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9/26/85

#L-1030

Second Supplement to Memorandum 85-88

Subject Study L-1030 - Estates and Trusts Code (Collection or  
Transfer of Small Estates Without Administration)

In preparing the draft statute attached to Memorandum 85-88, the staff overlooked several revisions that should be made in light of comments earlier submitted by the Executive Committee of the Estate Planning, Trust and Probate Law Section of the State Bar. In light of these comments, the staff recommends the following revisions of the draft statute.

Section 9506 (pages 3-4 of draft statute)

To correct a technical defect, subdivision (a)(2) of Section 9506 should be revised to read:

(2) If the decedent died without a will, the sole person or all of the persons who succeeded to the property of the decedent under Sections 6401 and 6402.

We would use the same language in the conforming amendments in the Health and Safety Code and the Vehicle Code.

Section 9582 (page 29 of draft statute)

The staff believes that it would be useful to add the following at the end of Section 9582:

The county recorder shall index the certified copy in the index of grantors and grantees. The decedent shall be indexed as the grantor and each person designated as a successor to the property in the certified copy shall be indexed as a grantee.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary