FREE GUIDE

California Probate Checklist

What to Do With a Loved One's Home

> A plain-language guide for heirs and families in Shasta, Tehama and Butte counties. Take it one step at a time.

NorCal Home Offer
Shared with care by Derek
Northern California



This is general information, not legal advice. Talk to a California probate attorney about your situation.

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First, take a breath

We're sorry for your loss. Dealing with a loved one's home while you grieve is a lot. Nothing here has to be done all at once, and you don't have to figure it out alone. This guide explains the basics in everyday language so you know what questions to ask.

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1. First steps after a death

- **Get certified copies of the death certificate.** Banks, insurers and agencies usually ask for them. Ordering several at once saves time. The funeral home can help.
- **Ask the funeral home** whether they have reported the death to Social Security, and what else they have already taken care of.
- **Make a simple list of who has been told** (family, employer, banks, insurers, utility companies) and when.
- **Look for urgent bills** that affect the home, like the mortgage payment, property taxes and insurance (more on this on pages 3 to 5).
- **Keep the original will safe** if you find one. Do not write on it, staple it or throw it away.
- **Hold off on big decisions.** Unless something is urgent, there's usually no need to sign anything, sell, or give away belongings in the first days.

2. Securing the home

An empty house needs a little attention so it stays safe and in good shape.

Insurance

- Call the homeowners insurance company. Tell them the owner has passed and ask what happens if the home sits empty. Many policies have rules about vacant homes.
- Ask who is covered right now and what the policy requires.
- Don't let the policy lapse while you sort things out.

Utilities

- Keep power, water and heat on so pipes, food and the house itself are protected, especially in a Northern California winter or a hot summer.
- Move bills to a name or address you can manage, but don't cancel accounts you'll need.
- Stop services you don't need, like cable or streaming.

Locks and access

- Change or re-key the locks, or at least find out who has a key or garage code.
- Keep a short written list of who can enter.
- Collect valuables, medications, firearms, jewelry and important papers and store them safely.

Everyday upkeep

- Have the mail forwarded or checked often, because bills and tax notices still arrive.
- Keep the yard tidy and the driveway clear. A lived-in look helps deter trouble.
- Take dated photos of each room before anything is moved. It's a useful record for the family.

3. Finding the will or trust

- **Search the usual places:** a home filing cabinet or fireproof box, a desk, a safe, a safe deposit box, and with the family's attorney, accountant or financial advisor.
- **Look for different documents.** A *will* says who gets what and who is in charge. A *living trust* is a separate document that can hold the home and often avoids probate for what's in it. Many people have both.
- **Check the deed.** The property records at the county recorder show whose name is on the title. That tells you a lot about how the home is owned.
- **If you find an original will,** it generally must be delivered to the superior court clerk within 30 days after you learn of the death, and a copy sent to the person named as executor.[2, 6] Even when there's a will, an estate may still need probate.[2]

4. What probate is

Probate is the court process for transferring a person's property after they die. A judge appoints someone (the **personal representative**) to gather what the person owned, pay bills and taxes, and pass the rest to the people entitled to it.[2] The probate division of the superior court handles it.

> **Key words. Decedent:** the person who passed away. **Estate:** everything they owned when they died. **Heir or beneficiary:** someone entitled to receive property by law, or under a will or trust. **Executor or administrator:** the personal representative the court appoints (executor if a will names them, administrator if not).[2, 4]

5. When California probate may not be needed

Not every estate goes through formal probate. How the home is owned, and how much the estate is worth, make a big difference.[3]

- **Living trust.** Property held in a living trust generally passes under the trust, without probate.[3]
- **Joint tenancy.** If the home was owned in joint tenancy, the surviving owner gets it. A "transfer on death" feature can also pass property directly to the named person.[3]
- **Named beneficiaries.** Life insurance, retirement and many bank accounts go to the people named on them.[3]
- **Spouse or domestic partner.** A surviving spouse or domestic partner may be able to use a simpler court petition for community property.[3]
- **Small estates.** If the estate is under a set value, simpler steps may be available. The limits depend on the date of death.[1, 3]

Simplified option	Limit if the person died on or after April 1, 2025
Affidavit to collect or transfer personal property (Probate Code §13100). You wait at least 40 days after the death.[1, 3]	**$208,850**
Court petition to determine succession to a California **primary residence** (§13151). Requires a court hearing.[1, 3]	**$750,000**
Affidavit for real property of small value (§13200)[1]	**$69,625**

Different limits apply if the death was before April 1, 2025. These limits are adjusted every three years; the next adjustment is scheduled for April 1, 2028 unless the law changes.[1] Debts and mortgages are not subtracted when figuring the estate's value, and trust property, joint-tenancy property and assets with named beneficiaries aren't counted.[3] Whether your situation qualifies is a question for a probate attorney or the court's self-help center.

