

1 (Name)
2 Attorney at Law, SBN _____
3 (Address)
4 (City), California (Zip)
5 (Telephone)

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7
8 Attorney for Petitioner

9 **IN THE SUPERIOR COURT OF CALIFORNIA**

10 **COUNTY OF _____**

11
12 Estate of: No. _____

13 __ (NAME) __, Deceased.

PETITION FOR SETTLEMENT OF
FIRST AND FINAL ACCOUNT, FOR
FINAL DISTRIBUTION, AND FIXING
AND ALLOWING COMPENSATION

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15 _____/

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17 Petitioner, __ (Name) __, respectfully represents:

18 1. Petitioner, __ (Name) __, is the duly appointed, qualified, and acting personal
19 representative of the estate of __ (Name) __, decedent.

20 2. Decedent died on __ (Date of Death) __ in the City of __ (Name) __, County of
21 __ (Name) __, State of California, and was on the date of death a resident of
22 __ (Name) __ County, California.

23 3. Decedent's will, dated __ (Date) __ was duly admitted to probate on
24 __ (Date) __.

25 4. Letters Testamentary were issued to petitioner on __ (Date) __, and are in full
26 force and effect.

27 5. Petitioner was granted full authority under the Independent Administration of
28 Estates Act to administer decedent's estate without court supervision.

1 6. A Notice to Creditors was published in the manner prescribed by Probate
2 Code Section 9001.

3 7. The notice of administration prescribed by Probate Code Sections 9050
4 through 9052 was not mailed to all known and reasonably ascertainable creditors of the
5 estate because there were no known creditors, other than those described in Probate
6 Code Section 9054.

7 8. Notice of the decedent's death and of these proceedings was not given to
8 California Department of Health Services Recovery Section in the manner prescribed by
9 Probate Code Sections 215, 1215, and 9202 because petitioner believed that the
10 decedent did not receive health care paid for by state.

11 9. The time for filing claims against the estate expired on __ (Date) __.

12 10. The claims filed against the estate, including the name of the claimant, the
13 amount of the claim, the date the claim was filed, and the action taken on the claim, are
14 as follows: No claims received.

15 11. During the period encompassed in the account, the following assets of the
16 estate were sold: None

17 12. During the period covered by this account, the personal representative has
18 kept all cash in his possession invested in interest-bearing accounts, except such
19 amounts of cash as were reasonably necessary for the orderly administration of this
20 estate.

21 13. On __ (Date) __, an inventory and appraisal was filed showing the value of
22 this estate to be \$_____. This inventory lists all the assets of the decedent's estate
23 that have come into petitioner's possession or under his control. A complete, true, and
24 correct account of decedent's estate for the period from __ (Date) __ to __ (Date) __,
25 inclusive, is filed herewith.

26 14. No personal property taxes are due or payable by the estate.

27 15. All real property taxes dues and payable by the estate have been paid.
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1 16. No California or federal income taxes are due or payable, however a
2 fiduciary return for the period __ (Date) __, to date of distribution will be filed showing no
3 tax owing.

4 17. There are nonresident devisees and the value of the estate is greater than
5 \$400,000, however, the total value of the assets distributable to the nonresident
6 devisees is less than \$100,000.

7 18. The estate is of insufficient value to require the filing of a federal or California
8 estate tax return and therefore, no federal or California estate tax return has been or will
9 be filed for the estate.

10 19. Petitioner has performed all the duties required of him as executor of
11 decedent's estate; all costs of administration, except petitioner's compensation, and the
12 compensation of his attorney, for services rendered to the estate, and all debts have
13 been paid, and the estate is in condition to be closed.

14 20. The whole of the estate is decedent's separate property.

15 21. The name, age, relationship to the decedent, and address of each heir is as
16 follows:

Name and Relationship	Age	Address
__(Charity)__	N/A	__(Address)__
__(Name)__	Adult	__(Address)__

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23 22. During the period of administration, petitioner received net income in the
24 amount of \$_____ in interest, \$_____ in principal income from increases in
25 stock values, \$_____ in pension benefits, and \$_____ in refunds. The following
26 persons are entitled to receive the following assets of the testate property:

Distributee	Distributive Share
__(Name)__	\$_____

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__(Name)__

House and real property located at
__(Address)__, including the household
furniture and furnishings contained therein.

