

## **Addendum: Certified Paralegal Exam Fundamentals**

### **Revision [1.7]:**

#### **Page [8]**

Enumerated Powers Section

The fourth sentence should read: Article I, Section 8 of the Constitution sets forth the enumerated powers specifically delegated to the federal government.

#### **Page [9]**

Bullet point number 13 – should read.

To exercise exclusive **jurisdiction** in all cases whatsoever, over such district (not exceeding 10 miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

#### **Page [28 & 29]**

Question 23 – Should read.

23. What amount in controversy must be alleged for a federal law suit bases on diversity jurisdiction?

- a. Exceeds \$25,000
- b. Exceeds \$35,000
- c. Exceeds \$50,000
- d. Exceeds \$75,000

Page 362 - Answer

23. D. Exceeds \$75,000

**Page [61]**

Question 7 – Should read.

7. This motion asks the court to enter judgment as a matter of law if the moving party proves there is no genuine dispute as to any material fact and is entitled to the relief requested.

- a. Motion for directed verdict
- b. Motion in limine
- c. Motion to show cause
- d. Motion for summary judgment

Page 363 – Answer

7. D. Motion for summary judgment

**Page [65]**

1<sup>st</sup> Paragraph

The fourth sentence should read: The offeror is the party to the agreement that makes the offer.

The fifth sentence should read: The offeree is the party to the contract who either accepts or rejects the offer.

**Page [73]**

2<sup>nd</sup> Example

The 3<sup>rd</sup> sentence should read: In this situation Sean is the obligor, Mack is the Assignor, and Mary is the Assignee.

**Page [112]**

2<sup>nd</sup> bullet point should read.

“A single-member LLC will be considered a disregarded tax entity for federal tax purposes (in which case it is treated as a pass-through conduit such as a sole proprietorship), unless it elects to be classified as an association **(also known as corporation)**.”

**Page [124]**

Question Number 21 option b. should read.

b. Single member LLC is taxed as a sole proprietorship

**Page [142]**

First sentence under Homicide should read.

Common law murder is the unlawful killing of a human being with malice **aforethought**.

**Page [168]**

3<sup>rd</sup> paragraph, second sentence under Initial Appearance – Arraignment should read.

A defendant charged with a **federal felony** may only be tried pursuant to a grand jury indictment.

**Page [204]**

Question 6 should read.

The deadline to file IRS Form 706 to report the **Generation-Skipping** Tax is due:

Question Number 11 – please ignore, removed from textbook.

**Pages [358] & [360]**

States that you must use all statutes in the Skills section of the exam (the essay). This is not correct. You do not need to use all statutes. In the essay, only **relevant** statutes need to be applied.

**Page [363]**

Chapter 3: Contracts

The answer to question 14 should read B. Incidental.

The answer to question 2 should read C. void.

**Page [364]**

Practice Questions Answer Key - Chapter 4: Corporate and Commercial Law  
Question 21 option b. should read

b. Single member LLC is taxed as a sole proprietorship

Chapter 6: Estate Planning and Probate

The answer to question 4 should read A. An advanced health care directive.

**Page [365]**

Chapter 6: Estate Planning and Probate

The answer to question 11 should be C. The description is correct.

**Page [39]**

First paragraph - Look at the complaint included at the end of this chapter.

Complaint is missing from end of chapter. Please see next pages for 10-page complaint.

Richard L. Bolton, Esq.  
 Boardman & Clark, LLP  
 1 South Pinckney Street, 4th Floor  
 P.O. Box 927  
 Madison, WI 53701-0927  
 Telephone: (608) 257-9521  
 Facsimile: (608) 283-1709  
 Email: [rbolton@boardmanclark.com](mailto:rbolton@boardmanclark.com)  
 (Pro Hac Vice Pending)

Martin S. King, Esq.  
 Reid J. Perkins, Esq.  
 Worden Thane P.C.  
 111 North Higgins, Suite 600  
 P.O. Box 4747  
 Missoula, MT 59806  
 Telephone: (406) 721-3400  
 Facsimile: (406) 721-6985  
 Email: [mking@wthlaw.net](mailto:mking@wthlaw.net)  
 Email: [rperkins@wthlaw.net](mailto:rperkins@wthlaw.net)

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF MONTANA  
 MISSOULA DIVISION

FREEDOM FROM RELIGION  
 FOUNDATION, INC., a Wisconsin non-profit  
 corporation

Plaintiff,

vs.

