

First Supplement to Memorandum 87-81

Subject: Study L-1048 - Rules of Procedure in Probate

Attached to this supplement is a letter we just received concerning the *Tentative Recommendation Relating to Rules of Procedure in Probate* (July 1987). This letter will be considered along with other comments on Sections 1020 and 1021 when we review the tentative recommendation.

Respectfully submitted,

Stan G. Ulrich
Staff Counsel

CA LAW REV. COMM'N

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OCT 13 1987

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DAVID B. FLINN

October 12, 1987

California Law Revision Commission
4000 Middlefield Road, Suite D-2
Palo Alto, CA 94303-4739

Re: Tentative Recommendations re Probate Procedures

Gentlemen:

I would like to make the following comment regarding your July 1987 tentative recommendation for probate procedure rules.

Section 1020 provides that petitions, reports and accounts shall be in writing and shall be "signed by all of the petitioners." Section 1021 calls for verification by the petitioner, or any of them. While there is logic in this process when there is more than one petitioner, when there is a single petitioner it is more efficient for the attorney to sign the petition (and probably a good idea that the attorney should sign in any event). The finished documents are, in most law offices, sent to the petitioner by mail, and often are returned with only one signature rather than two.

I would propose that Section 1020 require the signatures of all persons making the report or account excepting those who might have verified the account, and providing that if all petitioners verify, the signature of an attorney is sufficient.

Sincerely,



David B. Flinn

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