__(Charity)__

Fifty percent (50%) of the residue

__(Name)__

Fifty percent (50%) of the residue

23. The statutory attorney's compensation and the executor's compensation,
payable to each for their ordinary services are \$_____, computed on a
compensation base of \$_____, arrived at as follows:

Compensation Base

Inventory and Appraisal	\$ _____
Income receipts	_____
Principal receipts	_____
Gains on sales	-0-
Less: Loss on sales	-0-
Less: Error in Stock value	_____
 Compensation Base	 \$ _____

Computation

4% of first \$15,000	\$ 600.00
3% of next \$85,000	2,550.00
2% of next \$ _____	_____
Statutory Compensation	\$ _____

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3 27. Petitioner requests authorization to withhold \$500 for closing expenses and
4 as a reserve for any liabilities that may hereafter be determined to be due from the
5 decedent or the estate, including any income tax deficiencies. penalties, and interest,
6 and to pay any additional attorneys' fees relative to communication with beneficiaries,
7 work with regard to fiduciary income tax, and preparation of income tax returns. Any
8 unexpected portion of the reserve will be distributed without further order of this court.

9 28. No one has filed a request for special notice in this proceeding.

10 WHEREFORE, petitioner prays for an order that:

11 1. The administration of this estate be closed.

12 2. Petitioners' first and final account as filed herewith be settled, allowed, and
13 approved.

14 3. The property in the estate be distributed as set forth herein.

15 4. All acts, transactions, sales, and investments of the personal representative
16 be ratified, approved, and confirmed.

17 5. __ (Name) __, executor of the estate, be allowed the sum of \$ _____ out of
18 the estate as the statutory compensation to which he is entitled.

19 6. __ (Name) __, attorney for petitioner, be allowed the sum of \$ _____ out of
20 the estate as the statutory compensation to which she is entitled.

21 7. Petitioners be authorized to withhold \$500 for closing expenses and as a
22 reserve for liabilities of the estate.

23 8. For such other and further orders as the court may deem proper.

24 Dated: _____

25 _____
26 (Name), Attorney for Petitioner

(Name), Petitioner

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2 **VERIFICATION**

3 I, __ (Name) __, am the petitioner in the above-entitled proceeding. I have read
4 the foregoing petition and know the contents thereof. The same is true of my own
5 knowledge, except as to those matters which are therein stated in information and
6 belief, and as to those matters, I believe it to be true.

7 I declare under penalty of perjury under the laws of the State of California that
8 the foregoing is true and correct.

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10 Dated: _____
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12 (Name)____
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1 **SUMMARY OF ACCOUNT**

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3 **Charges**

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5	Amount of Inventory and Appraisalment	\$ 425,534.65
6	Income receipts during account period (Schedule A)	5,415.82
7	Principal receipts during account period (Schedule A)	4,410.38
8	Gains on Sales (Schedule C)	None
9	Adjustment to Inventory	(9,252.00)
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11	TOTAL CHARGES	\$ 426,108.85

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14 **Credits**

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16	Disbursements during accounting period (Schedule B)	\$ 19,739.86
17	Losses on Sales (Schedule C)	None
18	Property on hand (Schedule E)	406,368.99
19	TOTAL CREDITS	\$ 426,108.85

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Schedule A: RECEIPTS

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	Principal receipts	Income receipts
Interest		
Bank of America		\$ 616.42
Coast Central Credit Union		2,091.01
Edward D. Jones	\$ 3,058.00	
Miscellaneous receipts		
Pension benefits		2,708.39
Refunds	1,352.38	
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Totals	\$ 4,410.38	\$ 5,415.82

Schedule B: Disbursements

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Bank Charges	\$ 29.75
Improvements to real property	
Bathroom project	5,074.43
Completion of started building repairs	6,726.65
Home Maintenance	685.48
Household expenses	1,441.26
Insurance	607.00
Medicine	44.61
Medical	661.30
Probate expenses	493.05
Return of post death income	2,708.39
Property tax	62.14
Utilities	950.41
Total expenses	\$ 19,739.86

Schedule C: GAINS AND LOSSES ON SALES

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None - no sales.

Schedule D: ADJUSTMENTS TO INVENTORY

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Edward Jones, Cash Account No. 2737, Fortuna Branch
was incorrectly valued on the Inventory and Appraisalment,
a valuation of \$133,405 was listed at date of death when
a more accurate figure would have been \$124,153, as
shown on the attached printouts. \$ 9,252.00

TOTAL ADJUSTMENTS \$ 9,252.00

Schedule E: PROPERTY ON HAND

On hand as of January 31, 2000:

Real property located at (Address), California (Inventory Attachment 2, item 2)	\$ 157,500.00
Household furniture and furnishings	800.00
Bank of America, (City), California	
Prima Checking Account	1,620.71
Interest Maximizer Account	25,613.74
(Name)Credit Union, (City), California	
Membership savings account	51.55
Interest Checking account	6,089.98
Liquid Assets account	86,834.79
(Name)Bank	
Estate checking account (1-23-00)	647.14
Edward Jones Cash Account	127,211.00
 TOTAL PROPERTY ON HAND	 \$ 406,368.99