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Appraising a Probate Referee's Duties

SUSAN W. MILLER, M.A., Special to The Times
August 11, 2002

Question: I am an independent real estate appraiser having a hard time making ends meet. Recently I heard about a part time position called probate referee that involves appraising estates. Can you tell me more about this job and what I need to do to qualify?

— Sandra

Response: Probate referees independently appraise all real estate and tangible and intangible personal property, except cash-type items, in probate estates (usually under \$100,000).

They apply probate law to the facts, may hold hearings to obtain the necessary facts and resolve issues of the application of the law to the facts, and perform other duties as provided by law. They are appointed by court clerks for cases on a rotating basis.

The personal representative (executor/executrix) of an estate delivers the Inventory and Appraisal of the estate to the designated probate referee, with supporting data. This enables the probate referee to make an appraisal of the property involved.

Assets may include real estate, stocks and bonds, businesses, automobiles, antiques, or any non-cash asset. Referees have 60 days in which to complete their reports.

They maintain independent offices and are listed in the Parker's Legal Directory.

Employment Outlook

Positions are limited and competition is keen. The State Controller of California is authorized by law to appoint at least one probate referee for each county.

According to the web site of the California State Controller's Office, there are currently approximately 120 probate referee positions on county panels statewide and, 30 of these appointments will be available for reappointment.

Once appointed, only 10%-15% are replaced and usually for reasons such as retirement, a move out of state, or death. When the current State controller's term is up, the new controller will have the discretion to make new appointments, which could provide for many additional openings.

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Probate referees are not salaried but are remunerated, by law, by fees paid directly by the estate. The fee is ordinarily 1/10 of 1% of the appraised value in each case—cash-type items excepted.

The minimum fee is \$75, the maximum is \$10,000, per estate, from which the referee must pay all expenses (mileage, rent, employee salaries, office expenses, etc.). Approximately two thirds of the referees have other occupations and work only part-time, handling from eight to 30 cases per month. Referees earn approximately \$50,000 per year gross or \$30,000 net.

Minimum Qualifications

Probate referees are officers of the Superior Court of the State of California but not employees. They are appointed to a panel in the county of their residence by the State Controller for a term of four years or as otherwise provided by law from a list of persons determined to meet the minimum qualifications.

To be appointed as a probate referee, a person must by experience, background, training, and temperament, be qualified to exercise sound judgment in the determination of fair market values of property of all types, real and personal.

Applicants must possess at least one of the following sets of experience and or educational patterns to be accepted into the written exam for probate referee:

- Possession of a Bachelor's Degree in any field plus at least 75 hours in appraisal/ valuation classes
- At least 4,000 hours of experience within the last four years appraising real and/or personal property
- Certification as an Appraiser by the California Office of Real Estate Appraisers, the Appraisal Institute or the American Society of Appraisers
- Attorney with a minimum of five (5) years as a member of the California State Bar
- Certified Public Accountant with a minimum of five (5) years as a licensed CPA in California

Five letters of recommendation from the references listed on the application are also required for an appointment. These appointments are subject to termination for a violation of established standards of training, performance, or ethics or for any other reason provided by law. Prior to appointment, personal interviews by a panel of judges and attorneys and fingerprints are required.

For additional information, contact:

California State Controller's Office

Kathleen Connell

P.O. Box 942850
Sacramento, CA 94250-5872
(916) 445-2636

www.sco.ca.gov

Los Angeles Office:

600 Corporate Pointe, Suite 1150
Culver City, CA 90230
(310) 342-5678

Examination

Notices are mailed to those accepted into the written examination two weeks prior to the written test indicating where and when to appear for the three hour

written exam. It is administered by Cooperative Personnel Services in as many locations statewide as the candidate group justifies and is usually held every April. The scope of written examination includes:

1. Principles, methods and techniques of appraising real property of all types, including residential, rural, industrial and commercial.
2. Principles, methods and techniques of appraising tangible and intangible personal property of all types, including business, partnerships and closely held corporations.
3. Judgement; analytical and reasoning ability.
4. General understanding of the laws and procedures relating to probate, wills, community and quasi-community.

A non-refundable examination fee of \$75.00 must accompany each application.

Passage of the examination qualifies one for appointment for a period of five years from the date of examination. Applicants must still successfully complete any additional qualifications required by the appointing controller, including but not limited to an interview by a panel of judges and attorneys.

Exam applications are obtained from and filed with:

Cooperative Personnel Services
Attn.: Probate Referee Program
241 Lathrop Way, Suite A
Sacramento, CA 95815
Telephone: (916) 263-3624

Association

California Probate Referees Association

(323) 653-8160
(310) 215-1601

The association was formed in 1967 and, in conjunction with the Controller's Office, has assumed increased responsibility for establishing and seeking to monitor and maintain high standards of performance and ethics in the work of referees. It also provides educational programs designed to enhance the knowledge and professionalism of referees.

The association is a service organization to which all currently appointed California Probate Referees belong upon payment of annual dues as billed at \$360 or a percentage of gross income. They offer the Probate Referees' Guide, which is published and distributed by the Daily Journal Corporation (213-229-5300).

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Susan W. Miller, M.A., is a National Certified Career Counselor, a Certified Vocational Evaluation Specialist and holds diplomate status on the American Board of Vocational Experts. She heads California Career Services, a private practice career counseling firm in Los Angeles.

You may e-mail questions to swmcareer@aol.com.

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