CHIP WEBER, Flathead National Forest  
 Supervisor, UNITED STATES FOREST  
 SERVICE, An Agency of the United States  
 Department of Agriculture

Defendants.

Cause No. \_\_\_\_\_

**COMPLAINT**

The plaintiff, Freedom From Religion Foundation, Inc., alleges as its Complaint:

Complaint

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1. This is an action by plaintiff brought against the defendant alleging violation of the Establishment Clause of the First Amendment to the United States Constitution.

2. The plaintiff seeks a declaration under 28 U.S.C. §2201 that the continued authorization to put a six-foot tall statue of Jesus Christ in the Flathead National Forest, on a 25 by 25 foot plot of land owned and administered by the United States Forest Service, violates the Establishment Clause of the First Amendment to the Constitution of the United States. Plaintiff further requests the Court to enjoin the defendant from continuing to allow the statue of Jesus Christ, a patently religious figure, to remain on land owned and administered by the Forest Service.

3. The Court has federal question subject matter jurisdiction pursuant to 28 U.S.C. §1331. The Court also has the authority to issue a declaratory judgment under 28 U.S.C. §2202. The Court further has the authority to order injunctive relief under 28 U.S.C. §1343 and F.R.C.P. 65.

4. Venue is appropriate in the District Court for the District of Montana, pursuant to 28 U.S.C. §1391, because the defendant resides within this judicial district and because the actions giving rise to the claims occurred within the district.

5. The United States has waived sovereign immunity pursuant to 5 U.S.C. §702.

6. The plaintiff, Freedom From Religion Foundation, Inc. ("FFRF"), is a non-profit corporation organized under the laws of the state of Wisconsin that advocates for the separation of church and state and educates on matters of non-theism.

7. FFRF has more than 17,000 members, residing in every state of the United States and the District of Columbia, including more than 100 members in the State of Montana.

8. FFRF represents and advocates on behalf of its members throughout the United

States.

9. FFRF's membership includes individuals who have had direct and unwanted exposure to the statue of Jesus Christ in the Flathead National Forest, and such members will have direct and unwelcome exposure to the statue of Jesus in the future, as frequenters of the Flathead National Forest, more specifically at the location on Big Mountain, near Whitefish Mountain Resort's Chair Two, site of the Jesus statue; other members of FFRF have altered their conduct to avoid Big Mountain because of the Jesus statue.

10. The defendant, Chip Weber, is the Forest Supervisor for the Flathead National Forest, with a principal office located at 650 Wolfpack Way, Kalispell, Montana 59901.

11. The defendant's office is located within the geographic authority of the District Court for the District of Montana.

12. The defendant is an employee of the United States Forest Service, an agency of the United States Department of Agriculture; he has been authorized and delegated authority to take the actions complained of in his official capacity.

13. Tom Tidwell is the United States Forest Service Chief.

14. Tom Vilsack is the Secretary of the United States Department of Agriculture.

15. The United States Forest Service manages public lands owned and administered by the United States.

16. The Flathead National Forest is owned and administered by the United States Forest Service.

17. The Flathead National Forest, including Big Mountain, lies in the heart of the Rocky Mountains, west of the Continental Divide and just south of the Canadian border.

18. The Flathead National Forest is a premier destination for visitors looking to

**Complaint**

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experience natural landscapes of the American West, according to the Forest Service.

19. Despite the fact that Big Mountain was, and remains, owned and administered by the United States Forest Service, the Knights of Columbus applied for a permit to erect a religious shrine overlooking the Big Mountain ski run, in 1953.

20. The Knights of Columbus application stated that the applicant "proposes to erect a Statue of our Lord Jesus Christ" on public land owned by the Forest Service.

21. The idea for a shrine at the top of a ski run originated with requests from Catholic skiers for such a religious shrine; the Knights of Columbus then pushed the idea forward to eventual dedication on Big Mountain, as reported in contemporaneous sources.

22. The Knights of Columbus is an exclusively Roman Catholic organization for which "church-related activities are central to our [its] work as an organization of Catholic laymen."

