

Superior Court of California, County of Alameda
Probate Department

PROBATE EXAMINER NOTES

What are Examiner Notes?

- **Probate Examiner Notes** are summaries prepared by the probate examiner after reviewing your petition.
- Examiner Notes will include a list of any problems that need correcting in your petition.

When are the Examiner Notes Available?

- **Approximately 2 weeks** before your hearing date, Examiner Notes will be ready for your review.
- Examiner Notes may be available earlier, so it is best to check early and often.

Where can I find Examiner Notes?

- Examiner notes are available at our online portal:
<https://eportal.alameda.courts.ca.gov/>
- **See HOW TO RETRIEVE EXAMINER NOTES BELOW**

How do I address issues that require my attention?

- If [any of] the items need a response, you must declare that your response is true and correct under penalty of perjury. You may use the **Declaration form (MC-030)**, which includes the words “I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct” above the signature line.
 - o Declaration (MC-030) can be found here:
<https://www.courts.ca.gov/documents/mc030.pdf>
- If you choose to use 28-Line Pleading Paper (formatted for Alameda County), be sure to include, “I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct” above your signature.

How long do I have to address the issues?

- All requested documents must be filed at least two (2) court days before your hearing date.
- If documents are filed after this deadline, an Examiner is not likely to review the new filings and your matter will be continued.

Can I communicate with the Examiners?

- Examiners can be reached at **(510) 647-4403**.
- Currently, Examiners are available between 9:00 a.m. and 10:00 a.m. each business day.
- **Examiners cannot provide legal advice**; probate cases can be complicated; you may want to speak with an experienced probate attorney if you require assistance with your petition.
- If you are self-represented, the Self-Help Center may be able to assist with Guardianships of the Person and Limited Conservatorships:
<https://www.alameda.courts.ca.gov/self-help>

HOW TO RETRIEVE EXAMINER NOTES:

eCourt Public Portal: <https://eportal.alameda.courts.ca.gov/>

You will be required to create an eCourt account.

Once you login, you will find the following landing page. To search for your case, please click on either of the two "Searches" links:

