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Attorneys for Estate Representative

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF \_\_\_\_\_

Estate of	)	CASE NO. ....
	)	
.....,	)	WAIVER OF ACCOUNTING AND PETITION
	)	FOR FINAL DISTRIBUTION; STATUTORY
AND	)	EXECUTOR COMMISSIONS; STATUTORY
	)	AND EXTRAORDINARY ATTORNEY FEES;
Deceased.	)	REQUEST TO WITHHOLD IN RESERVE.
_____	)	

....., as Executor of the will of ....., deceased, now presents her verified Waiver of Accounting, Statutory Executor Commissions, and Statutory and Extraordinary Attorney Fees, Request to Withhold in Reserve, and for Final Distribution, as follows:

1. Date and Place of Death

..... died testate on \_\_\_\_\_, 200\_.., in the County of ....., State of California, and was a resident of that County.

2. Will Admitted to Probate

Decedent's will dated ....., ....., was admitted to probate by

order of this Court dated ....., 200\_... . Letters Testamentary were issued on ....., 200\_... and have been continuously and still are in full force and effect.

3. Creditor's Claim Period

Letters were issued on ....., 200\_.. More than four months have elapsed since that date and the time for filing and presenting claims in this Estate has expired. Written proof of due publication of notice of death was filed herein.

4. Creditor's Claims

The petitioner alleges that she has made a diligent search for reasonably ascertainable creditors by searching the decedent's records, checkbook, mail and bills, and has made reasonable efforts to locate all known or reasonably ascertainable creditors.

No formal Creditor's Claims have been filed. Pursuant to Probate Code §9054(b) and §9154 no notice of administration was given and debts of the decedent after a diligent search and reasonable efforts to locate all known or reasonably ascertainable creditors were paid within four months of the first issuance of the letters without verified claims having been filed or presented and allowed and approved and were paid in good faith.

To the best of Petitioner's knowledge, there are no debts still owing and no creditors remain to be paid.

5. Compliance with Probate Code § 9201 and 9202

Notice to the Director of Health Services was given on ..... , 200\_.. The estate is not required to notice any "public entity" described in Probate Code §9201.

6. Inventory and Appraisalment

An Inventory and Appraisalment of the estate was returned and was

filed ....., 200\_... showing estate assets with a value of \$.....

Petitioner alleges that such inventory totaling \$.....and the balance as set forth on the accounting contains all the assets of the decedent's estate that have come to petitioner's knowledge or into her possession.

7. Administration of Estate Under IAEA

The estate has been administered under the Independent Administration of Estates Act with full authority.

8. Estate Tax Return

No federal estate tax return has been filed because the estate is not sufficient to require such return and no federal estate tax is due or payable.

9. Personal Property Taxes

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

10. Inheritance Taxes

No inheritance taxes are due, owing, or payable by the estate as decedent's death occurred after .....

11. Estate Income Taxes

No California or federal income taxes are due or payable by the estate. The estate will be required to file federal and California fiduciary returns. Petitioner requests to withhold \$..... for any costs associated with the preparation of the federal and California income tax returns and any additional taxes which might be found to be due.

12. Administration Completed

Petitioner has performed all duties required of her as Executor of the

estate of the decedent with respect to the administration of the estate. All debts of the decedent and of the estate and all expenses of administration, including publication fees, bond (if any), referee fees, certified copies and filing fees, except the final expenses of administration, fees of....., attorney for petitioner, have been paid. The estate is ready for distribution and is in a condition to be closed.

13. Waiver of Accounting

Petitioner and all other beneficiaries are waiving an accounting. Waivers of Account are attached hereto as Schedule A and incorporated herein by this reference. The property on hand is attached hereto as Schedule B and incorporated herein by this reference.

14. Character of Estate Property

The estate consists entirely of the separate property of the decedent. Waivers of Rent are attached hereto as Schedule A and incorporated herein by this reference.

