



SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO

Central Division, Probate Department
1130 'O' Street, 3rd Floor, Fresno, CA 93724
(559) 457-1888

Dear Pro Per Petitioner:

If you are trying to avoid the probate of the estate of someone who has died and believe the transfer should be simple, you still need to know which forms to fill out. The clerk **cannot** tell you which procedure is the right one for you to use but can tell you the form(s) required for a particular procedure. It is up to you to make the determination regarding which procedure you need to follow. If you need guidance as to which procedure is the correct one, you may need to seek legal counsel from an attorney. The clerks are prohibited by law from giving legal advice; giving suggestions or opinions regarding procedures is **legal advice**.

A small investment in legal assistance may be all you need to decide which procedure is right for your situation. For example, for a fee of \$35 the Lawyer Referral Service of the Fresno County Bar Association will arrange a free 30 minute consultation with an attorney experienced in matters like yours. You can ask questions without obligation to retain the attorney. You can phone the Referral Service at **(559) 264-0137** to make these arrangements. If you do not speak English, you will need to have an interpreter.

If you decide that you would prefer to determine on your own what procedure is correct, you may need to do some research. The County Law Library is located on the 6th Floor of the downtown courthouse and is open from 8:00AM to 5:00PM. The Probate Code, various treatises on probate, reported cases, form books, and self-help books may be found there. Following are some suggestions for starting points for your research.

In all the following matters you can consult *California Probate Procedure*, 6th Ed., by Marshall & Garb and *California Civil Practice: Probate & Trust Proceedings* for procedural information.

If you are trying to clear title to real property held in joint tenancy, see Probate Code sec. 210.

If you are trying to transfer ownership of a vehicle and the estate qualifies to pass outside probate, see Vehicle Code sec. 5910. If it is a mobile home, see Health & Safety Code sec. 18102.

If the fair market value of the estate does not exceed \$166,250, heirs may be entitled to collect or transfer personal property by an affidavit procedure. See Probate Code sec. 13100-13115.

If you are the surviving spouse, you may be entitled to a court order setting aside all community property to yourself. See Probate Code section 13500 and following.

There may be other procedures appropriate to your situation that you can find out about in self- help books that are available at libraries and in bookstores. Consult the librarian.

Please be warned there are likely to be consequences, including tax consequences, of your proposed action that often require the consideration and assistance of professionals. Our recommendation is that you at least consult with an attorney before you proceed.