

Admin.

August 23, 2018

Memorandum 2018-41

Minutes of Meeting on August 17, 2018 (Draft)

The California Law Revision Commission¹ held a meeting on August 17, 2018. A draft of Minutes for that meeting is attached for Commissioners to review.

The attached draft will be deemed final after it is approved by a vote of the Commission. When voting, the Commission may make specific changes to the Minutes. If so, those changes will be memorialized in the Minutes for the meeting at which the vote occurred.

Respectfully submitted,

Brian Hebert
Executive Director

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

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DRAFT MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION
AUGUST 17, 2018
Burbank

A meeting of the California Law Revision Commission was held in Burbank on August 17, 2018.

Commission:

Present: Thomas Hallinan, Chairperson
Victor King
Susan Duncan Lee
Olga Mack
Crystal Miller-O'Brien

Absent: Assembly Member Ed Chau
Senator Richard D. Roth
Diane F. Boyer-Vine, Legislative Counsel
Jane McAllister, Vice-Chairperson

Staff:

Present: Brian Hebert, Executive Director
Barbara Gaal, Chief Deputy Counsel
Kristin Burford, Staff Counsel

Absent: Steve Cohen, Staff Counsel

Other Persons:

Charles Martel, Judicial Council of California
Joyce Riley, Bet Tzedek

CONTENTS

Approval of Actions Taken.....	2
Minutes	2
Administrative Matters	2
Report of Executive Director	2
Commissioner Suggestions	2
Handbook of Practices and Procedures.....	2
2018 Legislative Program	3
Study G-400 — California Public Records Act Clean-Up	3
Study J-1405 — Statutes Made Obsolete by Trial Court Restructuring: Part 6	4
Study L-3032.1 — Revocable Transfer on Death Deed: Follow-Up Study	12
Study L-4130 — Disposition of Estate Without Administration	13
Study T-100 — Technical and Minor Substantive Improvements	15

1 APPROVAL OF ACTIONS TAKEN

2 Unless otherwise indicated, the Commission decisions noted in these Minutes
3 were approved by all members present at the meeting. If a member who was
4 present at the meeting voted against a particular decision, abstained from voting,
5 or was not present when the decision was made, that fact will be noted below.

6 MINUTES

7 The Commission considered Memorandum 2018-28, presenting draft Minutes
8 for the May 4, 2018 meeting.

9 The Commission approved the Minutes for the May meeting without change.

10 ADMINISTRATIVE MATTERS

11 **Report of Executive Director**

12 The Executive Director reported that the Commission has been selected for an
13 Independent Security Assessment by the California Department of Technology.
14 Because of the Commission's very small size and the fact that nearly all of its
15 information technology services are provided by the University of California, the
16 staff will attempt to obtain a waiver. If a waiver is not provided, the Commission
17 may need to request a budget change to provide funding for the cost of the
18 assessment.

19 **Commissioner Suggestions**

20 Commissioner Miller-O'Brien provided the staff with a document containing
21 Internet links to information important to newly-appointed Commissioners. The
22 staff will work that content into the information that is provided to new
23 Commissioners.

24 **Handbook of Practices and Procedures**

25 The Commission considered Memorandum 2018-29, presenting a staff draft
26 of a restated *Handbook of Practices and Procedures*. The Commission approved the
27 staff draft as final, and made the following specific decisions:

- 28 • Language will be added to the *Handbook*, in or near Section 100,
29 declaring that commissioners are state employees subject to state
30 legal and ethical requirements. The provision will refer to relevant

1 pages of the CalHR and Fair Political Practices Commission
2 websites.

- 3 • Going forward, the staff has discretion to make technical
4 corrections to the *Handbook* as needed.
- 5 • Hard copies of the restated *Handbook* will be mailed to
6 Commissioners.
- 7 • An electronic copy of the *Handbook* will be uploaded to the
8 Commission's website.

9 2018 LEGISLATIVE PROGRAM

10 The Commission considered Memorandum 2018-30, discussing the
11 Commission's 2018 Legislative Program.

12 No Commission actions were required or taken.

13 STUDY G-400 — CALIFORNIA PUBLIC RECORDS ACT CLEAN-UP

14 The Commission considered Memorandum 2018-40, presenting a cumulative
15 draft of material previously considered. The Commission approved the revisions
16 described in the memorandum (relating to timing of the proposed recodification,
17 gender neutrality, internal cross-references, and various technical points). The
18 Commission further decided to avoid the use of gendered pronouns wherever
19 possible in future work on all of its studies.