23. Membership in the Knights of Columbus is limited to practicing male Catholics who "accept the teaching authority of the Catholic church on matters of faith and morals, aspire to live in accord with the precepts of the Catholic church, and are in good standing in the Catholic church."

24. The Knights of Columbus has placed religious shrines at locations throughout the United States, including on its own extensive real estate holdings.

25. The Forest Service granted the application of the Knights of Columbus on October 15, 1953, authorizing the Knights to erect a religious shrine on public land without payment.

26. The Forest Service has continued thereafter to sanction without payment the prominent presence of the six-foot statue of Jesus Christ overlooking the Big Mountain ski run since 1954.



27. As recently as February 3, 2000, the Forest Service authorized the Knights of Columbus to continue "to provide a site for a religious shrine" on Big Mountain.

28. After objection by FFRF to the Forest Service's authorization of a religious shrine on public land, however, the defendant determined in 2011 that the placement of the statue of Jesus Christ on Big Mountain is indeed inappropriate and must be removed.

29. The Forest Service decision on August 24, 2011, "had to do with the large number of Supreme Court decisions and recent case law that set the precedent regarding monuments with religious themes or icons with religious themes."

30. The defendant decided after careful consideration that authorization of a religious shrine conflicted with Supreme Court decisions prohibiting such religious displays on public land.

31. The defendant concluded in his decision letter of August 24, 2011, that the statue of Jesus Christ should be removed from public land no later than October 31, 2012.

32. The defendant immediately faced criticism from religious groups; supporters of the religious shrine on Big Mountain tried to overwhelm the defendant with opposition to his decision, including intense lobbying by United States Representative Denny Rehberg, replete with public rallies at the base of the Jesus statue.

33. Mr. Weber gave in to the pressure exerted by advocates of the Christ statue, and on October 21, 2011, the defendant withdrew his earlier decision of August 24, 2011, and announced plans by the Forest Service to formally assess public sentiment for re-authorizing the religious shrine on Big Mountain.

34. Representative Rehberg applauded the defendant's about-face, noting that "public outcry from the community -- and the entire country -- can be a remarkable lubricant for getting the wheels of government turning."

35. The defendant's capitulation to supporters of the Christ statue followed with unconvincing rationales being advanced by the Forest Service to justify the continued presence of this religious shrine on public property.

36. In the defendant's letter of October 21, 2011, withdrawing his earlier decision, Mr. Weber referred to "new information" indicating that the Jesus statue is eligible for listing on the National Historic Register.

37. The Forest Service, however, actually first suggested the "new information," to the Montana State Historic Preservation Office, in a letter dated September 1, 2011, wherein the Forest Service requested that the Montana Historic Preservation Office "concur" in a statement that the statue of Jesus was eligible for listing on the National Register of Historic Places.

38. The Forest Service letter of September 1, 2011, candidly describes the religious history of the shrine at issue:

The statue was emplaced on Big Mountain and dedicated on September 5, 1954, by the Knights of Columbus (K of C). The Knights chose to put a shrine in the area after being approached by Winter Sports, Inc. (WSI) and some participants in the 1949 and 1951 National Ski Championships, which took place at Big Mountain. Many of the skiers were veterans of the fighting in Europe in WWII, where they observed many such shrines and thought there should be one here as well. The statue is located on FS-administered lands under a Special Use Permit first issued to the K of C in 1953 for a spot of ground measuring 25 feet by 25 feet. According to the permit application, the Knights wished to "erect a shrine overlooking Big Mountain ski run." A committee was formed, led by L. J. Reed, to select a site and design a shrine and then have it erected. Other members of the committee were Frank Davis, Wayne Dirkson, Charles Smith, Ed Lyonais, Kenneth O'Brien, Bud Drew, Curtiss Barnhardt, Fred Dennis, Charles Rogers, Tony Hecimovitch, and Father Cronin. The Knights first approached Winter Sports about placing the shrine within the Village, but after being turned-down by WSI, they turned to the Forest Service for a permit to place the shrine near the top of the ski runs. The final location was chosen because of its spectacular views over the valley below and for its proximity to the original

main lift and run.

39. The Forest Service letter to the Montana Historic Preservation Office further acknowledges that monuments and religious properties are not eligible for listing on the National Register of Historic Places if associated with important persons or events or religious values: "The statue of Jesus cannot be considered eligible for its association either with the soldiers who fought in WWII, nor for its association with Jesus."

