

AMENDED IN ASSEMBLY AUGUST 12, 2010

AMENDED IN ASSEMBLY JUNE 17, 2010

AMENDED IN ASSEMBLY MAY 20, 2010

AMENDED IN ASSEMBLY JULY 1, 2009

AMENDED IN ASSEMBLY JUNE 15, 2009

AMENDED IN SENATE MAY 14, 2009

AMENDED IN SENATE MAY 5, 2009

AMENDED IN SENATE APRIL 22, 2009

**SENATE BILL**

**No. 202**

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**Introduced by Senator Harman**

February 23, 2009

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An act to amend Sections 15408, 16061, 16061.5, 16061.7, 16061.8, 16064, 16336.4, and 17200 of, and to add Sections 16060.7, 16068, and 16069 to, the Probate Code, relating to probate.

LEGISLATIVE COUNSEL'S DIGEST

SB 202, as amended, Harman. Trustees: duties.

(1) Existing law regulates the administration of trusts by trustees on behalf of beneficiaries. Existing law provides that, if the principal of a trust does not exceed \$20,000 in value, the trustee has the power to terminate the trust.

This bill would provide, instead, that a trustee has the power to terminate a trust if the principal does not exceed \$40,000 in value.

(2) Existing law provides that the trustee shall provide the beneficiary, upon reasonable request, information about the assets, liabilities, receipts

and disbursements of the trust, acts of the trustee, and the administration of the trust relevant to the beneficiary's interest. Existing law also allows the trust instrument to waive the report, as provided.

This bill would instead provide that on reasonable request the trustee shall report to the beneficiary information relating to the administration of the trust, and on request of the beneficiary the trustee shall provide the terms of the trust, unless it is during the period when a revocable trust can be revoked, as provided, or if the beneficiary and the trustee are the same person. This bill would allow a beneficiary or trustee to petition the court to determine the existence of a trust if a trustee has failed to report the requested information within 60 days after written request. This bill would also require a court to compel the trustee to account, regardless of waiver by a beneficiary, upon a showing that it is reasonably likely that a material breach of the trust has occurred and would provide when a waiver is void as against public policy. *The bill would permit the court, on its own motion, to set and give notice of an order to show cause why a trustee who is a professional fiduciary, as provided, should not be removed for failing to hold a valid, unexpired, unsuspended license.*

(3) Existing law requires, when a revocable trust or any portion of a revocable trust becomes irrevocable, as provided, the trustee to provide a copy of the trust to any beneficiary who requests it and to any heir of a deceased settlor who requests it. Existing law also requires a trustee to serve a notification, as provided, to specified persons including each beneficiary of an irrevocable trust, each heir of the deceased settlor, and to the Attorney General if the trust is a charitable trust.

This bill would revise and recast these provisions to require the trustee to provide a true and complete copy of the terms of an irrevocable trust, or the irrevocable portion of the trust, to any beneficiary or heir of a deceased settlor who requests it, as provided, including when the power of appointment is effective or lapses upon the death of a settlor, *except as provided*, to any beneficiary whenever there is a change of trustee of an irrevocable trust, and if the trust is a charitable trust subject to the supervision of the Attorney General, to the Attorney General, as provided. This bill would also specify that the duty to serve the notification by the trustee is the duty of the continuing or successor trustee.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 15408 of the Probate Code is amended  
2 to read:

3 15408. (a) On petition by a trustee or beneficiary, if the court  
4 determines that the fair market value of the principal of a trust has  
5 become so low in relation to the cost of administration that  
6 continuation of the trust under its existing terms will defeat or  
7 substantially impair the accomplishment of its purposes, the court  
8 may, in its discretion and in a manner that conforms as nearly as  
9 possible to the intention of the settlor, order any of the following:

- 10 (1) Termination of the trust.
- 11 (2) Modification of the trust.
- 12 (3) Appointment of a new trustee.

13 (b) Notwithstanding subdivision (a), if the trust principal does  
14 not exceed forty thousand dollars (\$40,000) in value, the trustee  
15 has the power to terminate the trust.