20 The Commission also considered Memorandum 2018-32, presenting a draft of
21 Chapters 2-4 of Part 5 of proposed new Division 10 of Title 1 of the Government
22 Code. Subject to the decisions described below, the Commission approved that
23 draft for purposes of a tentative recommendation.

24 **Definition of "Home Address" (Gov't Code § 6254.4(b); proposed Gov't Code §**
25 **7924.000(d))**

26 Proposed Government Code Section 7924.000 is acceptable as drafted.

27 **Definition of "Petition" (Gov't Code § 6253.5(c); proposed Gov't Code §**
28 **7924.100)**

29 Proposed Government Code Section 7924.100 is acceptable as drafted.

30 (*Chairperson Hallinan was not present for this decision.*)

31 **Definition of "Proponent of the Petition" (Gov't Code § 6253.5(d); proposed**
32 **Gov't Code § 7924.105)**

33 Proposed Government Code Section 7924.105 is acceptable as drafted.

1 **Jury Deliberation Rooms (Code Civ. Proc. § 216)**

2 Code of Civil Procedure Section 216 should be amended along the following
3 lines:

4 **§ 216 (amended). Jury deliberation rooms**

5 SEC. _____. Section 216 of the Code of Civil Procedure is
6 amended to read:

7 216. (a) At each court facility where jury cases are heard, the
8 ~~board of supervisors court~~ shall provide a deliberation room or
9 rooms for use of jurors when they have retired for deliberation. The
10 deliberation rooms shall be designed to minimize unwarranted
11 intrusions by other persons in the court facility, shall have suitable
12 furnishings, equipment, and supplies, and shall also have restroom
13 accommodations for male and female jurors.

14 ~~(b) If the board of supervisors neglects to provide the facilities~~
15 ~~required by this section, the court may order the sheriff or marshal~~
16 ~~to do so, and the expenses incurred in carrying the order into effect,~~
17 ~~when certified by the court, are a county charge.~~

18 (c) ~~(b)~~ Unless authorized by the jury commissioner, jury
19 assembly facilities shall be restricted to use by jurors and jury
20 commissioner staff.

21 **Comment.** Section 216 is amended to reflect enactment of the
22 Trial Court Funding Act of 1997 and the related Trial Court
23 Facilities Act of 2002. See Sections 77003 (“court operations”
24 defined), 77200 (state funding of trial court operations). See also
25 Sections 70311-70312 (responsibility for court operations &
26 facilities), 70391 (Judicial Council responsibility & authority for
27 court facilities).

28 **Municipal Court Facilities, Supplies, and Equipment (Gov’t Code §§ 71002,**
29 **71383)**

30 Government Code Section 71002 should be repealed:

31 **§ 71002 (repealed). Municipal court facilities, supplies, and**
32 **equipment**

33 SEC. _____. Section 71002 of the Government Code is repealed.

34 ~~71002. The board of supervisors shall provide suitable quarters~~
35 ~~for the municipal courts, including heating, lighting, and janitorial~~
36 ~~services, and shall supply them with furniture, books, and supplies~~
37 ~~necessary for carrying out their duties, including supplies and~~
38 ~~equipment for the preparation and maintenance of duplicate~~
39 ~~records of the court or a division of the court when sessions are~~
40 ~~held at more than one place.~~

41 **Comment.** Section 71002 is repealed to reflect:

42 (1) Unification of the municipal and superior courts pursuant to
43 former Article VI, Section 5(e), of the California Constitution.

1 (2) Enactment of the Trial Court Funding Act of 1997 and the
2 related Trial Court Facilities Act of 2002. See Sections 77003 (“court
3 operations” defined), 77200 (state funding of trial court operations).
4 See also Sections 70311-70312 (responsibility for court operations &
5 facilities), 70391 (Judicial Council responsibility & authority for
6 court facilities).

7 Government Code Section 71383 should also be repealed:

8 **§ 71383 (repealed). “Board of supervisors”**

9 SEC. _____. Section 71383 of the Government Code is repealed.
10 ~~71383. As used in Section 71002, “board of supervisors” means~~
11 ~~county or city and county.~~

12 **Comment.** Section 71383 is repealed to reflect the repeal of
13 Section 71002.

14 The cross-reference to that section in Penal Code Section 1463.5 needs to be fixed
15 (see Memorandum 2018-31, pp. 7-8). The staff should do further research on this
16 matter and report back to the Commission.