Superior Court of Alameda County Public Portal

Home Court Reservations **Searches** Department Information Civil Complex ADR

eCourt Public Portal

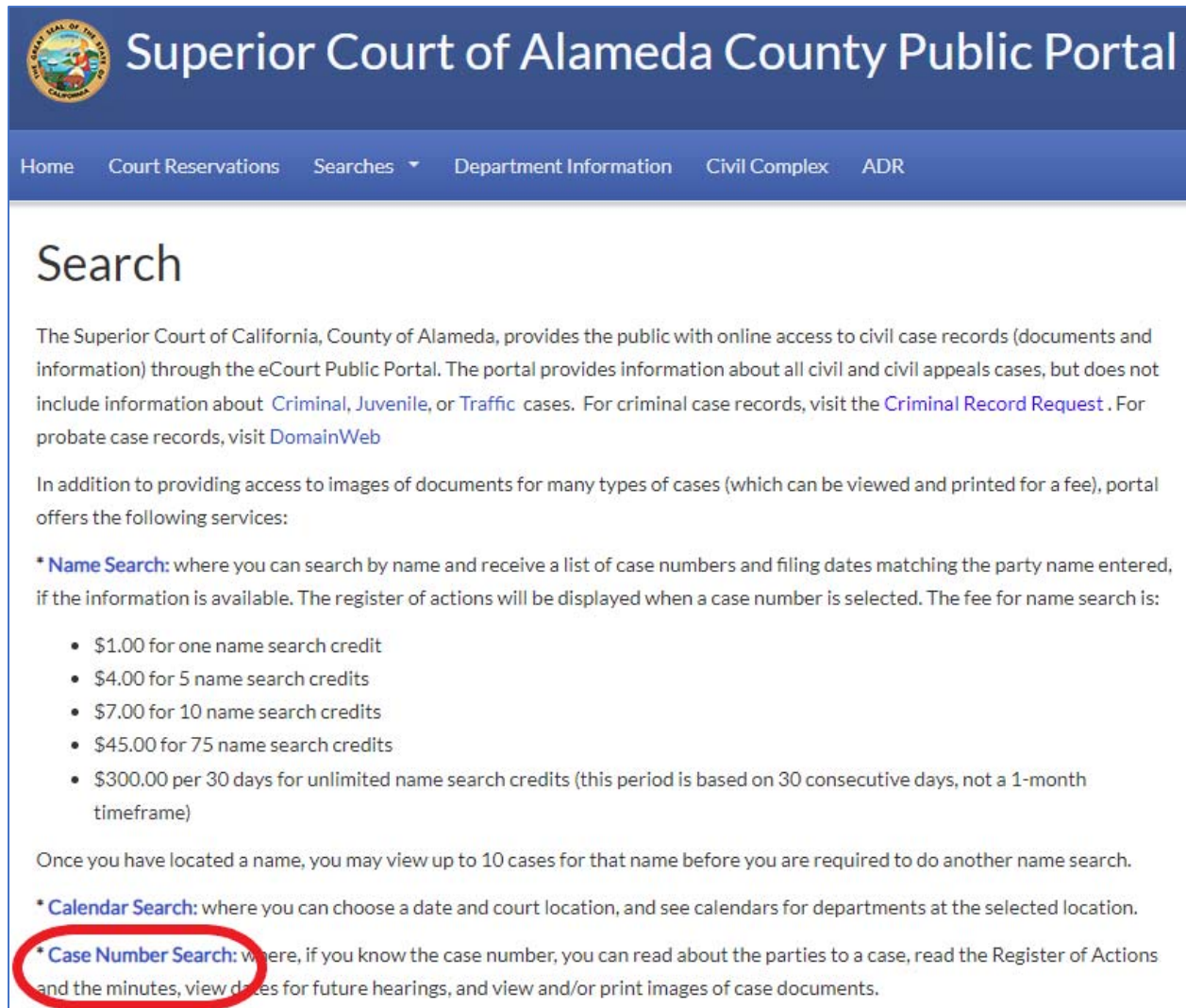
eCourt Public Portal provides the public with online access to Civil, Family Law, Probate, Mental health and Adoption case records through a secure web server. To use any function on this site you must register for a user account.


For access or information on all other case types, please reference the courts website at www.alameda.courts.ca.gov

eCourt Public Portal provides:

- Reservation System (CRS) - Use to make and manage court date reservations.
- Searches** - Use to find case and party information. You can also access images of documents that can be downloaded and printed for a fee and half page preview of the document is available.
- Direct Calendaring - Use to view Direct Calendaring Case Information
- Civil Complex - Use to view Civil Complex Case Information
- Alternative Dispute Resolution - Using a mediator to reach a mutually acceptable confidential resolution to a case.
- About the Site - General Information

The three most common search types are pictured below. The easiest way to search for your case is by using the *Case Number Search*, circled below:



 Superior Court of Alameda County Public Portal

Home Court Reservations Searches ▾ Department Information Civil Complex ADR

Search

The Superior Court of California, County of Alameda, provides the public with online access to civil case records (documents and information) through the eCourt Public Portal. The portal provides information about all civil and civil appeals cases, but does not include information about [Criminal](#), [Juvenile](#), or [Traffic](#) cases. For criminal case records, visit the [Criminal Record Request](#) . For probate case records, visit [DomainWeb](#)

In addition to providing access to images of documents for many types of cases (which can be viewed and printed for a fee), portal offers the following services:

- * **Name Search:** where you can search by name and receive a list of case numbers and filing dates matching the party name entered, if the information is available. The register of actions will be displayed when a case number is selected. The fee for name search is:
 - \$1.00 for one name search credit
 - \$4.00 for 5 name search credits
 - \$7.00 for 10 name search credits
 - \$45.00 for 75 name search credits
 - \$300.00 per 30 days for unlimited name search credits (this period is based on 30 consecutive days, not a 1-month timeframe)

Once you have located a name, you may view up to 10 cases for that name before you are required to do another name search.

- * **Calendar Search:** where you can choose a date and court location, and see calendars for departments at the selected location.
- * **Case Number Search:** where, if you know the case number, you can read about the parties to a case, read the Register of Actions and the minutes, view dates for future hearings, and view and/or print images of case documents.

Note:

- The case number search and the calendar search are free; **no payment is required**.
- For name searches, you will be **charged** the fees listed in the picture above.

