

## Third Supplement to Memorandum 86-201

Subject: Study L-1010 - Opening Estate Administration (More Comments  
on Tentative Recommendation)

Attached to this memorandum as Exhibit 1 is a letter from the California Newspaper Service Bureau (CNSB) concerning the type size of the published notice of probate. Section 8124 (type size) requires that the notice be in "readable type." The section goes on to state that a caption in 8-point type (or larger) and text in 7-point type (or larger) is "deemed readable." The Comment notes that the section does not preclude a smaller type size, so long as the notice remains readable.

CNSB believes this creates an ambiguity that will generate more confusion than it resolves. "Fifty-four years of accumulated experience in newspaper advertising has taught us that specific instructions concerning typesetting lead to satisfactory results. Ambiguous instructions do not." CNSB would delete the language in the Comment indicating that a smaller size may be permissible.

The problem confronting the Commission is that the 8-point/7-point formula of existing law generates large-size probate notices, substantially larger than other legal notices, that consume substantial column space at the expense of the estate. See example in Exhibit 2. The Commission's solution to this problem is to not require a fixed type face; this will enable publishers to do what is convenient and will also encourage competitive practices by publishers in reducing printing costs. To this end, the Commission's only requirement is that the type size be "readable"; the 8-point/7-point formulation has been retained simply as a safe harbor for readability.

The staff agrees with CNSB that "readability" is an ambiguous standard. However, a better solution might be not to eliminate the Comment reference to smaller notices, but simply to eliminate the "readability" requirement. Other legal notices do not have type size specifications, and we are not aware of problems with them. Absent a type size requirement, publishers could simply use any size type they choose.

It is worth noting in this connection that the Commission is recommending increasing the length of the probate notice by adding a paragraph relating to independent administration. With the added publication cost this will cause, it may be worthwhile looking to see whether there is a simple way to offset the cost.

Respectfully submitted,

Nathaniel Sterling  
Assistant Executive Secretary

# California Newspaper Service Bureau, Inc.

Established 1934

120 WEST SECOND STREET  
P.O. BOX 31  
LOS ANGELES, CALIFORNIA 90053  
PHONE (213) 625-2541

PUBLIC NOTICE ADVERTISING  
March 25, 1987

LOS ANGELES—SACRAMENTO  
SAN DIEGO  
SAN FRANCISCO—SANTA ANA

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

RE: CLRC Study #L-1010, Memorandum 86-201 dtd. 1/20/87

Dear Commissioners:

This is to express our concern regarding your "Comment" on Section 8124 pertaining to the typesize of published Notice of Hearing in Probate.

## Section 8124 Provides:

"Whether published or posted, the notice of hearing shall be in readable type. For the purpose of this section, if the caption is in 8-point type or larger and the text of the notice is 7-point type or larger, the notice is deemed readable."

## Your Comment advises:

"Section 8124 supersedes the introductory portion of subdivision (b) of former Probate Code Section 333. Nothing in Section 8124 precludes a smaller type size than referred to in the section, so long as the notice remains readable. See also Code Civ. Proc. Section 1019 (type size variations)." (emphasis added)

Section 8124 defines readability in terms of type size. The second sentence of your comment, however, implicitly ascribes readability to some other, undefined parameter. This creates an ambiguity which will generate more confusion than it resolves.

Fifty-four years of accumulated experience in newspaper advertising has taught us that specific instructions concerning typesetting lead to satisfactory results. Ambiguous instructions do not.

We apologize for having overlooked the problem created by the language of your comment. In view of the time which has passed, the decision to go on record concerning it has been the subject of some debate among members of our staff. However, there is no difference of opinion concerning your comment's potential for confusion and possible embarrassment to your commission. For that reason we recommend that the second sentence of your comment be deleted. Section 8124 should be permitted to speak for itself on the subject of readability.

Respectfully,

  
Michael D. Smith  
General Manager

*"The only Legal Advertising which is justifiable from the standpoint of true economy and the public interest, is that which reaches those who are affected by it."*

Tuesday, March 24, 1987

## The Daily Recorder

**Fictitious Business  
Name Statement**  
File No. 87-1701

The following person(s) is (are) doing business as:  
**KIM KIM HAIR NAILS**, 5815  
Stockton Blvd., Suite C,  
Sacramento, CA 95824.  
Minh Xuong Sam, 1317 (W) St.,  
#6, Sacramento, CA 95818.  
This business is conducted by  
an individual.

**MINH XUONG SAM**

This statement was filed with  
the County Clerk of Sacramento  
County on March 17, 1987.  
The registrant(s) commenced  
to transact business under the  
fictitious business name or names  
listed above on Mar. 17, 1987.

