

Assembly Bill No. 128

CHAPTER 160

An act to amend Section 7621 of the Probate Code, relating to estates.

[Approved by Governor July 22, 1995. Filed with
Secretary of State July 24, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 128, Rainey. Estates: bond fee.

Under existing law, every estate administered by the public administrator is charged a bond fee of \$25 plus $\frac{1}{4}$ of 1% of the amount of the estate greater than \$10,000.

This bill would make that bond fee an annual fee, and provide for the proration of that fee in specified circumstances.

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

SECTION 1. Section 7621 of the Probate Code is amended to read:

7621. (a) Except as otherwise provided in this section, appointment of the public administrator as personal representative shall be made, and letters issued, in the same manner and pursuant to the same procedure as for appointment of and issuance of letters to personal representatives generally.

(b) Appointment of the public administrator may be made on the court's own motion, after notice to the public administrator as provided in Section 1220.

(c) Letters may be issued to "the public administrator" of the county without naming the public administrator.

(d) The public administrator's oath and official bond are in lieu of the personal representative's oath and bond. Every estate administered under this chapter shall be charged an annual bond fee in the amount of twenty-five dollars (\$25) plus one-fourth of one percent of the amount of an estate greater than ten thousand dollars (\$10,000). The amount charged is an expense of administration and that amount shall be deposited in the county treasury. If a successor personal representative is appointed, the amount of the bond fee shall be prorated over the period of months during which the public administrator acted as personal representative. Upon final distribution by the public administrator, any amount of bond charges in excess of one year shall be a prorated charge to the estate.

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