

SANTA CLARA COUNTY PROBATE COURT PROCEDURES FOR HEGGSTAD AND TRUST MODIFICATION PETITIONS (AS OF SEPTEMBER 1, 2026)

Here is the general for proceeding with an uncontested, ex parte Heggstad or trust modification petition in Santa Clara County. Ex parte refers to there being no actual notice hearing date.

One: Trustee of the affected trust consult with and engage engages my office to prepare such a petition.

Two: I send out notification letters or emails to all beneficiaries and other interested parties concerning the trust that indicate that the trustee has moved the place of administration of the trust care of my office in San Jose. This is to take advantage of the following statute:

Probate Code Section 17002

(a) The principal place of administration of the trust is the usual place where the day-to-day activity of the trust is carried on by the trustee or its representative who is primarily responsible for the administration of the trust.

(b) *If the principal place of administration of the trust cannot be determined under subdivision (a), it shall be determined as follows:*

(1) *If the trust has a single trustee, the principal place of administration of the trust is the trustee's residence or usual place of business.*

(2) *If the trust has more than one trustee, the principal place of administration of the trust is the residence or usual place of business of any of the cotrustees as agreed upon by them or, if not, the residence or usual place of business of any of the cotrustees.*

Three: After sending out letters or email notices to the beneficiaries, the petition is prepared by my office. The petition will state in it that Santa Clara County is the proper county for venue because it is the county where the principal place of administration of the trust is located due to the place of administration being moved to Santa Clara County care of my office.

Four: The petition is distribute electronically to the petitioner(s) and all interested parties to the petition through DocuSign. After everyone has signed through DocuSign, the petition is then filed electronically with the Santa Clara County Probate Court through their e-filing system. Internally, the petition is typically reviewed within a couple of business days and a case number assigned by the Probate Clerk. The petition is then assigned to one of the judges in the Probate Court for consideration.

Five: My office checks in the morning and evening each court day to determine whether an order has been signed and filed in the case. If an order has been signed, then my office goes down personally to the Records Department of the Superior Court at the earliest available business day and time to obtain one or more certified copies of the court order as directed by the Engagement Letter are obtained. The order(s) are then sent to the trustee, trustee's attorney, escrow company, etc. based on instructions received at the beginning.

Step Five: A final letter or email is then sent out to all the beneficiaries moving the place of administration back to the trustee at the trustee's original address.