16 (c) The existence of a trust provision restraining transfer of the  
17 beneficiary's interest does not prevent application of this section.

18 SEC. 2. Section 16060.7 is added to the Probate Code, to read:

19 16060.7. On the request of a beneficiary, the trustee shall  
20 provide the terms of the trust to the beneficiary unless the trustee  
21 is not required to provide the terms of the trust to the beneficiary  
22 in accordance with Section 16069.

23 SEC. 3. Section 16061 of the Probate Code is amended to read:

24 16061. Except as provided in Section 16069, on reasonable  
25 request by a beneficiary, the trustee shall report to the beneficiary  
26 by providing requested information to the beneficiary relating to  
27 the administration of the trust relevant to the beneficiary's interest.

28 SEC. 4. Section 16061.5 of the Probate Code is amended to  
29 read:

30 16061.5. (a) A trustee shall provide a true and complete copy  
31 of the terms of the irrevocable trust, or irrevocable portion of the  
32 trust, to each of the following:

- 33 (1) Any beneficiary of the trust who requests it, and to any heir  
34 of a deceased settlor who requests it, when a revocable trust or  
35 any portion of a revocable trust becomes irrevocable because of  
36 the death of one or more of the settlors of the trust, when a power  
37 of appointment is effective or lapses upon the death of a settlor  
38 under the circumstances described in paragraph (3) of subdivision

1 (a) of Section 16061.7, or because, by the express terms of the  
2 trust, the trust becomes irrevocable within one year of the death  
3 of a settlor because of a contingency related to the death of one or  
4 more of the settlors of the trust.

5 (2) Any beneficiary of the trust who requests it, whenever there  
6 is a change of trustee of an irrevocable trust.

7 (3) If the trust is a charitable trust subject to the supervision of  
8 the Attorney General, to the Attorney General, if requested, when  
9 a revocable trust or any portion of a revocable trust becomes  
10 irrevocable because of the death of one or more of the settlors of  
11 the trust, when a power of appointment is effective or lapses upon  
12 the death of a settlor under the circumstances described in  
13 paragraph (3) of subdivision (a) of Section 16061.7, or because,  
14 by the express terms of the trust, the trust becomes irrevocable  
15 within one year of the death of a settlor because of a contingency  
16 related to the death of one or more of the settlors of the trust, and  
17 whenever there is a change of trustee of an irrevocable trust.

18 (b) The trustee shall, for purposes of this section, rely upon any  
19 final judicial determination of heirship. However, the trustee shall  
20 have discretion to make a good faith determination by any  
21 reasonable means of the heirs of a deceased settlor in the absence  
22 of a final judicial determination of heirship known to the trustee.

23 SEC. 5. Section 16061.7 of the Probate Code is amended to  
24 read:

25 16061.7. (a) A trustee shall serve a notification by the trustee  
26 as described in this section in the following events:

27 (1) When a revocable trust or any portion thereof becomes  
28 irrevocable because of the death of one or more of the settlors of  
29 the trust, or because, by the express terms of the trust, the trust  
30 becomes irrevocable within one year of the death of a settlor  
31 because of a contingency related to the death of one or more of  
32 the settlors of the trust.

33 (2) Whenever there is a change of trustee of an irrevocable trust.

34 (3) Whenever a power of appointment retained by a settlor is  
35 effective or lapses upon death of the settlor with respect to an inter  
36 vivos trust which was, or was purported to be, irrevocable upon  
37 its creation. *This paragraph shall not apply to a charitable*  
38 *remainder trust. For purposes of this paragraph, “charitable*  
39 *remainder trust” means a charitable remainder annuity trust or*

1 *charitable remainder unitrust as defined in Section 664(d) of the*  
2 *Internal Revenue Code.*

3 (4) The duty to serve the notification by the trustee pursuant to  
4 this subdivision is the duty of the continuing or successor trustee,  
5 and any one cotrustee may serve the notification.

