

AMENDED IN ASSEMBLY MARCH 20, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1160

Introduced by Assembly Member Wagner

February 22, 2013

An act to amend Section 11704 of the Probate Code, relating to decedents' estates.

LEGISLATIVE COUNSEL'S DIGEST

AB 1160, as amended, Wagner. Decedents' estates: personal representative.

Existing law authorizes a personal representative, or any person claiming to be a beneficiary or otherwise entitled to distribution of a share of an estate, to file a petition for a court determination of the persons entitled to distribution of the decedent's estate. Existing law also requires the court to consider as evidence in the proceeding any statement made in a petition and any statement of interest, except as specified, and authorizes the personal representative to file papers and otherwise participate in the proceeding as a party to assist the court.

This bill would instead authorize the personal representative, *upon prior order of the court on a showing of good cause*, to file papers and otherwise participate in the proceeding as ~~a party~~ *necessary* to assist the court ~~upon prior order of the court~~.

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 11704 of the Probate Code is amended
2 to read:

3 11704. (a) The court shall consider as evidence in the
4 proceeding any statement made in a petition filed under Section
5 11700 and any statement of interest filed under Section 11702.
6 The court shall not hear or consider a petition filed after the time
7 prescribed in Section 11700.

8 (b) Upon prior order of the court, *on a showing of good cause*,
9 the personal representative may file papers and otherwise
10 participate in the proceeding as ~~a party~~ *necessary* to assist the
11 court.

12 ~~SEC. 2. It is the intent of the Legislature, in amending~~
13 ~~subdivision (b) of Section 11740 of the Probate Code, to overturn~~
14 ~~the precedent in the case of Estate of Barch (2011), 193 Cal. App.~~
15 ~~4th 885, to the extent that it is inconsistent with this amendment.~~

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