HEGGSTAD PETITION

IN CALIFORNIA PROBATE COURTS, A **HEGGSTAD PETITION** IS USED WHEN REAL PROPERTY WAS NOT TRANSFERRED INTO A TRUST BEFORE DECEDENT'S DEATH, BUT SHOULD HAVE BEEN.



The most common scenario for the use of a Heggstad petition is when a decedent fails to transfer assets into a trust, generally real property or a bank account because: (1) Decedent was ill and could not complete the transfer into the trust; (2) Paperwork was flawed resulting in a failed transfer; (3) Decedent forgot to transfer the property; or (4) Decedent did not realize that the property needed to be transferred.

Thus, a Heggstad petition allows the property to be transferred directly into the trust, instead of having to go through a lengthy probate process. A successful Heggstad petition results in a court judgment confirming the property at issue is part of the trust, even though it was not legally or formally transferred into the trust prior to death.

The most important part of the Heggstad petition is proving that the decedent actually intended to include the assets in the trust. For example, a schedule of assets is sufficient. A signed trust document is essential. The entire process of the Heggstad petition takes between two and four months on average.

A HEGGSTAD PETITION AND TITLE INSURANCE

In order for Ticor Title to close a transaction that involves a Heggstad Petition, a certified copy of the Heggstad order putting the property into the trust must be received.

Source: probatestars.com/what-is-a-heggstad-petition-in-california-probate

Contact your Ticor Sales Executive to get more information on what will be required to avoid delays in closing your transaction.



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