6 (b) The notification by the trustee required by subdivision (a)  
7 shall be served on each of the following:

8 (1) Each beneficiary of the irrevocable trust or irrevocable  
9 portion of the trust, subject to the limitations of Section 15804.

10 (2) Each heir of the deceased settlor, if the event that requires  
11 notification is the death of a settlor or irrevocability within one  
12 year of the death of the settlor of the trust by the express terms of  
13 the trust because of a contingency related to the death of a settlor.

14 (3) If the trust is a charitable trust subject to the supervision of  
15 the Attorney General, to the Attorney General.

16 (c) A trustee shall, for purposes of this section, rely upon any  
17 final judicial determination of heirship, known to the trustee, but  
18 the trustee shall have discretion to make a good faith determination  
19 by any reasonable means of the heirs of a deceased settlor in the  
20 absence of a final judicial determination of heirship known to the  
21 trustee.

22 (d) The trustee need not provide a copy of the notification by  
23 trustee to any beneficiary or heir (1) known to the trustee but who  
24 cannot be located by the trustee after reasonable diligence or (2)  
25 unknown to the trustee.

26 (e) The notification by trustee shall be served by mail to the last  
27 known address, pursuant to Section 1215, or by personal delivery.

28 (f) The notification by trustee shall be served not later than 60  
29 days following the occurrence of the event requiring service of the  
30 notification by trustee, or 60 days after the trustee became aware  
31 of the existence of a person entitled to receive notification by  
32 trustee, if that person was not known to the trustee on the  
33 occurrence of the event requiring service of the notification. If  
34 there is a vacancy in the office of the trustee on the date of the  
35 occurrence of the event requiring service of the notification by  
36 trustee, or if that event causes a vacancy, then the 60-day period  
37 for service of the notification by trustee commences on the date  
38 the new trustee commences to serve as trustee.

39 (g) The notification by trustee shall contain the following  
40 information:

1 (1) The identity of the settlor or settlors of the trust and the date  
2 of execution of the trust instrument.

3 (2) The name, mailing address and telephone number of each  
4 trustee of the trust.

5 (3) The address of the physical location where the principal  
6 place of administration of the trust is located, pursuant to Section  
7 17002.

8 (4) Any additional information that may be expressly required  
9 by the terms of the trust instrument.

10 (5) A notification that the recipient is entitled, upon reasonable  
11 request to the trustee, to receive from the trustee a true and  
12 complete copy of the terms of the trust.

13 (h) If the notification by the trustee is served because a revocable  
14 trust or any portion of it has become irrevocable because of the  
15 death of one or more settlors of the trust, or because, by the express  
16 terms of the trust, the trust becomes irrevocable within one year  
17 of the death of a settlor because of a contingency related to the  
18 death of one or more of the settlors of the trust, the notification by  
19 the trustee shall also include a warning, set out in a separate  
20 paragraph in not less than 10-point boldface type, or a reasonable  
21 equivalent thereof, that states as follows:

22 “You may not bring an action to contest the trust more than 120  
23 days from the date this notification by the trustee is served upon  
24 you or 60 days from the date on which a copy of the terms of the  
25 trust is mailed or personally delivered to you during that 120-day  
26 period, whichever is later.”

27 (i) Any waiver by a settlor of the requirement of serving the  
28 notification by trustee required by this section is against public  
29 policy and shall be void.

30 (j) A trustee may serve a notification by trustee in the form  
31 required by this section on any person in addition to those on whom  
32 the notification by trustee is required to be served. A trustee is not  
33 liable to any person for serving or for not serving the notice on  
34 any person in addition to those on whom the notice is required to  
35 be served. A trustee is not required to serve a notification by trustee  
36 if the event that otherwise requires service of the notification by  
37 trustee occurs before January 1, 1998.

38 SEC. 6. Section 16061.8 of the Probate Code is amended to  
39 read:

1 16061.8. No person upon whom the notification by the trustee  
2 is served pursuant to this chapter, whether the notice is served on  
3 him or her within or after the time period set forth in subdivision  
4 (f) of Section 16061.7, may bring an action to contest the trust  
5 more than 120 days from the date the notification by the trustee is  
6 served upon him or her, or 60 days from the day on which a copy  
7 of the terms of the trust is mailed or personally delivered to him  
8 or her during that 120-day period, whichever is later.

