

AMENDED IN ASSEMBLY MARCH 26, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1670

Introduced by Assembly Member Lara

February 14, 2012

An act to amend, *repeal, and add* Section 8465 of the Probate Code, relating to estates.

LEGISLATIVE COUNSEL'S DIGEST

AB 1670, as amended, Lara. Estates: administration.

Existing law governs the administration of the estates of decedents. Under existing law, when an individual dies intestate, a court is authorized to appoint certain specified persons to act as that individual's personal representative and to administer the individual's estate. Further, existing law prescribes an order of preference for appointment among those persons.

This bill would, *until January 1, 2016*, expand a court's appointment authority by authorizing the court to appoint an administrator who is nominated by a person who is not a United States resident if the nominator would otherwise be entitled to appointment as an administrator of the decedent's estate.

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 8465 of the Probate Code is amended to
2 read:

1 8465. (a) The court may appoint as administrator a person
 2 nominated by any of the following persons:

- 3 (1) A person otherwise entitled to appointment.
- 4 (2) A person who would otherwise be entitled for appointment
 5 but who is ineligible for appointment under paragraph (4) of
 6 subdivision (a) of Section 8402 because he or she is not a resident
 7 of the United States.

8 (3) The guardian or conservator of the estate of a person
 9 otherwise entitled to appointment. The nomination shall be made
 10 in writing and filed with the court.

11 (b) If a person making a nomination for appointment of an
 12 administrator is the surviving spouse or domestic partner, child,
 13 grandchild, other issue, parent, brother or sister, or grandparent of
 14 the decedent, the nominee has priority next after those in the class
 15 of the person making the nomination.

16 (c) If a person making a nomination for appointment of an
 17 administrator is other than a person described in subdivision (b),
 18 the court in its discretion may appoint either the nominee or a
 19 person of a class lower in priority to that of the person making the
 20 nomination, but other persons of the class of the person making
 21 the nomination have priority over the nominee.

22 (d) *This section shall remain in effect only until January 1, 2016,*
 23 *and as of that date is repealed, unless a later enacted statute, that*
 24 *is enacted before January 1, 2016, deletes or extends that date.*

25 SEC. 2. *Section 8465 is added to the Probate Code, to read:*

26 8465. (a) *The court may appoint as administrator a person*
 27 *nominated by a person otherwise entitled to appointment or by the*
 28 *guardian or conservator of the estate of a person otherwise entitled*
 29 *to appointment. The nomination shall be made in writing and filed*
 30 *with the court.*

31 (b) *If a person making a nomination for appointment of an*
 32 *administrator is the surviving spouse or domestic partner, child,*
 33 *grandchild, other issue, parent, brother or sister, or grandparent*
 34 *of the decedent, the nominee has priority next after those in the*
 35 *class of the person making the nomination.*

36 (c) *If a person making a nomination for appointment of an*
 37 *administrator is other than a person described in subdivision (b),*
 38 *the court in its discretion may appoint either the nominee or a*
 39 *person of a class lower in priority to that of the person making the*

- 1 *nomination, but other persons of the class of the person making*
- 2 *the nomination have priority over the nominee.*
- 3 *(d) This section shall become operative on January 1, 2016.*

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