

Memorandum 87-18

Subject: Study L-1055 - Amendments to AB 708 (Notice)

Attached to this memorandum is a set of amendments relating to notice provisions. Amendments 13-17 and 24-27 implement Commission decisions made at the February meeting. The other amendments make technical conforming revisions.

Amendments 1-10 and 33-36 conform various 10-day periods to the general 15-day period in new Section 1220.

Amendment 18 is a technical change in the general provision governing notice by mail (Section 1220) that makes its provisions easier to incorporate in other provisions, particularly provisions outside estate management. Amendments 19-22 reletter subdivisions in light of the change made by Amendment 11.

Other amendments correct typographical errors.

Respectfully submitted,

Stan G. Ulrich
Staff Counsel

AMENDMENTS TO AB 708 RELATING TO NOTICE

AMENDMENT 1

On page 17, line 35, strike out "10" and insert:
15

AMENDMENT 2

On page 19, line 35, strike out "10" and insert:
15

AMENDMENT 3

On page 20, line 3, strike out "10" and insert:
15

AMENDMENT 4

On page 25, line 35, strike out "10" and insert:
15

AMENDMENT 5

On page 26, line 18, strike out "10" and insert:
15

AMENDMENT 6

On page 27, line 39, strike out "10" and insert:
15

AMENDMENT 7

On page 30, line 27, strike out "10" and insert:
15

AMENDMENT 8

On page 32, line 13, strike out "10" and insert:
15

AMENDMENT 9

On page 34, line 20, strike out "10" and insert:

15

AMENDMENT 10

On page 37, line 1, strike out "10" and insert:

15

AMENDMENT 11

On page 39, line 36, strike out "not" and insert:

no

AMENDMENT 12

On page 40, line 2, strike out "no" and insert:

not

AMENDMENT 13

On page 41, line 9, after "of" insert:

a

AMENDMENT 14

On page 41, strike out lines 11 and 12, and insert:

(1) Where another section so requires.

AMENDMENT 15

On page 41, line 13, after "of" insert:

a

AMENDMENT 16

On page 41, line 13, strike out "and" and insert:

but

AMENDMENT 17

On page 41, line 14, strike out "except where" and insert:

unless

AMENDMENT 18

On page 41, line 20, after "mailed" insert:
to the persons required to be given notice.

(c) Unless the section requiring notice specifies the persons to be given notice, notice shall be mailed

AMENDMENT 19

On page 41, line 26, strike out "(c)" and insert:
(d)

AMENDMENT 20

On page 41, line 31, strike out "(d)" and insert:
(e)

AMENDMENT 21

On page 41, line 35, strike out "(e)" and insert:
(f)

AMENDMENT 22

On page 41, line 37, strike out "(b)" and insert:
(c)

AMENDMENT 23

On page 42, line 23, after the first "the" insert:
court

AMENDMENT 24

On page 43, strike out lines 11 to 25, inclusive, and insert:
(c) Special notice may be requested of any or all of the following matters:

- (1) Petitions filed in the estate proceeding.
- (2) Inventories and appraisements of the estate, including any supplemental inventories and appraisements.
- (3) Objections to an appraisement made by the personal representative or probate referee.
- (4) Accounts of a personal representative.

(5) Reports of status of administration.

(d) Special notice may be requested of any matter in subdivision (c) by describing it or of all the matters in subdivision (c) by referring generally to "the matters described in subdivision (c) of Section 1250 of the Probate Code" or by using words of similar meaning.

AMENDMENT 25

On page 43, strike out lines 28 to 30, inclusive, and insert: attorney for the personal representative. If personally delivered, the request is effective when it is delivered. If mailed, the request is effective when it is received.

(f) When the original of the request is filed with the court

AMENDMENT 26

On page 43, line 31, after the comma, insert:
it

AMENDMENT 27

On page 43, line 39, after "with" insert:
a copy of the petition, report, or account, and

AMENDMENT 28

On page 44, line 19, strike out "if" and insert:
it

AMENDMENT 29

On page 44, line 30, strike out "posed" and insert:
posted

AMENDMENT 30

On page 50, line 18, strike out "1230" and insert:
1220

AMENDMENT 31

On page 50, line 19, strike out "1220" and insert:
1230

AMENDMENT 32

On page 66, lines 13 and 14, strike out "for the period and in the manner provided in Section 1200.5" and insert:
as provided in Section 1220

AMENDMENT 33

On page 66, line 35, strike out "10" and insert:
15

AMENDMENT 34

On page 67, line 16, strike out "10" and insert:
15

AMENDMENT 35

On page 67, line 24, strike out "10" and insert:
15

AMENDMENT 36

On page 67, line 27, strike out "10" and insert:
15