17 **Task Force on Court Facilities (Gov’t Code §§ 77650-77655)**

18 Government Code Sections 77650-77654, relating to the Task Force on Court
19 Facilities, should be repealed. Government Code Section 77655 should be
20 amended as follows:

21 **Gov’t Code § 77655 (amended). Inadmissibility of Task Force**
22 **findings**

23 SEC. _____. Section 77655 of the Government Code is amended to
24 read:

25 77655. Notwithstanding any other provision of law, including
26 Section 68073, the findings of the ~~task force~~ Task Force on Court
27 Facilities created by Section 28 of Chapter 850 of the Statutes of
28 1997 shall not be considered or entered into evidence in any action
29 brought by trial courts to compel a county to provide facilities that
30 the trial court contends are necessary and suitable.

31 **Comment.** Section 77655 is amended to make it read clearly as a
32 stand-alone section. This is not a substantive change.

33 **Flags for Courtrooms (Gov’t Code § 69504)**

34 Government Code Section 69504 should be amended as follows:

35 **§ 69504 (amended). Flags for courtrooms**

36 SEC. _____. Section 69504 of the Government Code is amended to
37 read:

38 69504. The ~~board of supervisors~~ superior court of each county
39 shall purchase and provide for the installation of the Flag of the

1 United States and the Bear Flag of California in each superior
2 courtroom in the county.

3 Charles Martel of the Judicial Council will give the staff some citations relating to
4 this matter. It does not appear necessary to include a Note specifically soliciting
5 comment on it.

6 **Superior Court Chambers, Rules, and Hours of Operation (Gov't Code § 24261)**

7 Government Code Section 24261 should be repealed:

8 **§ 24261 (repealed). Superior court chambers, rules, and hours of
9 operation**

10 SEC. ____ . Section 24261 of the Government Code is repealed.

11 ~~24261. The judges of the superior court shall have chambers at
12 the county seat and establish rules and hours for the dispatch of
13 official business; provided that such rules must require that the
14 courts shall be open for the transaction of judicial business on days
15 on which an election is held throughout the State where county
16 offices are open for the transaction of county business during such
17 election days pursuant to ordinance.~~

18 The tentative recommendation should include a Note soliciting comments on the
19 repeal, along the following lines:

20 **Note.** The Commission welcomes comments on any aspect of this
21 tentative recommendation, but it would especially appreciate
22 comments on whether any part of Section 24261 needs to be
23 preserved in some manner.

24 The content of Section 24261 relates to courts, which are no
25 longer county-run. If any of the content remains useful, it should be
26 placed with other material that relates to courts, not left in "Title 3.
27 Government of Counties."

28 Due to the enactment of the Trial Court Funding Act and the
29 Trial Court Facilities Act, the Commission has tentatively
30 determined that Section 24261's requirement to "have [superior
31 court] chambers at the county seat" is obsolete. See Memorandum
32 2018-31, pp. 12-13; see also Memorandum 2018-21, pp. 7-14. Given
33 the judicial branch's broad authority over court facilities (see
34 Sections 69740 and 70391), is there any reason to retain this
35 requirement relating to superior court chambers?

36 Due primarily to the enactment of Section 69740 (giving each trial
37 court broad, overriding authority to schedule court sessions), the
38 Commission has also tentatively determined that Section 24261's
39 requirements relating to hours of operation are obsolete. See
40 Memorandum 2018-31, p. 13. Is that assessment correct? Is there

1 any need to preserve Section 24261's requirement relating to
2 statewide elections? If so, should that be done in Section 69740?

3 Finally, the Commission has tentatively decided *not* to relocate
4 Section 24261's requirement that superior court judges "establish
5 rules ... for the dispatch of official business." Relocation of this
6 material does not appear necessary because Section 68070 is similar
7 in content.

8 **The Commission encourages stakeholders and other interested**
9 **persons to consider these points and share their views.**

10 **Miscellaneous Statutes That Authorize a County to Acquire or Lease Property**
11 **For, Construct, Remodel, and/or Maintain a Court Facility (Gov't Code**
12 **§§ 25351, 25351.3, 50531)**

13 Government Code Sections 25351 and 50531 do not appear to require any
14 revisions to reflect trial court restructuring. They should not be included in the
15 tentative recommendation.

