

California Probate: What It Costs and How Long It Takes

A Practical Guide for Los Angeles Families — Trust Advisor

Section 1 — When Probate Is Required

California requires probate when a person dies owning assets titled in their individual name — without a trust, joint title, or beneficiary designation — exceeding **\$184,500** in gross value (Probate Code § 13100, as of 2024). “Gross” means the full market value of the assets. The mortgage does not reduce the number. Almost every Los Angeles homeowner’s estate exceeds this threshold on the home alone.

Section 2 — The LA County Probate Timeline

- **Petition filed** with LA County Superior Court, Probate Division → first hearing set (typically 4–10 weeks out)
- **Personal representative appointed** at the hearing, if documents are in order and no one objects
- **Creditor notice and publication** → minimum 4-month claim window; nothing distributes
- **Inventory and appraisal** by a court-appointed probate referee (often 2–6 months, in parallel)
- **Claims paid; accounting prepared**
- **Petition for final distribution** → another hearing → court order → distribution

Realistic total: **nine months minimum; 12–18 months typical; contested matters run years.** LA County operates one of the busiest probate courts in the country — every continuance costs the gap to the next available hearing date.

Section 3 — What Probate Costs

Statutory fees under Probate Code §§ 10800 and 10810 — paid to the attorney AND the executor, each:

Gross Estate Value	Attorney Fees	Executor Fees	Combined Minimum
\$500,000	\$13,000	\$13,000	\$26,000
\$750,000	\$18,000	\$18,000	\$36,000
\$1,000,000	\$23,000	\$23,000	\$46,000
\$1,500,000	\$28,000	\$28,000	\$56,000
\$2,000,000	\$33,000	\$33,000	\$66,000

Plus court filing fees, probate referee fees, and publication costs. Extraordinary services (selling the home, litigation, tax work) can add more with court approval.

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Section 4 — Gross Estate: The Mortgage Example

WHY "GROSS" MATTERS

Home value: **\$900,000** | Mortgage: **\$500,000** | Your equity: **\$400,000**

Probate fees are calculated on **\$900,000** — the gross value. Attorney: ~\$21,000. Executor: ~\$21,000. **Combined: ~\$42,000** in fees on an asset the family only owned \$400,000 of.

Section 5 — Assets Are Frozen the Entire Time

During probate, your family cannot sell the home, access your accounts, or receive distributions without court authorization. The mortgage, property taxes, and insurance continue every month — paid by a family that cannot yet reach the estate's money.

Section 6 — How a Funded Revocable Trust Avoids All of This

Assets held in a revocable living trust are not subject to probate. No petition, no hearings, no publication, no referee, no statutory fees, no public record. Your successor trustee acts on the trust's authority — presenting the trust and a death certificate to institutions — and most distributions occur within weeks to a few months. The condition: the trust must be **funded**. Your home must be deeded into it and your accounts coordinated. A trust that owns nothing avoids nothing.

Section 7 — Your Next Step

If you are planning ahead: one conversation will tell you what your family's probate exposure is today and what a flat-fee estate plan would eliminate. If you are facing probate now: call before you file anything. Either way, you will get a direct answer about what you need — and what you don't.

Call (818) 995-9432 or visit trustadvr.com/contact.