**SAMPLE DOCUMENT – FOR INFORMATION ONLY**

1 *Name, Address and Telephone Number of Person Without Attorney:*

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 2 |  |  |  |  |  |  |  |  |  |  |  |
| 3 |  |  |  |  |  |  |  |  |  |  |  |
| 4 |  |  |  |  |  |  |  |  |  |  |  |
| 5 | In Pro Per |  |  |  |  |  |  |  |  |  |
| 6 |  |  |  |  |  |  |  |  |  |  |  |
| 7 |  |  |  |  |  |  |  |  |  |  |  |
| 8 |  | SUPERIOR COURT OF THE STATE OF CALIFORNIA |  |
| 9 |  |  | COUNTY OF SANTA CLARA |  |
| 10 |  |  |  |  |  |  |  |  |  |  |  |
| 11 | In the Matter of the Estate of | ) |  | Case No.: |  |
| 12 | ) |  | JUDGMENT SETTLING FIRST AND FINAL |  |
|  |  | ) |  |  |
| 13 |  |  | ) |  | ACCOUNT AND REPORT OF |  |
|  |  | ) |  | (EXECUTOR/ADMINISTRATOR/ |  |
| 14 |  |  | ) |  | ADMINISTRATOR- WITH-WILL ANNEXED), |  |
|  |  | ) |  | ALLOWING STATUTORY FEES TO |  |
| 15 |  |  | ) |  | PERSONAL REPRESENTATIVE AND FOR |  |
|  | Decedent. | ) |  | FINAL DISTRIBUTION |  |
| 16 |  | ) |  |  | *[or]* |  |
|  |  | ) |  | JUDGMENT OF FINAL DISTRIBUTION ON |  |
| 17 |  |  | ) |  | WAIVER OF ACCOUNTING, ALLOWING |  |
|  |  | ) |  | STATUTORY FEES TO PERSONAL |  |
| 18 |  |  | ) |  | REPRESENTATIVE AND FOR FINAL |  |
|  |  | ) |  | DISTRIBUTION |  |
| 19 |  |  | ) |  | Date: |  |
|  |  | ) |  |  |
| 20 |  |  | ) |  | Time: 9:00 a.m. |  |
|  |  | ) |  | Dept. |  |
| 21 |  |  | ) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  | , as |  |
| 22 | *[name of personal representative]* |  |  |  |  |  |
| 23 | *[executor/administrator/administrator-with-will-annexed]* |  |  |  |  | of the Estate of |  |
| 24 | *[name of decedent]* |  |  |  |  |  |  | , deceased, having filed *[his/her] [title of petition as* |  |

1. *stated in caption]*, and the report and petition coming on this date regularly for hearing, in
2. Department \_\_\_ of the above court, the Court finds:
3. 1. Due notice of the hearing on the petition for final distribution of the estate has been
4. regularly given for the period and in the manner prescribed by law.

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Judgment Settling First and Final Account and Report of (Executor/Administrator/ Administrator- with-will-annexed), Allowing Statutory Fees to Personal Representative and for Final Distribution

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| --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  | **SAMPLE DOCUMENT – FOR INFORMATION ONLY** |  |  |
| 1 | 2. | All allegations of the petition are true. |  |  |  |  |  |  |  |  |
| 2 | 3. | ***[name of decedent]*** | died on *[date]* | in |  |
| 3 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| the City of |  |  |  |  | , County of |  |  |  | , State of California, and |  |
| 4 | was a resident of that county at the time of *[his/her]* |  | death. |  |  |
| 5 |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 4. | Petitioner qualified as *[executor/administrator/administrator-with-will-annexed]* |  |  |  |
| 6 |  |  |  |  | of the estate and *[Letters Testamentary/Letters of Administration/Letters of Administration-with-* |  |
| 7 | *will-annexed]* |  |  |  |  |  | were issued to petitioner on *[date Letters were issued]* |  |  |  |
| 8 |  |  |  |  |  | . At all times since then petitioner have been acting as the duly qualified |  |
| 9 | *[executor/administrator/administrator-with-will-annexed]* |  |  |  |  | of the |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

1. decedent’s estate, with authority to administer the estate without court supervision under the
2. Independent Administration of Estates Act.
3. 5. More than four months have elapsed since the issuance of Letters. Notice of
4. administration has been given to creditors as required by law. The time for filing and
5. presenting creditor’s claims has expired, and the estate is now in a condition to be closed.
6. 6. *[*No claims have been filed with the court or presented to the personal representative/All claims
7. filed and served on the estate have been allowed by the personal representative, approved by this court, and
8. paid./All claims filed and served on the estate were either allowed by the personal representative, approved by
9. this court and paid, or rejected by the personal representative or this court; written notice of rejection of each
10. rejected claim has been given in conformity with law; more than three months have elapsed since service of the
11. notice of rejection and more than two months have elapsed since the last rejected claim became due.]
12. 7. All debts of decedent and of the estate and all expenses of administration, except
13. closing expenses and statutory commissions of the personal representative have been paid.
14. 8. All personal property taxes due and payable by this estate have been paid */or/* No
15. personal property taxes are due and payable by this estate.
16. 9. A federal estate tax return, Form 706, has not been filed because the estate is not
17. sufficient to require such a return. No California estate taxes are due and payable by this
18. estate.
19. 10. All California and federal income taxes due and payable by the estate will be paid

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Judgment Settling First and Final Account and Report of (Executor/Administrator/ Administrator- with-will-annexed), Allowing Statutory Fees to Personal Representative and for Final Distribution

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**SAMPLE DOCUMENT – FOR INFORMATION ONLY**



by the personal representative from decedent's estate prior to distribution */or/* No California

or federal income taxes are due and payable by the estate.