40. The Forest Service, therefore, proposed to the Montana Historic Preservation Office that the statue be deemed to have no association with Jesus or WWII veterans.

41. The Forest Service suggested instead that the Jesus statue be re-characterized as something other than a religious shrine or a war memorial.

42. Following the lead of the Forest Service, the Montana State Historic Preservation Office "concurred" that the Jesus shrine "is not believed to be a religious site because unlike Lourdes or Fatima, people do not go there to pray."

43. Advocates of the religious shrine then responded zealously to the Forest Service's request for public comment, with the American Center for Law and Justice, a conservative Christian advocacy organization, submitting more than 70,000 names of supporters; Representative Rehberg also submitted approximately 10,000 comments he solicited through his "VeteransJesus.com" website.

44. The defendant also received many comments opposing religious monuments on public land, including from FFRF.

45. The defendant subsequently tallied up the support for the Jesus shrine and issued a new decision on January 31, 2012; the defendant's written decision principally rejected non-existent environmental issues that no one had raised.

**Complaint**

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46. The defendant's decision reauthorized the special use permit to the Knights of Columbus so as to maintain "a statue of Jesus Christ located on National Forest land near the top of Chair #2 within the Whitefish Mountain Resort permit boundary."

47. The defendant omitted from his decision any discussion or explanation of the Supreme Court precedent prohibiting religious monuments on public land, which decisions he previously relied on as the basis for non-renewal of the Jesus permit.

48. The self-executing prohibitions of the Establishment Clause, in fact, are not contingent on public opinion polls orchestrated by federal officials as to whether to obey the Constitution.

49. The continued presence of the Jesus shrine on Forest Service property, therefore, violates the Establishment Clause of the First Amendment to the United States Constitution by giving the appearance of the government's endorsement of Christianity in general, and Roman Catholicism, in particular; the defendant's actions also diminish the civil and political standing of non-religious and non-Christian Americans and constitutes governmental preference for religion and Christianity.

50. The continued presence of the statue of Jesus Christ, intended as a religious shrine, gives the unmistakable appearance of governmental endorsement of religion, as does the defendant's orchestrated justification for maintaining a religious monument on public land.

51. The presence of a religious shrine on federal property constitutes governmental approval of an inherently religious message.

52. The actions of Mr. Weber, in perpetuating a religious shrine on federal property, give the public appearance of government endorsement of religion, including an unmistakable symbolic link between the government and religion.

53. The defendant's actions violate the fundamental principle of the separation of church and state by impermissibly advancing, endorsing and promoting the establishment of religion in violation of the United States Constitution.

54. The actions of Mr. Weber in contriving to justify the Jesus shrine on federal property, in response to public opinion, further violates and makes a sham of the Establishment Clause protections.

55. The Establishment Clause prohibits governmental endorsement of religion, even on a majoritarian basis; the Establishment Clause protects the liberty of conscience of minorities, including the consciences of non-believers, who constitute at least 15% of the United States population.

56. The Establishment Clause, moreover, is violated by governmental endorsement of religion even in respect to religious shrines of longstanding on public lands.

57. The plaintiff, FFRF, for its part, includes members who are non-believers opposed to such government endorsement of religion.

58. Members of FFRF include persons who would have standing individually to object to the defendant's endorsement of religion in this case, based upon their past and prospective exposure to the figure of Jesus Christ on Forest Service property, as well as based on the decisions of individual members of FFRF to forego activities on Big Mountain in order to avoid the Jesus shrine.

59. The actions of the defendant in violating the Establishment Clause are injurious to the interests of the plaintiff FFRF, and to its members, and warrant relief from the Court.

WHEREFORE, the plaintiff demands judgment as follows:

A. Declaring that the religious shrine, including a statue of Jesus Christ, on United

States Forest Service property violates the Establishment Clause of the United States Constitution;

B. Ordering the defendant to withdraw approval for the Knights of Columbus to keep a religious shrine with a statue of Jesus Christ on Forest Service property;

C. Ordering the defendant to direct the Knights of Columbus to remove the religious shrine from Forest Service property;

D. Awarding plaintiff its reasonable costs and disbursements of this action, as allowed by law; and

E. Ordering such further relief as the Court deems just and equitable.

Dated this 8<sup>th</sup> day of February, 2012.



