

Rule 4.2.06 Notices

- (a) Publication: The Clerk DOES NOT handle the mailing and publication of notices. The Notice of Petition to Administer Estate, Judicial Council form DE-121, must be filed with the Petition for Probate, Judicial Council form DE-111.
- (b) Defective Notice:
 - 1. Publication Correct but Mailing Defective: The hearing normally will be continued to allow enough time for the mailing of the required amended notice. Republication is not required.
 - 2. Mailing Correct but Publication Defective: The hearing will normally be continued to allow time for new notice to be given by publication and mailing.
- (c) In a Petition for Probate of a Will, all persons and organizations named in the will or codicils shall be listed in the appropriate attachment and noticed.
- (d) If the decedent had no known heirs, or heirs of a predeceased spouse pursuant to Probate Code § 6402.5, a declaration to that effect shall be filed setting forth the basis for the declaration and the efforts made to locate any heirs.
- (e) All Petitions for Probate filed prior to the issuance of letters must be noticed pursuant to Probate Code § 8100 et seq. including publication.
- (f) A petition for appointment of a successor personal representative requires a Notice of Petition to Administer Estate. Notice shall be given in the manner provided in Probate Code § 8100, et seq. Publication is not required.

(Rev. 7/1/01) (Rev 7/1/03) (Rev. 1/1/09)
(Rev. 1/1/20) (Rev. 1/1/27)