9 SEC. 7. Section 16064 of the Probate Code is amended to read:

10 16064. The trustee is not required to account to a beneficiary  
11 as described in subdivision (a) of Section 16062, in any of the  
12 following circumstances:

13 (a) To the extent the trust instrument waives the account, except  
14 that no waiver described in subdivision (e) of Section 16062 shall  
15 be valid or enforceable. Regardless of a waiver of accounting in  
16 the trust instrument, upon a showing that it is reasonably likely  
17 that a material breach of the trust has occurred, the court may  
18 compel the trustee to account.

19 (b) As to a beneficiary who has waived in writing the right to  
20 an account. A waiver of rights under this subdivision may be  
21 withdrawn in writing at any time as to accounts for transactions  
22 occurring after the date of the written withdrawal. Regardless of  
23 a waiver of accounting by a beneficiary, upon a showing that is  
24 reasonably likely that a material breach of the trust has occurred,  
25 the court may compel the trustee to account.

26 (c) In any of the circumstances set forth in Section 16069.

27 SEC. 8. Section 16068 is added to the Probate Code, to read:

28 16068. Any waiver by a settlor of the obligation of the trustee  
29 of either of the following is against public policy and shall be void:

30 (a) To provide the terms of the trust to the beneficiary as  
31 required by Sections 16060.7 and 16061.5.

32 (b) To provide requested information to the beneficiary as  
33 required by Section 16061.

34 SEC. 9. Section 16069 is added to the Probate Code, to read:

35 16069. The trustee is not required to account to the beneficiary,  
36 provide the terms of the trust to a beneficiary, or provide requested  
37 information to the beneficiary pursuant to Section 16061, in any  
38 of the following circumstances:

39 (a) In the case of a beneficiary of a revocable trust, as provided  
40 in Section 15800, for the period when the trust may be revoked.

1 (b) If the beneficiary and the trustee are the same person.

2 SEC. 10. Section 16336.4 of the Probate Code is amended to  
3 read:

4 16336.4. (a) Unless expressly prohibited by the governing  
5 instrument, a trustee may convert a trust into a unitrust, as  
6 described in this section. A trust that limits the power of the trustee  
7 to make an adjustment between principal and income or modify  
8 the trust does not affect the application of this section unless it is  
9 clear from the governing instrument that it is intended to deny the  
10 trustee the power to convert into a unitrust.

11 (b) The trustee may convert a trust into a unitrust without a court  
12 order if all of the following apply:

13 (1) The conditions set forth in subdivision (a) of Section 16336  
14 are satisfied.

15 (2) The unitrust proposed by the trustee conforms to the  
16 provisions of paragraphs (1) to (8), inclusive, of subdivision (e).

17 (3) The trustee gives written notice of the trustee's intention to  
18 convert the trust into a unitrust and furnishes the information  
19 required by subdivision (c). The notice shall comply with the  
20 requirements of Chapter 5 (commencing with Section 16500),  
21 including notice to a beneficiary who is a minor and to the minor's  
22 guardian, if any.

23 (4) No beneficiary objects to the proposed action in a writing  
24 delivered to the trustee within the period prescribed by subdivision  
25 (d) of Section 16502 or a longer period as is specified in the notice  
26 described in subdivision (c).

27 (c) The notice described in paragraph (3) of subdivision (b)  
28 shall include a copy of Sections 16336.4 to 16336.7, inclusive,  
29 and all of the following additional information:

30 (1) A statement that the trust shall be administered in accordance  
31 with the provisions of subdivision (e) and the effective date of the  
32 conversion.

33 (2) A description of the method to be used for determining the  
34 fair market value of trust assets.

35 (3) The amount actually distributed to the income beneficiary  
36 during the previous accounting year of the trust.