\_\_\_\_\_  
Martin S. King, Esq.  
Reid J. Perkins, Esq.  
Worden Thane P.C.  
111 North Higgins, Suite 600  
P. O. Box 4747  
Missoula, MT 59806  
Telephone: (406) 721-3400  
Facsimile: (406) 721-6985

Richard L. Bolton, Esq.  
Boardman & Clark LLP  
1 South Pinckney Street, 4th Floor  
Madison, WI 53701-0927  
Telephone: (608) 257-9521  
Facsimile: (608) 283-1709

Attorneys for the Plaintiff

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Appendix A and B – Missing 3 pages of the appendix. Appendix should be 5 pages total.

<b>DE-111</b>	
<p>ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:</p> <p>NAME:</p> <p>FIRM NAME:</p> <p>STREET ADDRESS:</p> <p>CITY: STATE: ZIP CODE:</p> <p>TELEPHONE NO.: FAX NO.:</p> <p>E-MAIL ADDRESS:</p> <p>ATTORNEY FOR (name):</p> <hr/> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS:</p> <p>MAILING ADDRESS:</p> <p>CITY AND ZIP CODE:</p> <p>BRANCH NAME:</p> <hr/> <p>ESTATE OF (name): _____ DECEDENT</p>	<p>FOR COURT USE ONLY</p>
<p><b>PETITION FOR</b> <input type="checkbox"/> Probate of <input type="checkbox"/> Lost Will and for Letters Testamentary  <input type="checkbox"/> Probate of <input type="checkbox"/> Lost Will and for Letters of Administration  with Will Annexed  <input type="checkbox"/> Letters of Administration  <input type="checkbox"/> Letters of Special Administration <input type="checkbox"/> with general powers  Authorization to Administer Under the Independent  Administration of Estates Act <input type="checkbox"/> with limited authority</p>	<p>CASE NUMBER:</p> <hr/> <p>HEARING DATE AND TIME: _____ DEPT.:</p>

1. Publication will be in (specify name of newspaper): \_\_\_\_\_

a.  Publication requested.

b.  Publication to be arranged.

2. **Petitioner (name each):** \_\_\_\_\_

**requests that**

a.  decedent's will and codicils, if any, be admitted to probate.

b. (name): \_\_\_\_\_ be appointed

(1)  executor

(2)  administrator with will annexed

(3)  administrator

(4)  special administrator  with general powers and Letters issue upon qualification.

c.  full  limited authority be granted to administer under the Independent Administration of Estates Act.

d. (1)  bond not be required for the reasons stated in item 3e.

(2)  \$ \_\_\_\_\_ bond be fixed. The bond will be furnished by an admitted surety insurer or as otherwise provided by law. (Specify reasons in Attachment 2 if the amount is different from the maximum required by Prob. Code, § 8482.)

(3)  \$ \_\_\_\_\_ in deposits in a blocked account be allowed. Receipts will be filed. (Specify institution and location): \_\_\_\_\_

3. a. Decedent died on (date): \_\_\_\_\_ at (place): \_\_\_\_\_

(1)  a resident of the county named above.

(2)  a nonresident of California and left an estate in the county named above located at (specify location permitting publication in the newspaper named in item 1): \_\_\_\_\_

b.  Decedent was a citizen of a country other than the United States (specify country): \_\_\_\_\_

c. Street address, city, and county of decedent's residence at time of death (specify): \_\_\_\_\_

Page 1 of 4

Probate Code, §§ 8002, 8490; www.courts.ca.gov

**PETITION FOR PROBATE**  
**(Probate—Decedents Estates)**

Form Adopted for Mandatory Use  
Judicial Council of California  
DE-111 (Rev. July 1, 2017)

ESTATE OF (name): _____	CASE NUMBER: _____
DECEDENT	

3. d. **Character and estimated value of the property of the estate** (complete in all cases):

- (1) Personal property: \$ \_\_\_\_\_
- (2) Annual gross income from
  - (a) real property: \$ \_\_\_\_\_
  - (b) personal property: \$ \_\_\_\_\_
- (3) **Subtotal** (add (1) and (2)): \$ \_\_\_\_\_
- (4) Gross fair market value of real property: \$ \_\_\_\_\_
- (5) (Less) Encumbrances: (\$ \_\_\_\_\_)
- (6) Net value of real property: \$ \_\_\_\_\_
- (7) **Total** (add (3) and (6)): \$ \_\_\_\_\_

- e. (1)  Will waives bond.  Special administrator is the named executor, and the will waives bond.
- (2)  All beneficiaries are adults and have waived bond, and the will does not require a bond. (Affix waiver as Attachment 3e(2).)
- (3)  All heirs at law are adults and have waived bond. (Affix waiver as Attachment 3e(3).)
- (4)  Sole personal representative is a corporate fiduciary or an exempt government agency.

