancy are common methods to bypass probate. These strategies allow assets to transfer directly to beneficiaries without court involvement.

What happens if someone dies without a will in California?

- **When a person dies without a will in California, their estate is distributed according to the state's intestacy laws.** Typically, assets are allocated to the closest relatives, such as spouses, children, or parents. The probate court appoints an administrator to manage the estate's distribution after paying any debts, bills & taxes.

Are all assets subject to probate in California?

- **No, not all assets are subject to probate.** Assets that transfer directly to beneficiaries, such as those held in a living trust, joint tenancy properties, payable-on-death accounts, and life insurance policies with designated beneficiaries, typically bypass the probate process.

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