

First Supplement to Memorandum 86-84

Subject: Study L-655 - Estate and Trust Code (Inventory and Appraisal--
Governor's veto message on AB 2896)

Memorandum 86-84 notes that the Governor vetoed the bill sponsored by the probate referees (AB 2896--Harris) to require appointment of a probate referee in all cases, with service of notice of hearing of any waiver petition on the appointed referee. We have now received a copy of the Governor's veto message:

I am returning Assembly Bill No. 2896 without my signature.

This bill would require a probate referee to be appointed in all probate proceedings to appraise estates. This bill also makes various revisions in the law relating to the duties of public administrators.

I do not support provisions of this bill which require the appointment of a probate referee in all proceedings.

Current law requires that all assets of an estate not appraised by the executor or administrator be appraised by a probate referee appointed by the court, except in specified cases and those in which the court waives the appointment of a probate referee for good cause. This process allows for the use of probate referees where the value of an estate's assets are in question or where there is a demonstrated need. By requiring a probate referee to be appointed in all cases, even when there is no need, this bill would increase the administrative burden on our courts and create additional expenses for those involved.

Respectfully submitted,

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