(R601289)

Mar 24, 31, Apr 7, 14

**Fictitious Business  
Name Statement**  
File No. 87-1696

The following person(s) is (are) doing business as:  
**AUTO MASTERS**, 2301 E  
Camino Ave., Sacto., CA 95821.  
Cynthia Gottschalk, Carmichael, CA 95608, 2301 E  
Camino.  
This business is conducted by  
an individual.

**CYNTHIA GOTTSCHALK**  
This statement was filed with  
the County Clerk of Sacramento  
County on March 17, 1987.

The registrant(s) commenced  
to transact business under the  
fictitious business name or names  
listed above on April 1, 1987.

(R601290)

Mar 24, 31, Apr 7, 14

**Fictitious Business  
Name Statement**  
File No. 87-1511

The following person(s) is (are) doing business as:  
(1) **REICO**, (2) **REAL ESTATE  
INVESTMENT COMPANY**, 5050  
Mack Rd., Box 79, Sacramento,  
CA 95823.  
Ernest Leason, 5050 Mack Rd.,  
Box 79, Sacramento, Calif. 95823.  
Michael P. O'Dwyer, 2017  
Janice Ave., Sacramento, Calif.  
95821.

This business is conducted by  
co-partners.

**ERNEST LEASON**

This statement was filed with  
the County Clerk of Sacramento  
County on March 9, 1987.

The registrant(s) commenced  
to transact business under the  
fictitious business name or names  
listed above on February 1, 1987.

**Professional Construction Services,  
Ernest Leason, Sr., 1011 K  
Street Mall, Sacramento, California,  
U.S.A. 95814; Tel. (916) 395-  
7806.**

(R601300)

Mar 24, 31, Apr 7, 14

**Statement of  
Abandonment of Use  
of Fictitious  
Business Name**  
File No. 86-1759

The following person(s) has (have) abandoned the use of the  
fictitious business name: **FAIR  
OAKS PLUMBING CO.** at 5931  
Courville Ct., Fair Oaks, CA  
95628.

The fictitious business name  
referred to above was filed in  
County on 3/86, Mar. 17, 1986.

Ruben Daniel Roncancio, 5931  
Courville Ct., Fair Oaks, CA  
95628.

This business was conducted by  
**RUBEN DANIEL RONCANCIO**

This statement was filed with  
the County Clerk of Sacramento  
County on March 17, 1987.

(R601298)

Mar 24, 31, Apr 7, 14

**FICTITIOUS BUSINESS  
NAME STATEMENT**  
87 1744**NOTICE OF DEATH  
AND OF PETITION  
TO ADMINISTER  
ESTATE NO. 02866**

To all heirs, beneficiaries,  
creditors, contingent creditors,  
and persons who may be  
otherwise interested in the will  
or estate of: Ivo A. Del Mugnaio,  
also known as Ivo Del Mugnaio

A petition has been filed by  
Eva Del Mugnaio in the Superior  
Court of Sacramento County,  
720 9th St., Sacramento, CA  
95814, requesting that Eva Del  
Mugnaio be appointed as  
personal representative to  
administer the estate of the  
decedent.

The petition requests  
authority to administer the  
estate under the Independent  
Administration of Estates Act.

A hearing on the petition will  
be held on April 8, 1987, at 9:00  
a.m. in Department 18 of the  
above stated court.

If you object to the granting of  
the petition, you should either  
appear at the hearing and state  
your objections or file written  
objections with the court before  
the hearing. Your appearance  
may be in person or by your  
attorney.

If you are a creditor or a  
contingent creditor of the  
deceased you must file your  
claim with the court or present it  
to the personal representative  
appointed by the court within  
four months from the date of first  
issuance of letters as provided  
in section 700 of the California  
Probate Code. The time for filing  
claims will not expire prior to four  
months from the date of the  
hearing noticed above.

You may examine the file kept  
by the court. If you are a person  
interested in the estate, you  
may serve upon the executor or  
administrator, or upon the  
attorney for the executor or  
administrator, and file with the  
court with proof of service, a  
written request stating that you  
desire special notice of the filing  
of an inventory and appraisal-  
ment of estate assets or of the  
petitions or accounts mentioned  
in sections 1200 and 1200.5 of  
the California Probate Code.

Reference is hereby made to  
the petition on file herein,  
entitled: **Petition For Probate Of  
Will And Letters Testamentary  
And Authority To Administer  
Under The Independent Admini-  
stration Of Estates Act**, for  
further particulars.

