

# Three Tiers to Probate California Real Property, by Mark W. Bidwell, Esq.

*California has three tiers of court involvement based on the market value of the real property.*

HUNTINGTON BEACH, CA, 92649,  
October 28, 2020 /EINPresswire.com/ --  
Real property owned by one person ends up in probate. Probate is a set of laws the California courts follow to transfer real property from a decedent to his or her heirs. California has three tiers of court involvement based on the market value of the real property as explained in this article by Mark W. Bidwell, attorney at law.



Three tiers of court involvement based on market value of real property

The appraised fair market value is determined by an individual with the title of "[probate referee](#)." The probate referee is an Officer of the Court appointed by the California State Controller. The real property is appraised as of date of death. The less the appraised value, the less involvement by the court.

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The less the market value of real property the less involvement by California's probate courts”

*Mark W. Bidwell*

The first tier is for real property with less than \$55,425 in market value. Ownership is transferred by an “Affidavit re Real Property of Small Value.” No court hearing is needed. Instead the court certifies the affidavit for recording. This procedure is primarily available for timeshares, mineral rights, and undeveloped land away from the coast.

"[Succession to Real Property](#)" is the next tier and is available for real property with a market value less than \$166,250, but more than \$55,425. This procedure is shorter than formal [probate administration](#) as it requires only one court hearing. The transfer is at the court's discretion based on the evidence introduced at the hearing.

The third tier is real property with a market value greater than \$166,250. This real property

requires probate administration. Probate administration is a set of procedures under the supervision of the probate court. Probate administration requires at a minimum; two court hearings, three court orders and a minimum of one year to complete.

Real property owned by one person ends up in probate. Probate is a set of laws the California courts follow to transfer real property from a decedent to his or her heirs. California has three tiers of court involvement based on the market value of the real property. The lower the market value, the less involvement by the probate code.

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