

# The Probate Paths

## Married or Domestic Partner at Death & Community Property

\* As of June 12, 2008, domestic partnerships treated the same as marriage for these purposes

\*\*domestic partner treated same as spouse

DEATH  
Of a Property Owner

REQUIRE  
Proof of Death

Married or Domestic Partner\* at death

**COMMUNITY PROPERTY**  
EXAMPLES  
*Died before 10-1-74*

- Acquired before or after marriage,\* then 3-prong CPA or deed

*Died after 10-1-74*

- Bought after marriage\* - no CPA or deed needed

1

No Will  
(No Probate)

Spouse\*\* Inherits

Lack of Probate Affidavit

Need deed from:  
Spouse/Domestic Partner\*\*

2

No Will  
(Probate)

Need deed from:

- PR if probate open
- Distributees or devisees (including spouse\*\*) if probate closed

3

Will  
(Probate)

All devised to spouse\*\* in will

Need deed from:

- PR if probate open
- All devisee(s) (may include spouse\*\* if married) if probate closed

4

Will  
(No Probate)

Lack of Probate Affidavit

Need deed from:

- Spouse\*\* &
- Kids (or, if none: Grandkids
- Parents
- Siblings) &
- Anyone named in a will