- f. (1)  Decedent died intestate.
- (2)  Copy of decedent's will dated: \_\_\_\_\_  codicil dated \_\_\_\_\_ (specify for each): \_\_\_\_\_  
 are affixed as Attachment 3f(2). (Include typed copies of handwritten documents and English translations of foreign-language documents.)  
 The will and all codicils are self-proving (Prob. Code, § 8220).
- (3)  The original of the will and/or codicil identified above has been lost. (Affix a copy of the lost will or codicil or a written statement of the testamentary words or their substance in Attachment 3f(3), and state reasons in that attachment why the presumption in Prob. Code, § 6124 does not apply.)

g. **Appointment of personal representative** (check all applicable boxes):

- (1) Appointment of executor or administrator with will annexed:
  - (a)  Proposed executor is named as executor in the will and consents to act.
  - (b)  No executor is named in the will.
  - (c)  Proposed personal representative is a nominee of a person entitled to Letters. (Affix nomination as Attachment 3g(1)(c).)
  - (d)  Other named executors will not act because of  death  declination  other reasons (specify): \_\_\_\_\_  
 Continued in Attachment 3g(1)(d).
- (2) Appointment of administrator:
  - (a)  Petitioner is a person entitled to Letters. (If necessary, explain priority in Attachment 3g(2)(a).)
  - (b)  Petitioner is a nominee of a person entitled to Letters. (Affix nomination as Attachment 3g(2)(b).)
  - (c)  Petitioner is related to the decedent as (specify): \_\_\_\_\_
- (3)  Appointment of special administrator requested. (Specify grounds and requested powers in Attachment 3g(3).)
- (4)  Proposed personal representative would be a successor personal representative.

- h. Proposed personal representative is a
  - (1)  resident of California.
  - (2)  nonresident of California (specify permanent address): \_\_\_\_\_
  - (3)  resident of the United States.
  - (4)  nonresident of the United States.



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ESTATE OF (name):	CASE NUMBER:
DECEDENT	

4.  Decedent's will does not preclude administration of this estate under the Independent Administration of Estates Act.
5. a. Decedent was survived by (check items (1) or (2), and (3) or (4), and (5) or (6), and (7) or (8))
- (1)  spouse.
  - (2)  no spouse as follows:
    - (a)  divorced or never married.
    - (b)  spouse deceased.
  - (3)  registered domestic partner.
  - (4)  no registered domestic partner. (See Fam. Code, § 297.5(c); Prob. Code, §§ 37(b), 6401(c), and 6402.)
  - (5)  child as follows:
    - (a)  natural or adopted.
    - (b)  natural adopted by a third party.
  - (6)  no child.
  - (7)  issue of a predeceased child.
  - (8)  no issue of a predeceased child.
- b. Decedent  was  was not survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier. (See Prob. Code, § 6454.)
6. (Complete if decedent was survived by (1) a spouse or registered domestic partner but no issue (only a or b apply), or (2) no spouse, registered domestic partner, or issue. (Check the first box that applies):
- a.  Decedent was survived by a parent or parents who are listed in item 8.
  - b.  Decedent was survived by issue of deceased parents, all of whom are listed in item 8.
  - c.  Decedent was survived by a grandparent or grandparents who are listed in item 8.
  - d.  Decedent was survived by issue of grandparents, all of whom are listed in item 8.
  - e.  Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.
  - f.  Decedent was survived by next of kin, all of whom are listed in item 8.
  - g.  Decedent was survived by parents of a predeceased spouse or issue of those parents, if both are predeceased, all of whom are listed in item 8.
  - h.  Decedent was survived by no known next of kin.
7. (Complete only if no spouse or issue survived decedent.)
- a.  Decedent had no predeceased spouse.
  - b.  Decedent had a predeceased spouse who
    - (1)  died not more than 15 years before decedent and who owned an interest in **real property** that passed to decedent,
    - (2)  died not more than five years before decedent and who owned **personal property** valued at \$10,000 or more that passed to decedent. (If you checked (1) or (2), check only the first box that applies):
      - (a)  Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.
      - (b)  Decedent was survived by a parent or parents of the predeceased spouse who are listed in item 8.
      - (c)  Decedent was survived by issue of a parent of the predeceased spouse, all of whom are listed in item 8.
      - (d)  Decedent was survived by next of kin of the decedent, all of whom are listed in item 8.
      - (e)  Decedent was survived by next of kin of the predeceased spouse, all of whom are listed in item 8.
    - (3)  neither (1) nor (2) apply.
8. Listed on the next page are the names, relationships to decedent, ages, and addresses, so far as known to or reasonably ascertainable by petitioner, of (1) all persons mentioned in decedent's will or any codicil, whether living or deceased; (2) all persons named or checked in items 2, 5, 6, and 7; and (3) all beneficiaries of a trust named in decedent's will or any codicil in which the trustee and personal representative are the same person.