37 (4) The amount that would have been distributed to the income  
38 beneficiary during the previous accounting year of the trust had  
39 the trustee's proposed changes been in effect during that entire  
40 year.



1 (5) The discretionary decisions the trustee proposes to make  
2 as of the conversion date pursuant to subdivision (f).

3 (d) In deciding whether to exercise the power conferred by this  
4 section, a trustee may consider, among other things, the factors  
5 set forth in subdivision (g) of Section 16336.

6 (e) Except to the extent that the court orders otherwise or the  
7 parties agree otherwise pursuant to Section 16336.5 after a trust  
8 is converted to a unitrust, all of the following shall apply:

9 (1) The trustee shall make regular distributions in accordance  
10 with the governing instrument construed in accordance with the  
11 provisions of this section.

12 (2) The term “income” in the governing instrument shall mean  
13 an annual distribution, the unitrust amount, equal to 4 percent,  
14 which is the payout percentage, of the net fair market value of the  
15 trust’s assets, whether those assets would be considered income  
16 or principal under other provisions of this chapter, averaged over  
17 the lesser of the following:

18 (A) The three preceding years.

19 (B) The period during which the trust has been in existence.

20 (3) During each accounting year of the trust following its  
21 conversion into a unitrust, the trustee shall, as early in the year as  
22 is practicable, furnish each income beneficiary with a statement  
23 describing the computation of the unitrust amount for that  
24 accounting year.

25 (4) The trustee shall determine the net fair market value of each  
26 asset held in the trust no less often than annually. However, the  
27 following property shall not be included in determining the unitrust  
28 amount:

29 (A) Any residential property or any tangible personal property  
30 that, as of the first business day of the current accounting year,  
31 one or more current beneficiaries of the trust have or have had the  
32 right to occupy, or have or have had the right to possess or control,  
33 other than in his or her capacity as trustee of the trust, which  
34 property shall be administered according to other provisions of  
35 this chapter as though no conversion to a unitrust had occurred.

36 (B) Any asset specifically devised to a beneficiary to the extent  
37 necessary, in the trustee’s reasonable judgment, to avoid a material  
38 risk of exhausting other trust assets prior to termination of the trust.  
39 All net income generated by a specifically devised asset excluded  
40 from the unitrust computation pursuant to this subdivision shall

1 be accumulated or distributed by the trustee according to the rules  
2 otherwise applicable to that net income pursuant to other provisions  
3 of this chapter.

4 (C) Any asset while held in a testator's estate or a terminating  
5 trust.

6 (5) The unitrust amount, as otherwise computed pursuant to this  
7 subdivision, shall be reduced proportionately for any material  
8 distribution made to accomplish a partial termination of the trust  
9 required by the governing instrument or made as a result of the  
10 exercise of a power of appointment or withdrawal, other than  
11 distributions of the unitrust amount, and shall be increased  
12 proportionately for the receipt of any material addition to the trust,  
13 other than a receipt that represents a return on investment, during  
14 the period considered in paragraph (2) in computing the unitrust  
15 amount. For the purpose of this paragraph, a distribution or an  
16 addition shall be "material" if the net value of the distribution or  
17 addition, when combined with all prior distributions made or  
18 additions received during the same accounting year, exceeds 10  
19 percent of the value of the assets used to compute the unitrust  
20 amount as of the most recent prior valuation date. The trustee may,  
21 in the reasonable exercise of his or her discretion, adjust the unitrust  
22 amount pursuant to this subdivision even if the distributions or  
23 additions are not sufficient to meet the definition of materiality set  
24 forth in the preceding sentence.

25 (6) In the case of a short year in which a beneficiary's right to  
26 payments commences or ceases, the trustee shall prorate the  
27 unitrust amount on a daily basis.

28 (7) Unless otherwise provided by the governing instrument or  
29 determined by the trustee, the unitrust amount shall be considered  
30 paid in the following order from the following sources:

31 (A) From the net taxable income, other than capital gains,  
32 determined as if the trust were other than a unitrust.

33 (B) From net realized short-term capital gains.

34 (C) From net realized long-term capital gains.