6. Choosing an executor or administrator

If probate is needed, the court appoints a personal representative. This person collects the property, pays the bills and distributes what's left. They're also responsible for doing it carefully and fairly.[2]

- **With a will:** the court usually appoints the person the will names as **executor**. If that person can't or won't serve, someone else may be appointed.[2]
- **Without a will:** the court appoints an **administrator**. California law gives priority in this order: surviving spouse or domestic partner, then a child, then a grandchild, then a parent, then a sibling. A judge decides if there's a question.[2]
- **Working together:** two or more people can serve, but they must act together. Talk early about who will take the lead. The role takes organization and patience, and many people hire a probate attorney, whose fees are generally paid from the estate at the end.[2, 4]

7. County court basics

A probate case is generally filed in the county where the person lived.[4] Shasta, Tehama and Butte counties each have their own superior court.

> **Shasta County Superior Court, Probate Division**[5]
> Main Courthouse, 1515 Court Street, Redding, CA 96001
> Office hours: Monday to Friday, 8:30 a.m. to 4:00 p.m. | Phone: (530) 245-6789
> Email: Probate@shasta.courts.ca.gov | Website: shasta.courts.ca.gov

Tehama or Butte County? Use the court finder at **courts.ca.gov/find-my-court** to get your county court's address and hours. The Self-Help Guide at **selfhelp.courts.ca.gov/probate** has free forms and plain-language instructions.

What opening a probate case usually involves[4]

- File a **Petition for Probate** (form DE-111) with the court clerk. The usual filing fee is $435, and the estate can usually reimburse it. A fee waiver is available for financial hardship.
- The court sets a hearing date. Notice goes to family and others who may have a right to the estate (another adult, not you, mails it) and is also published in a local newspaper, a fee the estate can reimburse. At the hearing, the judge decides whether to appoint the personal representative.

8. The home during probate

Even if the house isn't being sold or moved yet, it still has bills and responsibilities.

Mortgage

- Tell the mortgage servicer about the death. Ask who they'll speak with and what documents they need.[8]
- Keep payments current if you can. Late payments can lead to extra fees and trouble.
- Federal law generally prevents a lender from demanding full payment just because a relative inherited the home. An heir isn't automatically personally liable for the loan.[8]

Property taxes

- Property tax bills are due in two installments. Unpaid installments get a 10% penalty after the December 10 and April 10 delinquency dates.[7]
- A death is treated as a change in ownership, so the assessor may reassess the home. Some family transfers, such as a parent's primary residence to a child who makes it their primary residence within one year, may qualify for an exclusion if a claim is filed.[7]
- Notify the County Assessor using form BOE-502-D, generally within 150 days of the death (or before or when the inventory is filed, if there's a probate).[7]

- **Upkeep and insurance:** keep insurance, utilities and basic repairs paid and save every receipt. The estate can often repay these later; ask the attorney how to track them.

9. Your options for the house

There's no single right answer. The best choice depends on the family, the money, the home's condition and the legal situation. Whoever signs usually needs legal authority first (for example, court appointment as personal representative, or being the successor trustee), so talk with an attorney before committing to anything.

Keep it

Might fit if a family member wants to live there or hold it for the future.

Think about: ongoing mortgage, taxes, insurance and repairs; property tax reassessment; and how co-heirs will share costs.

Rent it

Might fit if the family wants income while deciding what to do.

Think about: landlord duties, repairs, tenant screening, insurance changes, and whether everyone agrees.

Sell it

Might fit if no one wants to keep it or the family would rather share the value.

Think about: timing, repairs, costs of selling, taxes, and who has authority to sign. Compare more than one way to sell.

> Ask a probate attorney and a tax professional about how each choice affects the estate, taxes and the other heirs. A licensed real estate agent can explain the home's market value.