CASE NUMBER SEARCH:

On the screen pictured below, please enter the Case Number, select Probate as the Case Type, and click the Search button:

Superior Court of Alameda County Public Portal

Home Court Reservations Searches Department Information Civil Complex ADR

Case Search

The case number search is free for all case types.
Please use the full case number to perform your search.
Example: 21CV123456

Case Number*

Case Type

Once inside the case, please click on the “Probate Examiner Notes” button, as shown below:

Superior Court of Alameda County Public Portal

Home Court Reservations Searches Department Information Civil Complex ADR

RP22920382 Estate of John Smith
Probate (Letters of Administration) Berkeley Courthouse / DEPT 201 - HON. Sandra Bean
Filed: 12/15/2021 Disposed: 04/07/2022 Letters Issued Next Hearing: 09/20/2023 General Probate Petition for Final Distribution

Case Summary

Register of Actions Participants Future Hearings **Probate Examiner Notes**

Date	Message	Category	Document
12/15/2021	Petition for Letters of Administration Filed	Filing	
12/15/2021	Duties and Liabilities of Personal Representative	DAL001	
12/15/2021	Proposed Order	ZZZ002	
12/15/2021	Probate 01/31/2022 02:00 PM D- 201	ScheduleHearing	
01/11/2022	Examiner's Notes: Petition for Probate - Hearing 01/31/2022	Filing	
01/31/2022	Probate Hearing Commenced and Continued	Hearing	
01/31/2022	Hearing Continued to Probate dept: 201 date: 02/25/2022 time: 02:00 PM	ScheduleHearing	


Scrolling down on the next page will display important information you should read carefully. Under that section is a list of all Examiner Notes posted in the case. Click on the “View” link to view to open a PDF version of the Notes.

- Effective January 3, 2022, the Probate Division of the Alameda County Superior Court may allow appearance for hearings to be either in-person or remote, depending on case type, in compliance with CCP Section 367.75. Please see the Alameda Court [Local Rule 1.90](#) for detailed instruction.
- All procedural issues must be cleared by 12:00 p.m. two (2) court days prior to the hearing, otherwise the hearing may be dropped at the Court's discretion.
- You do NOT need to file an amended Petition to address the issues related to the Petition. Instead, a verified declaration (MC-030) can be used to address procedural issues related to the filings. If Amended Petition or Amendment to Petition is needed and filed, new Notice of Hearing must be served and re-published if applicable, pursuant to [California Rules of Court 7.53](#).
- If you do need a one-time continuance, you may contact the courtroom to obtain a new hearing date:

Dept. 201: (510) 647-4470

Dept. 202: (510) 647-4471
- If you do not have an attorney in Guardianship of Minor or Limited Conservatorship cases, the Self-Help Center staff and volunteers may be able to assist you with procedural information and instruction on completing forms. Please contact the [Self-Help Services](#) for further information.

Entered On	Name	Hearing
02/17/2022	Examiner's Notes: Petition for Probate - Hearing 02/25/2022 (Updated)	View
01/11/2022	Examiner's Notes: Petition for Probate - Hearing 01/31/2022	View



On behalf of the Superior Court of California, County of Alameda, Probate Examiner's Office, we thank you for your interest and diligence in ensuring your documents are completed properly.

HOW TO REVIEW EXAMINER NOTES:

1. Review the left side of the document and check for numbers. They indicate issues that need to be addressed.

Code Section 2590 powers requested?
Court to set next date for Accounting?

1

2

MAILED NOTICE (PC §1511(a) & (e))

Request to dispense with notice?
*If Request, Declaration of Due Diligence in compliance with CRC 7.52 needs to be filed.
C1-Please see declaration filed requesting dispense with Notice.*

Notice and copy of petition mailed? *Not filed*
1. Does not appear that CRC 7.52 met.
****See above re: Dispense w/ Notice.**

Mailed at least 15 days before hearing?

Notice and proof of service complete?