35 (D) From tax-exempt and other income.

36 (E) From principal of the trust.

37 (8) Expenses that would be deducted from income if the trust  
38 were not a unitrust may not be deducted from the unitrust amount.

1 (f) The trustee shall determine, in the trustee’s discretion, all of  
2 the following matters relating to administration of a unitrust created  
3 pursuant to this section:

4 (1) The effective date of a conversion to a unitrust.

5 (2) The frequency of payments in satisfaction of the unitrust  
6 amount.

7 (3) Whether to value the trust’s assets annually or more  
8 frequently.

9 (4) What valuation dates to use.

10 (5) How to value nonliquid assets.

11 (6) The characterization of the unitrust payout for income tax  
12 reporting purposes. However, the trustee’s characterization shall  
13 be consistent.

14 (7) Any other matters that the trustee deems appropriate for the  
15 proper functioning of the unitrust.

16 (g) A conversion into a unitrust does not affect a provision in  
17 the governing instrument directing or authorizing the trustee to  
18 distribute principal or authorizing the exercise of a power of  
19 appointment over or withdrawal of all or a portion of the principal.

20 (h) A trustee may not convert a trust into a unitrust in any of  
21 the following circumstances:

22 (1) If payment of the unitrust amount would change the amount  
23 payable to a beneficiary as a fixed annuity or a fixed fraction of  
24 the value of the trust assets.

25 (2) If the unitrust distribution would be made from any amount  
26 that is permanently set aside for charitable purposes under the  
27 governing instrument and for which a federal estate or gift tax  
28 deduction has been taken, unless both income and principal are  
29 set aside.

30 (3) If possessing or exercising the power to convert would cause  
31 an individual to be treated as the owner of all or part of the trust  
32 for federal income tax purposes, and the individual would not be  
33 treated as the owner if the trustee did not possess the power to  
34 convert.

35 (4) If possessing or exercising the power to convert would cause  
36 all or part of the trust assets to be subject to federal estate or gift  
37 tax with respect to an individual, and the assets would not be  
38 subject to federal estate or gift tax with respect to the individual  
39 if the trustee did not possess the power to convert.

1 (5) If the conversion would result in the disallowance of a  
2 federal estate tax or gift tax marital deduction that would be  
3 allowed if the trustee did not have the power to convert.

4 (i) If paragraph (3) or (4) of subdivision (h) applies to a trustee  
5 and there is more than one trustee, a cotrustee to whom the  
6 provision does not apply may convert the trust unless the exercise  
7 of the power by the remaining trustee or trustees is prohibited by  
8 the governing instrument. If paragraph (3) or (4) of subdivision  
9 (h) applies to all of the trustees, the court may order the conversion  
10 as provided in subdivision (b) of Section 16336.5.

11 (j) (1) A trustee may release the power conferred by this section  
12 to convert to a unitrust if either of the following circumstances  
13 exist:

14 (A) The trustee is uncertain about whether possessing or  
15 experiencing the power will cause a result described in paragraph  
16 (3), (4), or (5) of subdivision (h).

17 (B) The trustee determines that possessing or exercising the  
18 power will or may deprive the trust of a tax benefit or impose a  
19 tax burden not described in subdivision (h).

20 (2) A release pursuant to paragraph (1) may be permanent or  
21 for a specified period, including a period measured by the life of  
22 an individual.

23 SEC. 11. Section 17200 of the Probate Code is amended to  
24 read:

25 17200. (a) Except as provided in Section 15800, a trustee or  
26 beneficiary of a trust may petition the court under this chapter  
27 concerning the internal affairs of the trust or to determine the  
28 existence of the trust.

29 (b) Proceedings concerning the internal affairs of a trust include,  
30 but are not limited to, proceedings for any of the following  
31 purposes:

32 (1) Determining questions of construction of a trust instrument.

33 (2) Determining the existence or nonexistence of any immunity,  
34 power, privilege, duty, or right.

35 (3) Determining the validity of a trust provision.

