

California Estate Planning Checklist

15 Things Every Los Angeles Family Needs to Know

Part 1 — Do You Need a Trust?

Answer these five questions. If you answer yes to any one of them, a revocable living trust deserves serious consideration. If you answer yes to the first two, you almost certainly need one.

1. Do you own real property in California?

A Los Angeles home alone typically exceeds the probate threshold several times over. Real property titled in your individual name at death goes through probate — will or no will.

2. Is your gross estate over \$184,500?

California Probate Code § 13100 sets the small-estate limit at \$184,500 in gross assets (as of 2024) — counting the full market value of your home, not your equity.

3. Do you have minor children?

A trust controls when and how children inherit; a will alone hands assets to an 18-year-old outright. Guardian nomination still happens in your will — the two documents work together.

4. Do you have a blended family?

Second marriages and children from prior relationships are where generic plans fail and disputes begin. Thoughtful trust drafting prevents the most common conflicts.

5. Do you own a business?

Business interests need succession instructions, valuation handling, and coordination with any operating or buy-sell agreements.

Part 2 — What a Complete California Estate Plan Includes

Check each item off as it is signed and, where applicable, funded. An estate plan is complete when every box is checked — not when the documents are signed.

- **Revocable Living Trust** — the centerpiece; holds your home and major assets
- **Pour-Over Will** — names guardians for minor children; catches assets left outside the trust
- **Durable Power of Attorney for Finances** — who manages your affairs if you are incapacitated
- **Advance Healthcare Directive** — who makes medical decisions; what care you want (Prob. Code § 4700)
- **HIPAA Authorization** — lets your agents speak with your doctors and access records
- **Property Assignment to Trust** — moves personal property into the trust

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- **Financial Account Retitling** — bank and brokerage accounts retitled to the trust
- **Beneficiary Designation Review** — retirement accounts and life insurance coordinated with the plan

Part 3 — Questions to Ask Your Estate Planning Attorney

- 1. Is your fee flat or hourly — and what exactly does it include?
- 2. Will you handle funding the trust (deeds, retitling), or is that left to me?
- 3. How do you coordinate my retirement accounts and life insurance with the trust?
- 4. What happens to my property tax basis when my home goes into the trust?
- 5. How should my plan handle my children — ages, timing, and any special circumstances?
- 6. What does my plan do if I become incapacitated rather than die?
- 7. How often should the plan be reviewed, and what does a review cost?
- 8. Have you litigated trust disputes — and what does that experience change about your drafting?

Part 4 — California Probate Quick Reference

If your estate skips the trust, California Probate Code §§ 10800 and 10810 entitle both the probate attorney and the executor to statutory fees on the gross value of your estate:

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

Fees shown are for ordinary services, before court filing fees, probate referee fees, and publication costs. Gross value means full market value — a \$900,000 home with a \$500,000 mortgage generates fees on \$900,000. Probate in LA County typically takes 12–24 months.