**Robert J. Granucci, Attorney  
for Petitioner**

Endorsed: March 20, 1987,  
Joyce Russell Smith, Clerk, By  
A. McIntyre, Deputy

**Robert J. Granucci, Attor-  
ney at Law, 1318 G  
Street, Sacramento, CA  
95814**

(R417449)

March 24, 25, 31

**NOTICE OF DEATH  
AND OF PETITION  
TO ADMINISTER  
ESTATE NO. 02864**

To all heirs, beneficiaries,  
creditors, contingent creditors,  
and persons who may be  
otherwise interested in the will

written request stating that you  
desire special notice of the filing  
of an inventory and appraisal-  
ment of estate assets or of the  
petitions or accounts mentioned  
in sections 1200 and 1200.5 of  
the California Probate Code.

Reference is hereby made to  
the petition on file herein,  
entitled: **Petition For Probate Of  
Will And For Letters Testamen-  
tary And Petition for Authorization  
To Administer Under The Indepen-  
dent Administration Of  
Estates Act**, for further  
particulars.

**Larry L. Lawson, Attorney for  
Petitioner**

Endorsed: March 19, 1987,  
Joyce Russell Smith, Clerk, By  
L. Boykin, Deputy

**Larry L. Lawson, Attorney  
at Law, 5441 Fair Oaks  
Blvd., Carmichael, CA  
95608**

(R417450)

March 24, 25, 31

**NOTICE OF DEATH  
AND OF PETITION  
TO ADMINISTER  
ESTATE NO. 02870**

To all heirs, beneficiaries,  
creditors, contingent creditors,  
and persons who may be  
otherwise interested in the will  
or estate of: Theresa Irene  
Newmark

A petition has been filed by  
Chris Sarantis in the Superior  
Court of Sacramento County,  
720 9th St., Sacramento, CA  
95814, requesting that Chris  
Sarantis be appointed as  
personal representative to  
administer the estate of the  
decedent.

The petition requests  
authority to administer the  
estate under the Independent  
Administration of Estates Act.

A hearing on the petition will  
be held on April 8, 1987, at 9:00  
a.m. in Department 18 of the  
above stated court.

If you object to the granting of  
the petition, you should either  
appear at the hearing and state  
your objections or file written  
objections with the court before  
the hearing. Your appearance  
may be in person or by your  
attorney.

If you are a creditor or a  
contingent creditor of the  
deceased you must file your  
claim with the court or present it  
to the personal representative  
appointed by the court within  
four months from the date of first  
issuance of letters as provided  
in section 700 of the California  
Probate Code. The time for filing  
claims will not expire prior to four  
months from the date of the  
hearing noticed above.

You may examine the file kept  
by the court. If you are a person  
interested in the estate, you  
may serve upon the executor or  
administrator, or upon the  
attorney for the executor or  
administrator, and file with the  
court with proof of service, a  
written request stating that you  
desire special notice of the filing  
of an inventory and appraisal-  
ment of estate assets or of the  
petitions or accounts mentioned  
in sections 1200 and 1200.5 of  
the California Probate Code.

Dated: March 19, 1987.

**Darrel W. Lewis, Judge of the  
Superior Court**

**ORDER TO SHOW CAUSE-  
CHANGE OF NAME (MINOR)**

In the Matter of the Application of:  
**Matthew Raymond Merkh for  
Change of Name.**

WHEREAS, **ALBERT & JOAN  
MERKH** has filed a petition with the  
Clerk of this court for an order  
changing name of **MATTHEW  
RAYMOND MERKH** to **MATTHEW  
ROGER MASON**;

IT IS ORDERED that all persons  
interested in the above entitled  
matter appear before this Court at  
9:00 a.m. on May 7, 1987, in the  
Courtroom of Department 27 at the  
Courthouse, 720 9th Street,  
Sacramento, California, 95814, and  
show cause, if any, why the petition  
for change of name should not be  
granted.

IT IS FURTHER ORDERED that a  
copy of this order to show cause be  
published in The Daily Recorder, a  
newspaper of general circulation,  
printed in Sacramento County,  
California, once a week for four  
consecutive weeks prior to the date  
set for hearing on the petition.

