

TRUST PETITION CONSULTATION WORKSHEET

Law Offices of Robert P. Bergman, 3535 Ross Avenue, Suite 200, San Jose, CA 95124
www.lawbob.com / (408) 247-0444 / rpb@lawbob.com – (10-2026 Revision) – Page 1

DATE COMPLETED	
TRUST NAME	
TRUST DATE	

DECEDENT'S INFORMATION

Full Legal Name			
Date of Birth		Date of Death	
Decedent's County of Residence			
County where Decedent died (if different from county of residence)			
Marital Status	☐ Single (never married) ☐ Single and cohabitating with life partner ☐ Married with a Surviving Spouse ☐ Registered Domestic Partnership with a Surviving Domestic Partner: ☐ Previously married and widowed ☐ Previously married and divorced ☐ Previously in a registered domestic partnership and widowed ☐ Previously in a registered domestic partnership that was terminated ☐ Unknown ☐ Other:		

If Decedent was married or in a Registered Domestic Partnership at the time of Decedent's death, please provide the following information about Decedent's spouse or partner:

Date and place of marriage or registration:					
Name of Spouse/Partner					
Still living? ☐ YES ☐ NO, spouse is deceased					
Street Address					
City, State, Zipcode					
Home Phone		Work Phone		Cell Phone	
Best Email					

INSTRUCTIONS FOR COMPLETION:

This worksheet and questionnaire is used for one or both of the following types of ex parte Probate Court petitions:

- Heggstad petitions (Probate Code Section 850) to request Probate Court action to confirm assets of a Decedent as assets of a Decedent's trust
- Trust Modification petitions (Probate Code Section 15403 or 15409) to request Probate Court action to modify an irrevocable trust (typically after death of a trustor).

Unless otherwise indicated in this Worksheet, all sections are relevant to both types of petitions.

DECEDENT'S ESTATE PLANNING DOCUMENTS

Provide check each document that you are providing to me prior to the Consultation, either by mail, fax (408-416-4591) or email to rpb@lawbob.com:

FOR ALL PETITIONS (Probate Code 850, 15403 or 15409):

- ☐ A copy of Decedent's Certificate of Death (original not necessary)
- ☐ A copy of Decedent's original trust agreement
- ☐ Copies of all amendments to Decedent's original trust
- ☐ A copy of Decedent's amended and restated trust agreement (if any)
- ☐ Copies of all amendments to Decedent's amended and restated trust agreement (if any)

FOR HEGGSTAD PETITIONS ONLY (Probate Code 850):

- ☐ Copy of Decedent's Last Will, Pour-Over Will, or other Will
- ☐ Copies of any asset schedules of Decedent's trust that identify any of the assets in Decedent's name or payable to Decedent's estate
- ☐ Copy of any document signed by Decedent states that it is an assignment of Decedent's property into Decedent's trust
- ☐ Copy of Decedent's amended and restated trust agreement (if any)
- ☐ Copy of any other written document signed by Decedent that identifies any of the assets in Decedent's name or payable to Decedent's estate and indicates that the asset is intended to be in Decedent's trust (could include a letter from Decedent)
- ☐ If real property was previously owned Decedent's trust and removed for a refinance or other purpose, a copy of the deed that first put the property into Decedent's trust

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PROPOSED FIRST PETITIONER'S CONTACT INFORMATION

1ST Petitioner's Name	
Relationship to Decedent	
Street Address	
City, State and Zip Code	
County of Residence	
Best Contact Telephone	
Best Contact Email	

Check all that apply:

- ☐ I am Decedent's surviving spouse or domestic partner
☐ I am a successor trustee of Decedent's trust
☐ I am a beneficiary of Decedent's trust

PROPOSED SECOND PETITIONER'S CONTACT INFORMATION

2ND Petitioner's Name	
Relationship to Decedent	
Street Address	
City, State and Zip Code	
County of Residence	
Best Contact Telephone	
Best Contact Email	

Check all that apply:

- ☐ I am a successor trustee of Decedent's trust
☐ I am a beneficiary of Decedent's trust

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HOW DID YOU HEAR ABOUT MY LAW OFFICES?

- ☐ Referred by my attorney (information below)
- ☐ Referred by a financial advisor or accountant (information below)
- ☐ Referred by a title or escrow officer (information below)
- ☐ Referred by a friend (information below)
- ☐ Heard you on “Plan Your Estate Radio” show on 1220AM KDOW
- ☐ On social media (Facebook, Instagram, LinkedIn, or other)
- ☐ From website www.lawbob.com
- ☐ From website www.irrevocabletrustdoctor.com
- ☐ From website www.heggstadhelp.com
- ☐ Other

REFERRING PARTY CONTACT INFORMATION (if relevant)

Name (provide name only for a friend)	
☐ Attorney ☐ Financial Advisor ☐ Accountant ☐ Friend ☐ Title or Escrow Officer ☐ Realtor ☐ Other	
Name of Firm	
Street Address	
City, State Zipcode	
County	
Work Phone	
Fax Number	
Email	

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Note: If a child or stepchild is a special needs person, please make sure to indicate that, as it may require a guardian ad litem (i.e., “GAL”) to be appointed by the court to represent the interests of that person.

Child's Full Legal Name	Other Information (check all that apply)
	☐ Minor ☐ Adult ☐ "Special Needs" person ☐ Son ☐ Daughter ☐ Stepchild of Decedent
	☐ Minor ☐ Adult ☐ "Special Needs" person ☐ Son ☐ Daughter ☐ Stepchild of Decedent
	☐ Minor ☐ Adult ☐ "Special Needs" person ☐ Son ☐ Daughter ☐ Stepchild of Decedent
	☐ Minor ☐ Adult ☐ "Special Needs" person ☐ Son ☐ Daughter ☐ Stepchild of Decedent
	☐ Minor ☐ Adult ☐ "Special Needs" person ☐ Son ☐ Daughter ☐ Stepchild of Decedent
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	☐ Minor ☐ Adult ☐ "Special Needs" person ☐ Son ☐ Daughter ☐ Stepchild of Decedent

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Please list all California real property and/or personal property being held in decedent's individual name or payable to decedent's estate (e.g., life insurance proceeds, retirement plans, etc.)

[illegible]

FOR TRUST MODIFICATION PETITION
[PROBATE CODE SECTION 15403 OR 15409 PETITION]

What type of relief is requested for modification of Decedent's trust?

- ☐ To eliminate a bypass trust in favor of a survivor's trust
- ☐ To eliminate a marital QTIP trust in favor of a survivor's trust
- ☐ To create a special needs trust where one did not exist
- ☐ To create asset-protected trusts for beneficiaries where ones did not exist
- ☐ To fill a vacancy in the office of the trustee
- ☐ To modify the powers or duties of the trustee
- ☐ To insert provisions regarding appointment and removal of successor trustees
- ☐ To grant a power of appointment over an irrevocable trust (typically to cause the trust assets to qualify for income tax step-up in cost basis on the death of a surviving spouse)
- ☐ Other: (type or print below)

IMPORTANT INFORMATION REQUEST

If you engage my services to obtain one or more court orders, where do you wish to have the original certified copy(ies) of court order(s) sent?

- ☐ **Send them to First Petitioner**
- ☐ **Send them to Second Petitioner**
- ☐ **Send them to my attorney**
- ☐ **Send them to the following title or escrow company (Heggstad Court Order):**

Title Officer name	
Escrow Number	
Company name	
Street Address	
City, State Zipcode	
Work Phone	

- ☐ **Send them to the following person and address**

Person's Name		
Street Address		
City, State Zipcode		
Best contact telephone		
Any reference number or file number		