1. 11. *[Name(s)]*, the person*(s)* entitled to distribution of all of the estate, have waived an
2. account by the personal representative.
3. 12. The estimated expenses of closing the estate, including the reserve for any liability

7 that may hereafter be determined to be due from this estate, are $ , and

1. the personal representative should be authorized to withhold that sum from distribution.
2. 13. The estate consists of the decedent's *[separate/one-half interest in the community property of*
3. *decedent and his/her surviving spouse/quasi-community]* property *[or describe interests, if mixed]*.
4. 14. Distribution should be ordered as specified below.
5. IT IS ORDERED and adjudged that:
6. 1. The *[executor/administrator/etc.]* has in *[his/her]* possession belonging to the estate, after
7. deducting credits to which *[he/she]* is entitled, a balance at the appraised value of $

15 , of which $ is in cash. The first and final account, petition and

1. report of the *[executor/administrator/etc.]* is settled, allowed, and approved as filed. ***/or/*** The
2. administration of the estate is brought to a close without the requirement of an account The
3. *[executor/administrator/etc.]* has in *[his/her]* possession belonging to the estate a balance at the

19 appraised value of $ , of which $ is in cash.

1. 2. All acts and transactions of the *[executor/administrator/etc.]* relating to the matters set
2. forth in the account, report and petition are confirmed and approved. ***/or/*** All acts and
3. transactions of the *[executor/administrator/etc.]* relating to the matters set forth in the waiver of
4. account and petition are confirmed and approved.

24 3. The *[executor/administrator/etc.]* is authorized to retain $ from distribution

1. at this time to defray closing expenses and as a reserve for additional liabilities. Any
2. unexpended portion of such reserve shall be distributed to the distributees as set forth in this
3. document without further order of this court.
4. 4. The *[executor/administrator/etc.]* is authorized and directed to pay to *[himself/herself]* $

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Judgment Settling First and Final Account and Report of (Executor/Administrator/ Administrator- with-will-annexed), Allowing Statutory Fees to Personal Representative and for Final Distribution

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**SAMPLE DOCUMENT – FOR INFORMATION ONLY**



as statutory compensation for services rendered in administering this estate.

1. 5. Notice of administration has been given as required by law.
2. 6. No California and federal estate taxes are due and payable by the estate.
3. 7. *[Use if no will]*The decedent died intestate, leaving the persons whose names, ages,
4. relationship to the decedent and addresses are set forth below as the only heirs at law:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 6 | Name | Age | Relationshi | Address |  |
| 7 |  |  | p |  |  |
| 8 |  |  |  |  |  |
| 9 |  |  |  |  |  |
| 10 |  |  |  |  |  |
| 11 |  |  |  |  |  |
| 12 | 7. *[Use if decedent left a will]* | By the terms of the decedent’s will, the property in the hands |  |
| 13 |  |
| of the *[executor/administrator/etc.]* should be distributed to the following beneficiaries of the estate: |  |
| 14 |  |
| Name | Age | Relationshi | Address |  |
| 15 |  |
|  |  | p |  |  |
| 16 |  |  |  |  |
|  |  |  |  |  |
| 17 |  |  |  |  |  |
| 18 |  |  |  |  |  |
| 19 |  |  |  |  |  |
| 20 | 8. The property is to be distributed to each *[heir/beneficiary]* as follows: |  |
| 21 |  |
| Name |  | Description of Share of Estate |  |
| 22 |  |  |
|  |  |  |  |  |

*[describe each asset individually and completely, including legal descriptions for real property, account numbers, etc.]*

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9. Any other property of decedent or the estate not now known or discovered that

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may belong to the estate or in which the decedent or the estate may have any interest shall be

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Judgment Settling First and Final Account and Report of (Executor/Administrator/ Administrator- with-will-annexed), Allowing Statutory Fees to Personal Representative and for Final Distribution

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | **SAMPLE DOCUMENT – FOR INFORMATION ONLY** |  |
| 1 | distributed as follows: *[specify names and percentages]* |  |
| 2 | Dated: | . |  |  |
| 3 |  |  |
|  |  |  | Judge of the Superior Court |  |

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Judgment Settling First and Final Account and Report of (Executor/Administrator/ Administrator- with-will-annexed), Allowing Statutory Fees to Personal Representative and for Final Distribution