10. Timeline overview

Every estate is different. Here are the milestones that California courts and agencies publish.[1, 2, 3, 4, 6, 7]

Right away
Order death certificates. Secure the home. Call the insurer and the mortgage servicer. Look for the will or trust.

Within 30 days of learning of the death
If you hold an original will, deliver it to the superior court clerk (Probate Code §8200).

At least 40 days after death
The earliest the small estate affidavit (§13100) or primary residence petition (§13151) can be used, if the estate qualifies.

Within 150 days of death
Notify the County Assessor with form BOE-502-D (if probate, no later than when the inventory is filed).

Within one year of death
If a child inherits a parent's primary residence and plans to live there, the family-transfer property tax exclusion generally requires moving in and filing a homeowners' exemption claim within one year.

Probate opens: petition, notice and hearing
The judge appoints the executor or administrator and the court issues the paperwork that lets them act for the estate.

About 4 months after the court first issues those papers
Creditors generally must file claims by then (Probate Code §9100); the deadline can be later if a creditor was mailed a notice more recently.

Around one year after appointment
Courts usually require a report on how the estate has been handled.

Typically 9 to 18 months overall
Formal probate often takes this long and can take longer. Final report, court hearing, and distribution close the estate.

Printable checklist

Print this page and check items off as you go. Not every item applies to every family.

First days

- [ ] Order several certified death certificates
- [ ] Ask the funeral home what has been reported
- [ ] Start a list of who has been told, and when
- [ ] Find and set aside any original will safely

Secure the home

- [ ] Call the homeowners insurance company
- [ ] Keep utilities on; update bill addresses
- [ ] Change or re-key locks; list who has keys
- [ ] Remove valuables, medications and firearms
- [ ] Forward or check the mail often
- [ ] Photograph each room and the property

Find the paperwork

- [ ] Will, living trust, and any amendments
- [ ] Deed, mortgage and property tax statements
- [ ] Insurance policies and beneficiary forms
- [ ] Bank, retirement and investment statements
- [ ] Recent bills, loans and credit card statements

Understand the estate

- [ ] How is the home titled (sole, joint, trust)?
- [ ] List assets and what is owed (rough values)
- [ ] Check whether a simplified process may apply

Court and legal

- [ ] Deliver an original will to the court within 30 days of learning of the death
- [ ] Talk with a California probate attorney
- [ ] Decide who will serve as executor or administrator
- [ ] File the Petition for Probate (DE-111), if needed
- [ ] Arrange notice of the hearing and publication
- [ ] Attend the hearing

The home while you wait

- [ ] Contact the mortgage servicer; keep payments current
- [ ] Pay property tax installments by Dec 10 and Apr 10
- [ ] File BOE-502-D with the County Assessor
- [ ] Ask about the family-transfer exclusion (BOE-19-P)
- [ ] Keep insurance active; save all receipts

Decide on the house

- [ ] Talk with all heirs about keep, rent or sell
- [ ] Get an opinion of value from a licensed professional
- [ ] Ask a tax professional about each choice
- [ ] Confirm who has authority to sign

Later

- [ ] Watch the creditor claim period; pay valid debts
- [ ] File the final tax returns
- [ ] Final report and distribution to heirs

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Sources (checked November 2026)

1. Judicial Council of California, Maximum Amounts for Determining Eligibility for Summary Succession Procedures, and form DE-300 (Rev. April 28, 2025): courts.ca.gov/system/files/file/probate-code-890-adjusted-amounts.pdf
2. California Courts Self-Help Guide, "Guide to property after someone dies": selfhelp.courts.ca.gov/probate
3. California Courts Self-Help Guide, "When formal probate may not be needed": selfhelp.courts.ca.gov/probate/simple-transfer
4. California Courts Self-Help Guide, "Overview of formal probate": selfhelp.courts.ca.gov/probate/formal-probate
5. Superior Court of California, County of Shasta, Probate Division: shasta.courts.ca.gov/divisions/probate-division
6. California Probate Code §8200 (delivery of will) and §9100 (creditor claims): leginfo.legislature.ca.gov
7. California State Board of Equalization, Information Sheet "Death of a Real Property Owner: Reporting Requirements" (Pub. 800-9) and Proposition 19 Fact Sheet (Pub. 801): boe.ca.gov
8. Consumer Financial Protection Bureau, information for heirs and successors in interest; Garn-St Germain Act as described at consumerfinance.gov and in Federal Register Doc. 2014-16780 (July 17, 2014)