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Attorney for Petitioner

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF \_\_\_\_\_

Estate of	)	CASE NO.
	)	PETITION FOR ORDER TO
.....	)	AUTHORIZING PERSONAL
	)	REPRESENTATIVE TO BORROW
Deceased.	)	MONEY ON SECURITY OF
	)	ESTATE PROPERTY
_____	)	[PROBATE CODE SECTION 9800]

Petitioner alleges:

1. Petitioner, \_\_\_\_\_, is the duly appointed, qualified, and acting personal representative of the estate of \_\_\_\_\_, deceased.

2. Petitioner holds the following real property of the Estate:

Decedent's residence located at \_\_\_\_\_, California and legally described as follows:

Lot\_\_ of Tract \_\_\_ in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of California as per plat recorded in Book \_\_ Pages \_\_ and \_\_, of Maps, of said County.

[ATTORNEY NOTE: Use the following clauses marked by asterisk "\*" as appropriate]

3. \*This property has not been appraised by the Probate referee, but an appraisal was

performed by \_\_\_\_\_ Appraisal Co., a licensed State of California Appraiser, \_\_\_\_\_, 200\_ , in which the property was determined to worth \_\_\_\_\_ Thousand Dollars (\$\_\_\_\_) ( a copy of said appraisal is attached as exhibit “\_\_”)

4. \*A Deed of Trust to secure an indebtedness of \_\_\_\_\_ Thousand Dollars (\$\_\_\_\_) was originally recorded \_\_\_\_\_, \_\_, 200\_ as Instrument No. \_\_\_\_\_ of Official Records.
5. \*Notice of Default under the terms of said Deed of Trust was recorded \_\_\_, 200\_.
6. \*A Trustee’s Sale under said Notice of Default has been set for \_\_\_\_\_, 200\_.
7. Petitioner now proposes to borrow a sum not to exceed \_\_\_\_\_Thousand Dollars (\$\_\_\_\_) to be used as follows:

Loan Charges

Title, Escrow, Closing Fees

\*Pay off existing First Trust Deed

\*Pay off Estate Debts

\*Arrears, property taxes

\*Pay off creditors listed in Inventory and Appraisement

\*Repairs to Real Property Improvements

\*Cash Out Reserves to Pay Statutory and possible extraordinary Probate Estate Distribution.

\* \_\_\_\_\_

Petitioner has arranged to borrow the sum of \_\_ Thousand Dollars from TSG Financial Corp. dba “THE SUBURBAN GROUP,” a mortgage banking firm who specializes in lending to the clients of the legal community, at an interest rate not to exceed \_\_\_\_% for a term of not less than Five (5) years on the security of this real property and to execute a Promissory Note and Deed of Trust in a representative capacity for this purpose.

8. The proposal as presented by "The Suburban Group" for this transaction is attached as exhibit "\_\_\_" and made a part hereof.
9. \*The purposes of the proposed loan is to A) obtain funds to pay off the existing First Trust Deed or B) pay off the arrearages on said defaulted First Trust Deed and prevent the property from being sold in foreclosure and C) repair damage which has occurred to the property or D) Provide for Cash Reserve Fund for the Estate in order to pay creditors or E) Provide funds for living expenses for indigent heir(s) or F) to pay settlement costs and attorney's statutory and possible extraordinary fees upon distribution.
10. It is to the advantage of this estate that funds be furrowed for these purposes because \_\_\_\_\_.
11. \*After the property is refinanced, Petitioner will place any such proceeds into the Estate's bank account and will distribute at time of settlement.

WHEREFORE, Petitioner prays for an Order authorizing Petitioner to borrow the sum of \_\_\_ Thousand Dollars and to evidence and secure the loan by executing a Note and Deed of Trust to "The Suburban Group" or its lender(s) by Assignment as set forth in Exhibits "\_\_\_" and "\_\_\_", and for such other orders as the Court deems proper.

Dated:

\_\_\_\_\_  
 \_\_\_\_\_, Attorney for Petitioner, \_\_\_\_\_