

#L-1011

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03/02/87

First Supplement to Memorandum 86-201

Subject: Study L-1011 - Opening Estate Administration (Comments on
Tentative Recommendation)

Attached to this supplementary memorandum is a letter from Judith A. Ward, a probate administrator from Fresno, commenting on the tentative recommendation relating to opening estate administration. The letter was inadvertently omitted from the letters collected in Memorandum 86-201. We will consider this letter at the Commission meeting in connection with the discussion of the provisions to which it relates.

Respectfully submitted,

Nathaniel Sterling
Assistant Executive Secretary

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October 28, 1986

CALIFORNIA LAW REVISION COMMISSION
4000 Middlefield Road, Suite D-2
Palo Alto, CA 94303-4739

Re: Tentative Recommendations Relating To
Proposed New Estate and Trust Code

Ladies and Gentlemen:

I have completed my review of the tentative recommendations which were forwarded to me. Although my review was not intensive, I believe I have a good overall impression of and feeling for the new code. I would be interested in learning, however, what takes the place of Division 3 (Administration of Estates of Decedents) which has been moved to Division 7 (new).

I commend you on your decision to refer to everyone as "personal representatives". I, for one, will gladly adopt the change. The older practitioners, however, will have a great deal of trouble with this concept; especially those who still refer to multiple, female executors as "co-executrices".

I also am in complete favor of adopting a requirement that the county clerk provide a letter or other document outlining the duties of the personal representative and the addition to the code for the procedure allowing for actual notice to creditors. Your rejection of the proposals to eliminate mandatory publication of notice to creditors, especially in instances where actual notice is given, seems rather close-minded. When you are dealing with an extremely small estate (house, car, a couple of bank accounts, etc.) and the probate has not been established with any thought to foreclosing creditors, could not an affidavit given by the personal representative attesting to the notification of

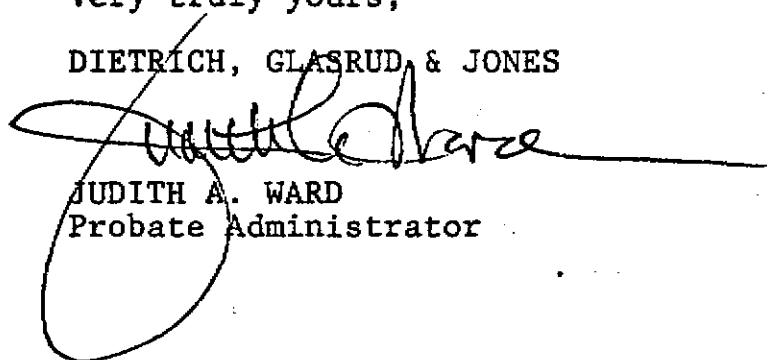
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all known creditors be used in lieu of publication? In my view, actual notice to known creditors far exceeds the effectiveness of publication in a legal newspaper and certainly is much less expensive. Even reducing the number of publication times (perhaps to one in the case of the giving of actual notice) would greatly assist the personal representative who is faced with a liquidity problem.

I look forward to receiving and reviewing your further comments and recommendations.

Very truly yours,

DIETRICH, GLASRUDE & JONES



JUDITH A. WARD
Probate Administrator