
Introduced by Senator Morrell

February 27, 2015

An act to amend Section 19000 of the Probate Code, relating to trusts.

LEGISLATIVE COUNSEL'S DIGEST

SB 785, as introduced, Morrell. Estates and trusts: creditor's claim.

Existing law permits property to be titled in a trust, and provides that, upon the death of a settlor of a trust, the property of the deceased settlor that was subject to the power of revocation at the time of the settlor's death is subject to the claims of creditors of the deceased settlor's estate. Existing law defines specified terms for the purposes of these provisions.

This bill would define additional terms for the purposes of these provisions, including the terms "decedent's estate" and "trust 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 19000 of the Probate Code is amended
2 to read:
3 19000. As used in this part:
4 (a) "Claim" means a demand for payment for any of the
5 following, whether due, not due, accrued or not accrued, or
6 contingent, and whether liquidated or unliquidated:
7 (1) Liability of the deceased settlor, whether arising in contract,
8 tort, or otherwise.
9 (2) Liability for taxes incurred before the deceased settlor's
10 death, whether assessed before or after the deceased settlor's death,

1 other than property taxes and assessments secured by real property
2 liens.

3 (3) Liability for the funeral expenses of the deceased settlor.

4 (b) "Claim" does not include a dispute regarding title to specific
5 property alleged to be included in the trust estate.

6 (c) "Creditor" means a person who may have a claim against
7 the trust property.

8 (d) "Trust" means a trust described in Section 18200, or, if a
9 portion of a trust, that portion that remained subject to the power
10 of revocation at the deceased settlor's death.

11 (e) "Deceased settlor" means a deceased person who, at the time
12 of his or her death, held the power to revoke the trust in whole or
13 in part.

14 (f) "Debts" means all claims, as defined in subdivision (a), all
15 expenses of administration, and all other proper charges against
16 the trust estate, including taxes.

17 (g) "*Decedent's estate*" and "*decedent's probate estate*" mean
18 *a decedent's estate subject to administration pursuant to Division*
19 *7 (commencing with Section 7000).*

20 (h) "*Trust estate*" and "*trust estate of the deceased settlor*"
21 *mean a decedent's property, real and personal, that is titled in the*
22 *name of the trustee of the deceased settlor's trust or confirmed by*
23 *order of the court to the trustee of the deceased settlor's trust.*