16 Government Code Section 25351.3 should be amended along the following
17 lines:

18 **§ 25351.3 (amended). Acquisition, rental, improvement,**
19 **furnishing, and repair of real property and facilities**

20 SEC. _____. Section 25351.3 of the Government Code is amended
21 to read:

22 25351.3. In addition to its other powers and duties, the board of
23 supervisors may do any or all of the following:

24 (a) Acquire land for and construct, lease, sublease, build,
25 furnish, refurnish, or repair buildings for ~~municipal~~ or superior
26 courts and for convention and exhibition halls, trade and industrial
27 centers, auditoriums, opera houses, music halls and centers, motion
28 picture and television museums, and related facilities used for
29 public assembly purposes for the use, benefit and enjoyment of the
30 public, including offstreet parking places for motor vehicles, ways
31 of ingress and egress, and any other facilities and improvements
32 necessary or convenient for their use.

33 (b) Acquire land and construct buildings, structures and
34 facilities thereon, in whole or in part, with county funds or it may,
35 by contract or lease with any nonprofit association or corporation,
36 provide for the acquisition of land or the construction of buildings,
37 structures and facilities, or all or any part thereof, for public
38 assembly purposes, upon the terms the board may determine.

39 (c) Lease, pursuant to Section 25371, any real property owned
40 by the county and available for public assembly purposes to any
41 person, firm, corporation, or nonprofit association or corporation
42 for public assembly purposes, with the person, firm, corporation, or
43 nonprofit association or corporation to lease the real property, as
44 improved, back to the county for use for the purposes stated in the

1 lease. Any lease authorized by the board under this subdivision,
2 except leases for ~~municipal~~ or superior courts, which may be
3 entered into without advertising for bids, shall be awarded to the
4 lowest responsible bidder after public competitive bidding
5 conducted in the manner determined by the board. Notice inviting
6 bids shall be published pursuant to Section 6066 in a newspaper as
7 the board may direct.

8 (d) Enter into a lease or sublease, without advertising for bids
9 therefor, of buildings, structures, and facilities or any of them with
10 any nonprofit association or corporation which agrees to use the
11 buildings, structures, and facilities so leased to it for the public
12 assembly purposes for which they were or are to be built; or
13 contract, without advertising, for bids with any nonprofit
14 association or corporation for the maintenance, operation, and
15 management of the buildings, structures, and facilities, or any part
16 thereof used for public assembly purposes, including the
17 scheduling and promotion of events therein, for a specified term,
18 not to exceed 40 years, upon terms and conditions as may be
19 agreed upon. The leases, subleases, or contracts shall provide that,
20 at least annually, there shall be paid to the county the net revenue,
21 if any, from the operation and use of the facilities, remaining after
22 the payment of expenses and costs, if any, for maintenance,
23 operation or management, interest, and principal payments upon
24 loans to the nonprofit corporation or association for purposes of
25 maintenance, operation, or management, and any other expenses,
26 and after providing maintenance and operation reserves. The lease,
27 sublease, or contract shall also provide that, upon its expiration, all
28 of the assets of the nonprofit association or corporation after
29 payment or discharge of its indebtedness and liabilities shall be
30 transferred to the county.

31 (e) If the county has a population in excess of 4,000,000, without
32 advertising for bids therefor, grant any real property owned by the
33 county, or lease, for a term not to exceed 99 years, any real property
34 owned by the county, to any city, district, or other public entity for
35 any of the above public assembly purposes, without consideration,
36 except the agreement of the grantee or lessee to use the real
37 property for the public assembly purposes specified, and upon
38 terms and conditions which may be agreed upon by the board and
39 the grantee or lessee.

40 The amendment to this section enacted by Chapter 755 of the
41 Statutes of 1963 shall not be construed to ~~affect or modify the have~~
42 affected or modified the then-existing duty of any county or board
43 of supervisors to provide adequate quarters for courts but is courts.
44 That amendment was intended to provide an alternative method of
45 financing the acquisition of property and buildings for use for
46 courthouse purposes.

1 The tentative recommendation should include a Note soliciting comments on this
2 provision, as follows:

3 **Note.** Section 25351.3(c) permits a board of supervisors to enter
4 into certain types of leases. Any lease so authorized shall be
5 awarded to the lowest responsible bidder after public competitive
6 bidding, *except* a lease for a trial court, “which may be entered into
7 without advertising for bids” Is this exception from the public
8 competitive bidding process obsolete? If so, why?