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ESTATE OF (name):	DECEDENT	CASE NUMBER:
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8. <u>Name and relationship to decedent</u>	<u>Age</u>	<u>Address</u>

Continued on Attachment 8.

9. Number of pages attached: \_\_\_\_\_

Date: \_\_\_\_\_

	➤	
(TYPE OR PRINT NAME OF ATTORNEY)		(SIGNATURE OF ATTORNEY) *

\* (Signatures of all petitioners are also required. All petitioners must sign, but the petition may be verified by any one of them (Prob. Code, §§ 1020, 1021; Cal. Rules of Court, rule 7.103).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

	➤	
(TYPE OR PRINT NAME OF PETITIONER)		(SIGNATURE OF PETITIONER)
	➤	
(TYPE OR PRINT NAME OF PETITIONER)		(SIGNATURE OF PETITIONER)

Signatures of additional petitioners follow last attachment.

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**PETITION FOR PROBATE**  
(Probate—Decedents Estates)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

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Clear this form

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, state bar number, and address):</i>  ATTORNEY FOR <i>(Name):</i> <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	TELEPHONE AND FAX NOS.:	<b>FOR COURT USE ONLY</b>
ESTATE OF <i>(Name):</i> <div style="text-align: right;">DECEDENT</div>		CASE NUMBER:
<b>LETTERS</b> <input type="checkbox"/> TESTAMENTARY <input type="checkbox"/> OF ADMINISTRATION <input type="checkbox"/> OF ADMINISTRATION WITH WILL ANNEXED <input type="checkbox"/> SPECIAL ADMINISTRATION		

- LETTERS**
1.  The last will of the decedent named above having been proved, the court appoints *(name)*:
    - a.  executor.
    - b.  administrator with will annexed.
  2.  The court appoints *(name)*:
    - a.  administrator of the decedent's estate.
    - b.  special administrator of decedent's estate
      - (1)  with the special powers specified in the *Order for Probate*.
      - (2)  with the powers of a general administrator.
      - (3)  letters will expire on *(date)*:
  3.  The personal representative is authorized to administer the estate under the Independent Administration of Estates Act  **with full authority**  **with limited authority** (no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
  4.  The personal representative is not authorized to take possession of money or any other property without a specific court order.

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)	Date:  Clerk, by  _____ (DEPUTY)
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- AFFIRMATION**
1.  PUBLIC ADMINISTRATOR: No affirmation required (Prob. Code, § 7621(c)).
  2.  INDIVIDUAL: **I solemnly affirm** that I will perform the duties of personal representative according to law.
  3.  INSTITUTIONAL FIDUCIARY *(name)*:  
  
**I solemnly affirm** that the institution will perform the duties of personal representative according to law. I make this affirmation for myself as an individual and on behalf of the institution as an officer.  
*(Name and title):*
  4. Executed on *(date)*:  
 at *(place)*: \_\_\_\_\_, California.

  
 (SIGNATURE)

**CERTIFICATION**

I certify that this document is a correct copy of the original on file in my office and the letters issued by the personal representative appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)	Date:  Clerk, by  _____ (DEPUTY)
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**Date of Revision:** 03.10.21