Transferring property when someone dies…

Do I have to go to Court to inherit property from someone who dies?

Not always. If you have the legal right to inherit personal property, like money in a bank account or stocks, and the estate is worth $150,000 or less, you may not have to go to court.

There is a simplifies process you can use to transfer the property to your name, but this process is not for real property, like a house.

How do I know if the estate is worth $150,000 or less?

To calculate the value of the estate:

Include:

- All real and personal property
- All life insurance or retirement benefits that will be paid to the estate

Do not include:

- Cars
- Real property outside of California
- Property held in trust, including a living trust.
- Real or personal property that the person who died owned with someone else (joint tenancy)
- Property (community, quasi-community or separate) that passed directly to the surviving spouse
- Life insurance, death benefits or other assets not subject to probate that pass directly to the beneficiaries
- Unpaid salary or other compensation up to $15,000 owed to the person who died.
- The debts or mortgages of the person who died

For a complete list, see Probate Code § 13050

Can I subtract the dead person's debts to calculate the value of the estate?

No. You are not allowed to subtract the debts of the person who died.

What if the estate is in Probate?

You cannot use this process, unless the Personal Representative of the estate agrees in writing to let you do so.

Can anyone use this simplified Process?

You qualify if you have the legal right to inherit property from the person who died. You must be a beneficiary in the Will or an heir if the person died without a Will. Other people may qualify too, like the guardian or conservator of the estate. For a complete list, see Probate Code § 13051