Dated: March 19, 1987

**Darrel W. Lewis, Judge of the  
Superior Court**

ENDORSED: March 19, 1987, Joyce  
Russell Smith, Clerk, By G. Skaggs,  
Deputy

(R601329)

March 24, 31, April 7, 14

**NOTICE OF TRUSTEE'S SALE  
T.S. NO. 47801**

**YOU ARE IN DEFAULT UNDER A  
DEED OF TRUST DATED Septem-  
ber 28, 1984, UNLESS YOU TAKE  
ACTION TO PROTECT YOUR  
PROPERTY. IT MAY BE SOLD AT A  
PUBLIC SALE, IF YOU NEED AN  
EXPLANATION OF THE NATURE  
OF THE PROCEEDING AGAINST  
YOU, YOU SHOULD CONTACT A  
LAWYER.**

Notice is hereby given, that on  
Wednesday, April 15, 1987, at 10:30  
o'clock A.M. of said day, outside the  
front entrance to the offices of First  
American Title Insurance Company,  
located at 1812 Tribute Road, Suite  
C, in the City of Sacramento, County  
of Sacramento, State of California,  
Homestead Securities Corporation, a  
California corporation, as duly  
appointed Trustee under and  
pursuant to the power of sale  
conferred in that certain Deed of  
Trust executed by Clyde R. Coop,  
recorded November 6, 1984 in Book  
84 11-6 of Official Records of said  
County, at page 0004, Recorder's  
Instrument No. 192598, by reason of  
a breach or default in payment or  
performance of the obligations  
secured thereby, including that  
breach or default, Notice of which  
was recorded Dec. 2, 1986, in Book  
86 12-2 of Official Records of said  
County, at page 0424, Recorder's  
Instrument No. 258116, WILL SELL  
AT PUBLIC AUCTION TO THE  
HIGHEST BIDDER FOR CASH,  
lawful money of the United States, or  
a cashier's check drawn on any  
bank, credit union, or savings and  
loan association domiciled in this  
state, all payable at the time of sale,  
all right, title and interest held by it,  
as Trustee, in that real property  
situate in said County and State,  
described as follows:

Lot 7, as shown on the "Plat of  
Randy Manor", recorded in Book 92  
of Maps, Map No. 5, records of said  
County.

Assessor's Parcel Number: 254-  
290-07

The street address or other  
common designation of the real  
property hereinabove described is  
purported to be: 2943 Lervick Road,  
Sacramento, California

The undersigned disclaims all  
liability for any incorrectness in said  
street address or other common  
designation.

America, without wa-  
or implied as to title,  
or encumbrances, a  
interest now held  
Trustee in and to  
described property  
aforesaid County and  
Lot 34, of Colo-  
according to the offi-  
fied in the office of  
Sacramento County  
April 9, 1910 in Book  
Map No. 14.

The total amount  
balance, interest the  
with reasonably es-  
expenses and advan-  
of the initial publica-  
are \$46,081.14.

Currently dated Ca-  
or Certified Checks  
Trustee or bidder a  
Trustee provided p-  
cation is available.

From information wh-  
deems reliable, but for  
makes no repre-  
warranty, the street  
other common desig-  
above described pro-  
8th Avenue, Sacram-  
95820

Said property is be-  
purpose of paying  
secured by said D-  
including fees and e-  
Trustee and of Sale.  
Dated March 13, 1987

California Recon-  
pany, as said Trustee  
Kelly, Executive V-  
9451 Corbin Avenue  
California 91328, (818)  
(R37442)  
March 24, 31,

**NOTICE OF TRUS-  
PFC NO. 8  
YOU ARE IN DEFA  
DEED OF TRUST D  
1986, UNLESS YOU  
TO PROTECT YOUR  
IT MAY BE SOLD  
SALE, IF YOU NEED  
TION OF THE NATI  
PROCEEDING AGAI  
SHOULD CONTACT**

On April 14, 1987  
Peele's Financial Corp  
appointed Trustee  
pursuant to Deed of  
May 2, 1986, as inst-  
book 86 05-2 page 0  
Records in the office  
Recorder of Sacra-  
California, WILL SELL  
AUCTION TO HIGH-  
FOR CASH, CASH  
CERTIFIED CHECK,  
DRAWN BY A CH  
SAVINGS & LOAN A  
SAVINGS ASSOC  
SAVINGS BANK, (pa-  
sale in lawful money  
States) at the lobby  
Building, 1540 River  
Sacramento, CA all  
interest conveyed to  
by it under said Deed  
property situated in s-  
State described as:

**EXHIBIT**  
All that portion of L-  
as shown on the Plat  
Tract, recorded Dece-  
in Book 3 of Maps  
records of Sacra-  
described as follows:

Beginning at a poi-  
1145 feet from the S-  
of said Lot 8 and  
Southwest corner  
parcel of land convey-  
Williams, et al, record-  
1962, in Book 43  
Records, at page 1  
being in the North E-  
road known as Leed-  
from said point of boy-  
44' 17" West 111 feet  
line of said William  
point; thence South 8  
172.45 feet to a point  
of a County Road k  
Avenue; thence So-