

Second Supplement to Memorandum 86-207

Subject: Study L-1040 - Public Guardian and Public Administrator
(Comments of San Francisco Public Administrator/Guardian)

Enclosed are comments of James R. Scannell, the San Francisco Public Administrator and Public Guardian, concerning two provisions of the tentative recommendation: Section 2920 (taking possession or control of property) and Section 7681(c) (liquidation of assets). We will discuss the points made by Mr. Scannell in connection with our review of the relevant provisions at the meeting.

Respectfully submitted,

Nathaniel Sterling
Assistant Executive Secretary

City and County of San Francisco

PUBLIC ADMINISTRATOR
PUBLIC GUARDIAN:
James R. Scannell



PUBLIC ADMINISTRATOR
PUBLIC GUARDIAN
1212 Market Street
San Francisco, CA 94102
Telephone 558-4161

ATTORNEY:
Lou Aronian

May 1, 1987

California Law Revision Commission
4000 Middlefield Road, Suite D-2
Palo Alto, CA 94303-4739

Attention: Nathaniel Sterling

IN REPLY REFER
TO OUR FILE NO

Re: No. L-1040 - 03/20/87

Dear Nat:

Several practitioners from the private sector have expressed concerns that Section 7681 (c), (sale of real property), is too permissive or lacks judicial review.

The Commissions recommendations and AB 201 direct that the sale of real property follow Article 6, Section 10300 of Chapter 17 of Part 5, which sets forth the requirements for sale of all real property.

No real property can be sold by Public Administrators without proper notification, and court confirmation.

Along with Caesar's wife, Public Administrators must remain beyond reproach.

Very truly yours,

James R. Scannell
JAMES R. SCANNELL
Public Administrator/
Public Guardian

JRS:lca

City and County of San Francisco**PUBLIC ADMINISTRATOR
PUBLIC GUARDIAN**1212 Market Street
San Francisco, CA 94102
Telephone 558-4161**PUBLIC ADMINISTRATOR
PUBLIC GUARDIAN:**
James R. Scannell**ATTORNEY:**
Lou Aronian

May 4, 1987

California Law Revision Commission
4000 Middlefield Road, Suite D-2
Palo Alto, CA 94303-4739Subject: L 1040, Section 2920
InterpretationIN REPLY REFER
TO OUR FILE NO

Dear Commissioners:

The letter from Hahn & Hahn raised two questions about Section 2920, taking possession or control of property.

The concern about domicile need not be resolved until a later date, but the Public Guardian receiving the referral should make every effort to protect any property in jeopardy. This may include notifying the proper law enforcement agency in another county, the Public Guardian of another county, a bank, or whomever, that you have concerns about the loss of property.

Often this is all that can be done prior to the issuance of letters of conservatorship as most financial institutions will not deliver any funds, transfer title to any item of value prior to the letters.

If there is property such as money, antiques, or valuable furniture and the Public Guardian can take possession to avoid loss, then a witnessed search with properly documented receipts should suffice until jurisdiction is established.

"Referred to the Public Guardian" - simply means an application was received from some outside agency asking that the PG petition the court for conservatorship.

The referral may include medical documentation

May 4, 1987

Page 2

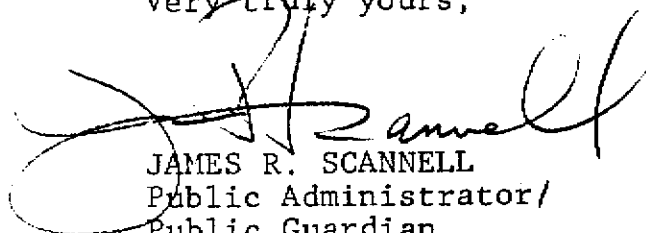
California Law Revision Commission

Subject: L 1040, Section 2920
Interpretation

and after receipt it may take 6-8 weeks to be appointed.

If there is any urgent need to protect property and a phone call will not suffice, Special Letters are available in a matter of hours. This may be necessary in fraudulent transfer of real property.

Very truly yours,



JAMES R. SCANNELL
Public Administrator/
Public Guardian

JRS:lca