

# California AB2016 – SIMPLIFYING PROBATE FOR PRIMARY RESIDENCES



Effective April 1, 2025, AB 2016 makes it easier for families to transfer a primary residence valued under \$750,000 without going through full probate.

## KEY PROVISIONS OF AB 2016

### PRIMARY RESIDENCE EXEMPTION:

- Homes valued up to \$750,000 will no longer require probate.

### APPLIES TO DEATHS ON OR AFTER APRIL 1, 2025.

### SIMPLIFIED SUCCESSION PROCESS:

- Estates can now use a Petition to Determine Succession to Real Property for homes up to \$750,000 which will avoid lengthy probate proceedings.
- Total assets up to \$934,500 (including up to \$184,500 in cash) may qualify for this streamlined process.

### DEFINITION OF PRIMARY RESIDENCE:

- The home must have been the decedent's primary residence, even if they weren't living there at the time of death.

### PROCEDURAL REQUIREMENTS:

- All heirs must sign the required court documents.
- A probate referee must appraise the home's value.
- At least 40 days must pass after the owner's death before filing the petition.

## BENEFITS OF NEW PROCESS

### COST SAVINGS:

- Avoiding formal probate can potentially reduce court fees, legal expenses and administrative costs.

### FASTER RESOLUTION:

- The simplified process may be significantly quicker than formal probate, often taking weeks instead of months or years.

### LESS COMPLEXITY:

- Heirs and beneficiaries can manage transfer without navigating the complexities of probate proceedings.

Assembly Bill 2016 can potentially help families avoid years of probate delays, reduce court costs, simplify the inheritance process and allow heirs to access and sell the property more quickly without the burden of lengthy legal proceedings.

*Make sure your next transaction is not affected! Stay educated about your next closing.*