9 **The Commission welcomes comments on any aspect of this**
10 **tentative recommendation, but it would especially appreciate**
11 **comments on this matter.**

12 **Authority to Dedicate Unused Parkland for a Court Facility (Gov’t Code §**
13 **25560.4)**

14 Government Code Section 25560.4 should be amended along the following
15 lines:

16 **§ 25560.4 (amended). Dedication of unused parkland for court**
17 **facility**

18 SEC. _____. Section 25560.4 of the Government Code is amended
19 to read:

20 25560.4. The board of supervisors of any county may, by a four-
21 fifths vote of the members, use or dedicate any portion of any land
22 acquired by the county by means of special assessment proceedings
23 for park purposes, for the erection and maintenance of one or more
24 buildings to house ~~any municipal~~ or a superior court, or one or
25 more departments or divisions of ~~any one or more of such courts~~
26 thereof, if the portion of the land to be so used or dedicated has not
27 been used by the public for park purposes for a period of more
28 than 10 years.

29 **Comment.** Section 25560.4 is amended to reflect unification of
30 the municipal and superior courts pursuant to former Article VI,
31 Section 5(e), of the California Constitution.

32 The tentative recommendation should include a Note soliciting comments on this
33 amendment, as follows:

34 **Note.** In specified circumstances, Section 25560.4 authorizes a
35 county to dedicate unused parkland “for the erection and
36 maintenance of one or more buildings to house any ... superior
37 court, or one or more departments or divisions” of such a court.
38 Counties are no longer responsible for providing court facilities, so
39 this grant of authority might not be used much in the future. See
40 Sections 70311-70312 (responsibility for court operations &

1 facilities), 70391 (Judicial Council responsibility & authority for
2 court facilities).

3 Should Section 25560.4 be repealed instead of amended as shown
4 above? Are there circumstances in which it would remain useful?

5 **The Commission welcomes comments on any aspect of this**
6 **tentative recommendation, but it would especially appreciate**
7 **comments on this matter.**

8 *(Commissioner Miller-O'Brien was not present for these decisions.)*

9 **County Penalties (Gov't Code §§ 76000-76252)**

10 *Government Code Section 76000*

11 Government Code Section 76000 should be amended as shown on pages 28-
12 30 of Memorandum 2018-31. The tentative recommendation should include a
13 Note soliciting comments on the amendment, along the following lines:

14 **Note.** The above amendment would just correct an erroneous
15 cross-reference. Are any further revisions of Section 76000 in order
16 to reflect trial court restructuring? In particular, should the table in
17 subdivision (e) be updated, and, if so, how? For discussion of this
18 matter, see Memorandum 2018-31, pp. 27-28; First Supplement to
19 Memorandum 2018-31, pp. 2-5.

20 **The Commission welcomes comments on any aspect of this**
21 **tentative recommendation, but it would especially appreciate**
22 **comments on this matter.**

23 *(Commissioner Miller-O'Brien abstained from these decisions.)*

24 *Government Code Sections 76100 and 76101*

25 At present, Government Code Sections 76100 and 76101 do not appear to
26 require any revisions to reflect trial court restructuring. They should not be
27 included in the tentative recommendation.

28 *Government Code Section 76106*

29 The tentative recommendation should solicit comments on Government Code
30 Section 76106 as discussed at pages 7-8 of the First Supplement to Memorandum
31 2018-31.

32 *(Commissioner Mack was not present for this decision.)*

1 *Government Code Section 76110*

2 The tentative recommendation should solicit comments on Government Code
3 Section 76110 as discussed at pages 8-10 of the First Supplement to
4 Memorandum 2018-31.

5 *(Commissioner Mack was not present for this decision.)*

6 STUDY L-3032.1 — REVOCABLE TRANSFER ON DEATH DEED: FOLLOW-UP STUDY

7 The Commission considered Memorandum 2018-33 and its First Supplement,
8 discussing the Revocable Transfer on Death Deed (“RTODD”).

9 The Commission’s decisions are described below.

10 **Disclaimer**

11 The staff indicated that future memoranda in this study will begin with a
12 disclaimer making clear that the Commission’s analysis of specific issues does
13 not indicate that the Commission has made any decision on whether the RTODD
14 should be repealed by operation of its sunset provision. The Commission
15 concurred.