Notice mailed to (check all that apply):

2. Many issues can be addressed with a declaration.

MC-030

<small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Date Bar Number, and address):</small> Jane Smith 1234 Main Street Oakland CA 94704 <small>TELEPHONE NO. 510-555-1234 FAX NO. (OPTIONAL)</small> <small>EMAIL ADDRESS (OPTIONAL) Janesmith@email.com</small> <small>ATTORNEY FOR NAME pro-per</small>	<small>FOR COURT USE ONLY</small>
<small>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda</small> <small>CITY STREET ADDRESS:</small> 2129 Martin Luther King Jr. Way <small>CITY AND ZIP CODE Berkeley 94704</small> <small>BRANCH/NAME Berkeley Courthouse</small>	
<small>PLAINTIFF/PETITIONER:</small> Guardianship of John Smith	
<small>DEFENDANT/RESPONDENT:</small>	<small>CASE NUMBER:</small> RP23920382

DECLARATION

DECLARATION OF DUE DILIGENCE FOR NOTICE OF GUARDIANSHIP PETITION

I, Jane Smith, declare the following:

- I am the petitioner in the above-captioned case. I request to dispense with notice of the following relatives of the minors who cannot be located despite due diligence efforts: Jacob Smith, maternal grandfather.
- Jacob Smith, maternal grandfather, has not maintained a relationship with the family and his whereabouts are unknown. Minor's mother, Jill Smith, only knew the name of her father from her birth certificate and has never communicated with him and has no last known address. His other known child, Jason Smith, also has not communicated with his father and has no contact information from here. No other living relatives are known. A phone book and Internet search produced several hundred results for the name "Jacob Smith." It would be too burdensome to contact each one.

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

Date: 4/1/23

Jane Smith _____
(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Attorney for Plaintiff Petitioner Defendant
 Respondent Other (Specify):

Page 1 of 1

1 JANE SMITH
2 1234 Main Street
3 Oakland, CA, 94704
4 510-555-1234

5 JANE SMITH, Self-Represented

6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF ALAMEDA

9

10 Guardianship of JOHN SMITH No. RP23920382
11 DECLARATION OF DUE DILIGENCE FOR
12 NOTICE OF GUARDIANSHIP PETITION

13 I, Jane Smith, declare the following:

14

15 Jacob Smith, maternal grandfather, has not maintained a relationship with the family and his
16 whereabouts are unknown. Minor's mother, Jill Smith, only knew the name of her father from her
17 birth certificate and has never communicated with him and has no last known address. His other
18 known child, Jason Smith, also has not communicated with his father and has no contact information
19 from here. No other living relatives are known. A phone book and Internet search produced several
20 hundred results for the name "Jacob Smith." It would be too burdensome to contact each one.

21

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

24 Date: 4/1/2023

25 JANE SMITH
26 SELF-REPRESENTED

27

28

DECLARATION

3. All filings addressing procedural issues MUST be cleared by 12:00 p.m., two (2) business days before the hearing, otherwise the hearing may be dropped or continued.

COMMON ISSUE: SERVICE

- When you are involved in a court case, you are responsible for delivery (“service”) of copies of important papers you file with the court to other people involved in the case.

You cannot serve your own documents. Documents must be served by someone over the age of 18 who is NOT a party to the case.

- There are several Judicial Council proof-of-service forms. The case type and matter you are filing will determine which one can be used. Here are some common examples (not an exhaustive list):
 - NOTICE OF PETITION TO ADMINISTER ESTATE OF [Decedent’s name]: DE-121.
 - To be used ONLY for initial petitions of decedent’s estate (DE-111).
 - NOTICE OF HEARING—DECEDENT’S ESTATE OR TRUST: DE-120.
 - For general use in decedent’s estates or trust cases.
 - NOTICE OF HEARING ON PETITION TO DETERMINE CLAIM TO PROPERTY: DE-115.
 - Must be used for Probate Code 850 Petitions.
 - NOTICE OF HEARING— GUARDIANSHIP OR CONSERVATORSHIP: GC-020.
 - To be used in guardianships or conservatorships.
 - PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL: POS-030.
 - Generic proof of service.

These forms also have corresponding Personal Service attachments. Look for the (P) designation in the form name, such as GC-020(P).

For additional information regarding service in Guardianship and Limited Conservatorship cases, please see the below websites.

Guardianships: <https://selfhelp.courts.ca.gov/guardianship/notify-family>

Limited Conservatorships: <https://selfhelp.courts.ca.gov/notify-adult-disability-their-relatives-and-others>