36 (4) Ascertaining beneficiaries and determining to whom property  
37 shall pass or be delivered upon final or partial termination of the  
38 trust, to the extent the determination is not made by the trust  
39 instrument.

- 1 (5) Settling the accounts and passing upon the acts of the trustee,  
2 including the exercise of discretionary powers.
- 3 (6) Instructing the trustee.
- 4 (7) Compelling the trustee to do any of the following:
  - 5 (A) Provide a copy of the terms of the trust.
  - 6 (B) ~~Report~~ *Provide* information about the trust under Section  
7 16061 if the trustee has failed to ~~report~~ *provide* the requested  
8 information within 60 days after ~~written request of the beneficiary~~  
9 *the beneficiary's reasonable written request*, and the beneficiary  
10 has not received the requested information from the trustee within  
11 the six months preceding the request.
  - 12 (C) Account to the beneficiary, subject to the provisions of  
13 Section 16064, if the trustee has failed to submit a requested  
14 account within 60 days after written request of the beneficiary and  
15 no ~~report~~ or account has been made within six months preceding  
16 the request.
- 17 (8) Granting powers to the trustee.
- 18 (9) Fixing or allowing payment of the trustee's compensation  
19 or reviewing the reasonableness of the trustee's compensation.
- 20 (10) Appointing or removing a trustee.
- 21 (11) Accepting the resignation of a trustee.
- 22 (12) Compelling redress of a breach of the trust by any available  
23 remedy.
- 24 (13) Approving or directing the modification or termination of  
25 the trust.
- 26 (14) Approving or directing the combination or division of  
27 trusts.
- 28 (15) Amending or conforming the trust instrument in the manner  
29 required to qualify a decedent's estate for the charitable estate tax  
30 deduction under federal law, including the addition of mandatory  
31 governing instrument requirements for a charitable remainder trust  
32 as required by final regulations and rulings of the United States  
33 Internal Revenue Service.
- 34 (16) Authorizing or directing transfer of a trust or trust property  
35 to or from another jurisdiction.
- 36 (17) Directing transfer of a testamentary trust subject to  
37 continuing court jurisdiction from one county to another.
- 38 (18) Approving removal of a testamentary trust from continuing  
39 court jurisdiction.

1 (19) Reforming or excusing compliance with the governing  
2 instrument of an organization pursuant to Section 16105.

3 (20) Determining the liability of the trust for any debts of a  
4 deceased settlor. However, nothing in this paragraph shall provide  
5 standing to bring an action concerning the internal affairs of the  
6 trust to a person whose only claim to the assets of the decedent is  
7 as a creditor.

8 (21) Determining petitions filed pursuant to Section 15687 and  
9 reviewing the reasonableness of compensation for legal services  
10 authorized under that section. In determining the reasonableness  
11 of compensation under this paragraph, the court may consider,  
12 together with all other relevant circumstances, whether prior  
13 approval was obtained pursuant to Section 15687.

14 (22) If a member of the State Bar of California has transferred  
15 the economic interest of his or her practice to a trustee and if the  
16 member is a deceased member under Section 9764, a petition may  
17 be brought to appoint a practice administrator. The procedures,  
18 including, but not limited to, notice requirements, that apply to the  
19 appointment of a practice administrator for a deceased member  
20 shall apply to the petition brought under this section.

21 (23) If a member of the State Bar of California has transferred  
22 the economic interest of his or her practice to a trustee and if the  
23 member is a disabled member under Section 2468, a petition may  
24 be brought to appoint a practice administrator. The procedures,  
25 including, but not limited to, notice requirements, that apply to the  
26 appointment of a practice administrator for a disabled member  
27 shall apply to the petition brought under this section.

28 (c) *The court may, on its own motion, set and give notice of an*  
29 *order to show cause why a trustee who is a professional fiduciary,*  
30 *and who is required to be licensed under Chapter 6 (commencing*  
31 *with Section 6500) of Division 3 of the Business and Professions*  
32 *Code, should not be removed for failing to hold a valid, unexpired,*  
33 *unsuspended license.*

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