16 **Residential Property Limitation**

17 The RTODD statute should continue to limit the property that can be
18 transferred by RTODD to residential property. However, the provision that
19 establishes the limitation (Probate Code Section 5610) needs to be revised to
20 address the following technical problems:

- 21 • Terminology should be standardized and, to the extent practicable,
22 refer to facts that are determinable from public records.
- 23 • The rule in Section 5610(a) needs to be revised so that it does not
24 undermine the rules in Section 5610(b) and (c).
- 25 • As a general matter, the law should permit the RTODD to transfer
26 any residential interest in a common interest development, and not
27 just a condominium unit.
- 28 • However, the staff should investigate whether there are good
29 reasons to exclude some kinds of interests in a common interest
30 development (e.g., transfer of a unit in a stock cooperative that
31 requires board approval of any conveyance, transfer to a person
32 who would not be permitted to occupy the unit under an age
33 restriction).
- 34 • The residential property limitation should be evaluated at the time
35 of execution of an RTODD, not the time of its operation.

1 *(Commissioner Mack was not present when these decisions were made.)*

2 **Legal Entities as Beneficiaries**

3 The Commission directed the staff to contact stakeholders and request
4 comment on whether the law should permit a legal entity to be named as
5 beneficiary. The request should specifically request comment on the following
6 issues:

- 7 • Are there problems associated with naming the trustee of a
8 revocable inter vivos trust as beneficiary? The trustee of an
9 irrevocable trust?
- 10 • If a legal entity is named as beneficiary and that entity cannot or
11 does not wish to accept the property, existing law permits the
12 beneficiary to disclaim the gift. Is there any reason that would not
13 be a sufficient resolution of the matter?
- 14 • Are there legal restrictions on a public entity's ability to accept a
15 donative transfer of real property? Chairperson Hallinan and
16 Commissioner King may be able to provide information on this
17 point.

18 **Property Return Provision (Probate Code Section 5676)**

19 The Commission will tentatively recommend the repeal of Probate Code
20 Section 5676 and specifically request public comment on the merits of that
21 reform.

22 **STUDY L-4130 — DISPOSITION OF ESTATE WITHOUT ADMINISTRATION**

23 The Commission considered three memoranda discussing various aspects of
24 certain Probate Code Procedures that permit the disposition of a decedent's
25 estate without administration ("probate avoidance procedures").

26 **Interest Rate**

27 The Commission considered Memorandum 2018-34, presenting a draft final
28 recommendation on changes to the interest that is charged under certain parts of
29 the probate avoidance procedures.

30 The Commission approved the draft, with the footnote change proposed on
31 page 2 of the memorandum, as a final recommendation.

1 **Dollar Amounts**

2 The Commission considered Memorandum 2018-36, presenting a draft final
3 recommendation on adjusting the dollar amounts that prescribe the application
4 of certain probate avoidance procedures.

5 The Commission approved the draft as a final recommendation subject to the
6 following decisions:

- 7 • Proposed Probate Code Section 890 was revised, as described on
8 page 2 of the memorandum.
- 9 • No change was made to the cross-reference in Probate Code
10 Section 13602, as proposed on page 3 of the memorandum.
- 11 • The staff will adjust the dollar amounts to reflect cost-of-living
12 changes through 2018, as described on page 3 of the
13 memorandum.

14 **Property Return Provisions**

15 The Commission considered Memorandum 2018-37, discussing the creditor
16 claim processes used in certain probate avoidance procedures. Under those
17 procedures, a personal representative can require property transferred without
18 administration to be returned to the estate for payment of creditor claims or
19 satisfaction of a superior claim. The memorandum discussed the reimbursement
20 of a property recipient for value that the recipient added to the decedent's estate,
21 prior to property being returned to the estate under Probate Code Sections 13111,
22 13206, and 13562.

23 The Commission made the following decisions about those provisions:

- 24 • The estate should reimburse a recipient of property that is
25 returned to the estate if the recipient made any contribution
26 toward the value of the property and that value accrued to the
27 estate. The staff will develop draft language to implement this
28 principle.
- 29 • The recipient should be reimbursed for any amount that the
30 recipient paid toward a decedent debt that was secured against the
31 property when the transferor died. That rule should apply
32 regardless of whether the recipient improved the property before
33 it was returned to the estate.
- 34 • Funds that are required to be reimbursed should not be considered
35 part of the decedent's estate and should not be used by the estate
36 to pay any of the decedent's other obligations.

1 STUDY T-100 — TECHNICAL AND MINOR SUBSTANTIVE IMPROVEMENTS

2 The Commission considered Memorandum 2018-35, discussing technical
3 corrections to Health and Safety Code Section 131052.

4 The Commission directed the staff to prepare a staff draft tentative
5 recommendation based on the language presented in the memorandum.

APPROVED AS SUBMITTED _____ Date

APPROVED AS CORRECTED _____ Chairperson

(for corrections, see Minutes of next meeting) _____ Executive Director