15. Beneficiaries and Distribution of Estate

The devisees under the decedent's will admitted to probate on ....., 200\_, are as follows:

NAME	RELATIONSHIP	AGE	RESIDENCE
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By the terms of the will, the estate which is described in Schedule B, should be distributed as follows:

**SPECIFIC BEQUESTS:**

To ....., the .....

**REST, REMAINDER, AND RESIDUE:**

To ....., one hundred percent (100%).

16. Statutory Commissions & Fees for Ordinary Services

Petitioner alleges that the Estate accounted for, for the purposes of computing statutory commissions and fees, is:

Inventory & Appraisalment

Income Receipts

Estate accounted for

The statutory fee and commission are computed as follows:

4% of \$100,000.00

3% of \$100,000.00

2% of \$800,000.00

TOTAL FEE

Petitioner as Executor has rendered ordinary services to the estate and the fees provided by law for such services is the sum of \$.....which has not been paid.

Petitioner should be authorized and ordered to pay herself that sum in discharge of the statutory commission.

....., Attorneys at Law, have rendered ordinary legal services to petitioner and the fees provided by law for such services is the sum of \$\_\_\_\_\_ which has not been paid. Petitioner should be authorized and ordered to pay his attorney that sum in discharge of the statutory fee.

17. Extraordinary Fees

During the administration of the estate it became necessary to borrow money on the estate real property located at ....., Los Angeles, California. The

attorney arranged for a Waiver of Notice of Proposed Action to be completed and filed, reviewed escrow instructions, and held numerous telephone calls with the escrow company and lender regarding the escrow instructions. The attorney worked in excess of \_\_\_ hours on this specific matter and a reasonable fee for the work involved in borrowing money on the estate real property is the sum of \$.....

Petitioner be directed and authorized to pay ..... the sum of \$..... as a reasonable compensation for the extraordinary services as set forth above.

18. Request for Special Notice

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

19. Reserve for Closing Expenses and Taxes

The estate will be required to file federal and California fiduciary returns. Petitioner requests a reserve of \$..... to cover the cost of preparation of the federal and California income tax returns and as a reserve for any additional taxes which might be found to be due.

**WHEREFORE**, petitioner prays for an order of this Court that:

1. The administration of this estate be brought to a close without the requirement of an accounting;
2. All the acts and proceedings of petitioner as Executor be confirmed and approved;
3. Petitioner be authorized and directed to pay to herself the sum of \$..... as statutory fees for her services to this estate;
4. Petitioner be authorized and directed to pay to ..... the sum of \$..... as statutory fees for their services to petitioner and this estate;



SCHEDULE A

.....  
.....  
.....  
.....

.....

Attorney for Petitioner

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

Estate of	)	CASE NO.
	)	
.....,	)	WAIVER OF ACCOUNTING
	)	
	)	
Deceased.	)	
_____	)	

I, ....., being one of the distributees of the above estate do hereby waive the following:

1. A settlement of a final account by ..... as Executor.
2. Any and all rental for the estate real property located at ....., ....., California.

Date \_\_\_\_\_

NAME \_\_\_\_\_



SCHEDULE B

PROPERTY ON HAND

- |    |   |    |
|----|---|----|
| 1. | REAL PROPERTY LOCATED IN<br>THE COUNTY OF ....., STATE OF<br>CALIFORNIA PARTICULARLY DESCRIBED AS:<br><br>Lot .. of Tract No. .... as per map<br>recorded in Book ..., Page .. of Maps,<br>in the office of the County Recorder<br>of said County.<br><br>MORE COMMONLY KNOWN AS:<br><br>.....<br>..... | \$ |
| 2. | 1990 VEHICLE, ID#   | \$ |
| 3. | Cash in estate account located at<br>.....<br>....., California.  | \$ |
|    | TOTAL PROPERTY ON HAND  | \$ |

VERIFICATION

I am the petitioner in this action. I have read the foregoing Waiver of Accounting, Executor Statutory Commissions, Attorney Statutory and Extraordinary Fees, Request to Withhold in Reserve, and for Final Distribution, it is true of my information or belief. I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Dated on \_\_\_\_\_ at \_\_\_\_\_, California.

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