How to Avoid California Probate Court with an “Affidavit re Real Property of Small Value,” Tip Sheet by Deed and Record

California real property with a market value of less than $50,000; such as mineral rights, oil leases, undeveloped land and timeshares, can be transferred post death to heirs without probate. Transfer is with Judicial Council form “Affidavit re Real Property of Small Value.”

HUNTINGTON BEACH, Calif. (PRWEB) April 25, 2019 -- There is an alternative to probate for the post death transfer to heirs of mineral rights, oil leases, undeveloped land and timeshares located in California. The alternative is California Judicial Council’s form “Affidavit re Real Property of Small Value.” Tip Sheet by Deed and Record explains how this form works.

Judicial council form “Affidavit re Real Property of Small Value” (the “Affidavit”) is for real property valued at less than $50,000 at the time of death. In California partial interests in real property that qualify are; mineral rights, oil leases, timeshares and undeveloped land located away from a major city.

To prove the market value is less than $50,000, a probate referee appointed by the California State Controller is hired to appraise the real property. The probate referee’s appraised value is stated on Judicial Council form “Inventory and Appraisal.” This appraisal is attached to the Affidavit.

The Affidavit is prepared and signed by either the personal representative of the estate or the heir or heirs who are to inherit the real property. The Affidavit identifies the decedent, the real property and authority of the signer. Authority is as an heir or executor of the will or if no will, the right to inherit by intestate succession.

The Affidavit is submitted to the probate court clerk for certification. The certified Affidavit is recorded in the county where the real property is located.

If the affidavit is signed by the heirs, the affidavit itself transfers ownership from the decedent to the signers. If the affidavit is signed by the personal representative of the estate, another document, a deed, is needed. The deed transfers ownership from the estate to the heirs of the decedent.

There is an alternative to probate for the post death transfer to heirs of mineral rights, oil leases, undeveloped land and timeshares located in California, California judicial council form “Affidavit re Real Property of Small Value.” The real property must be appraised by an independent probate referee. The appraised value must be less than $50,000.

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