

CALIFORNIA PROBATE DEADLINES & TIMELINES

TYPE OF FILING	DEADLINES	Cal. Prob. Code
Petition To Establish Death	If administration pending, any time before filing of the petition for final distribution	§202
Reporting Death To Director Of Health Care Services	No later than 90 days after Decedent's death	§215
Notice That Decedent's Genetic Material Available For Purpose Of Posthumous Conception	Within <ul style="list-style-type: none"> • 4 months of issuance of death certificate OR • Entry of judgment determining Decedents death, whichever occurs <u>first</u> 	§249.5
Action To Impose Liability Under Section 249.6 (Improper Distribution Of Property After Receiving 249.5 Notice)	Within <ul style="list-style-type: none"> • 3 years after distribution of property OR • 3 years after discovery of fraud, whichever occurs <u>later</u> 	§249.6
Disclaimer Of Interest	Within reasonable time after person able to disclaim acquires knowledge of interest (9 months after death or vesting presumed reasonable)	§279
Action To Establish Liability Of Decedent Covered By Insurance	Within 1 year after expiration of the limitations period otherwise applicable, if the limitations period otherwise applicable has not expired at the time of decedent's death	§551
Petition For Exempt Property	Upon filing of inventory or subsequently during administration of estate	§6510
Petition To Select And Set Apart Probate Homestead	Upon filing of inventory or subsequently during administration of estate	§6520
Petition For Small Estate Set Aside	Any time prior to entry of order for final distribution of estate	§6600-6615
Petition For Administration By Named Executor In Will	Within 30 days of knowledge of decedent's death or may be held to have waived right to appointment	§8001
Contesting Appointment Of Personal Representative	At hearing on petition or file written objections before hearing (hearing occurs 15-30 days, or upon request 30-45 days, from filing of petition)	§8003
Delivery Of Will To Clerk And Copy To Named Executor By Custodian Of Will	30 days after having knowledge of testator's death	§8200
Petition For Probate Of Second Will	Later of <ul style="list-style-type: none"> • 120 days after issuance of order admitting first will to probate or determining decedent intestate, OR • 60 days after proponent first obtains knowledge of the will 	§8226
Response To Will Contest	30 days after service of summons	§8250
Petition To Revoke Probate	<ul style="list-style-type: none"> • Within 120 days after a will is admitted to probate (not available to a party to a will contest or person who could have been a party with actual notice) OR • before entry of order for final distribution if petition filed by minor or an incompetent 	§8270

TYPE OF FILING	DEADLINES	Cal. Prob. Code
Filing Inventory And Appraisal And Section 480 Certification	Within 4 months after letters are first issued to a general personal representative	§8800
Written Objection To Appraisal	Anytime before hearing on petition for final distribution of the estate	§8906
Notice To Creditors	Within later of <ul style="list-style-type: none"> • 4 months after date letters are first issued • 30 days after personal representative first has knowledge of creditor 	§9051
Filing A Creditor Claim	Expiration of the later of <ul style="list-style-type: none"> • 4 months after date letters are first issued to general personal representative • 60 days after date notice is mailed or personally delivered to creditor 	§9100
Revision Or Amendment Of Creditor Claim	For no purpose after the earlier of <ul style="list-style-type: none"> • Order of final distribution of estate • 1 year after letters of administration first issued to general personal representative 	§9104
Service Of Creditor Claim On Personal Representative	Within the later of <ul style="list-style-type: none"> • 30 days of the filing of the claim or • 4 months after letters issue to a personal representative with general powers 	§9150
Notice Of Death To Director Of Health Care Services/Director Of California Victim Compensation Board/Franchise Tax Board	Not later than 90 days after the date letters are first issued to a general personal representative	§9202
Action On A Rejected Claim	90 days from notice of rejection (rejection assumed if refusal or neglect to act within 30 days of filing)	§9250
Contest The Validity Of An Allowed Claim	Any time before settlement of the report or account of the personal representative in which first reported as allowed	§9254
Claim On Action (When No Action Pending At Death)	<ul style="list-style-type: none"> • 90 days after notice of rejection given if claim due at time of notice • 90 days after claim becomes due if claim not due at time notice of rejection given 	§9353
Claim On Action (When Action Pending At Time Of Death)	Application for order to substitute personal representative in action must be applied for within 3 months after notice of rejection given	§9370
Petition To Vacate Order Of Confirmation Of Sale	Within 60 days after confirmation of sale	§10351
Petition For Order Determining Amount Of Expenses Of Administration Of Encumbered Property	At any time before payment is made to satisfy all liens on the encumbered property sold	§10361.5
Action For Recovery Of Property Sold By A Personal Representative	The later of <ul style="list-style-type: none"> • 3 years after the settlement of the final account • 3 years after the discovery of any fraud upon which the action 	§10382

TYPE OF FILING	DEADLINES	Cal. Prob. Code
	is based	
Petition Requesting Allowance On The Compensation Of The Personal Representative Or Attorney For The Personal Representative	Any time after 4 months from issuance of letters	§10830
Petition Fixing And Allowing Personal Representative Compensation And Attorney For Personal Representative Compensation	At the time of the filing of the final account and petition for an order for final distribution	§10831
Account	• 1 year after issuance of letters	§10950
Petition For Preliminary Distribution	Cannot be filed unless 2 months have elapsed after letters are first issued to general personal representative	§11620
Petition For Determination Of Persons Entitled To Distribution	Any time after letters issues and before order of final distribution	§11700
Petition For Order For Final Distribution Or Status Report Of Administration	<ul style="list-style-type: none"> • If no federal tax return required, within 1 year after issuance of letters • If federal tax return required, within 18 months after issuance of letters 	§12200
Small Estate Affidavit – Personal Property	Must wait to file a minimum of 40 days after death	§13100
Petition For Order Determining Succession To Real Property (Small Estates)	Must wait to file a minimum of 40 days after death	§13151
Small Estate Affidavit – Real Property	Must wait to file a minimum of 6 months after death	§13200
Surviving Spouse Right To Dispose Of Community Or Quasi-Community Property	After 40 days from death of spouse	§13540