

AMENDED IN SENATE JUNE 19, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1165

Introduced by Assembly Member Richter

February 28, 1997

An act to amend Section 7660 of the Probate Code, relating to probate.

LEGISLATIVE COUNSEL'S DIGEST

AB 1165, as amended, Richter. Probate: summary disposition.

Existing law provides for the summary disposition of small estates, as specified. Existing law authorizes a public administrator who takes possession or control of, or is appointed personal representative of, an estate pursuant to these provisions, to summarily dispose of the estate in specified circumstances.

This bill would require petitions filed pursuant to these provisions of existing law to contain specified information regarding the decedent and his or her estate.

This bill would incorporate changes made to Section 7660 of the Probate Code proposed by SB 696, to be operative only if SB 696 and this bill are both chaptered and become effective January 1, 1998, and this bill is chaptered last.

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 7660 of the Probate Code is
2 amended to read:

3 7660. (a) If a public administrator takes possession or
4 control of, or is appointed personal representative of, an
5 estate pursuant to this chapter, the public administrator
6 may summarily dispose of the estate in the manner
7 provided in this article in either of the following
8 circumstances:

9 (1) The total value of the property in the decedent’s
10 estate does not exceed the amount prescribed in Section
11 13100. The authority provided by this paragraph may be
12 exercised only upon order of the court. The order may be
13 made upon ex parte application. The fee to be allowed to
14 the clerk for the filing of the application shall be set by the
15 court.

16 (2) The total value of the property in the decedent’s
17 estate does not exceed ten thousand dollars (\$10,000).
18 The authority provided by this paragraph may be
19 exercised without court authorization.

20 (b) Summary disposition may be made
21 notwithstanding the existence of the decedent’s will, if
22 the will does not name an executor or if the named
23 executor refuses to act.

24 (c) Nothing in this article precludes the public
25 administrator from filing a petition with the court under
26 any other provision of this code concerning the
27 administration of the decedent’s estate.

28 (d) Petitions filed pursuant to this article shall contain
29 the information required by Section 8002.

30 *SEC. 1.5. Section 7660 of the Probate Code is*
31 *amended to read:*

32 7660. (a) If a public administrator takes possession or
33 control of, or is appointed personal representative of, an
34 estate pursuant to this chapter, the public administrator
35 may summarily dispose of the estate in the manner
36 provided in this article in either of the following
37 circumstances:



1 (1) The total value of the property in the decedent's
2 estate does not exceed the amount prescribed in Section
3 13100. The authority provided by this paragraph may be
4 exercised only upon order of the court. The order may be
5 made upon ex parte application. The fee to be allowed to
6 the clerk for the filing of the application shall be set by the
7 court.

8 (2) The total value of the property in the decedent's
9 estate does not exceed ~~twenty five thousand dollars~~
10 ~~(\$25,000)~~ *twenty thousand dollars (\$20,000)*. The
11 authority provided by this paragraph may be exercised
12 without court authorization.

13 (b) Summary disposition may be made
14 notwithstanding the existence of the decedent's will, if
15 the will does not name an executor or if the named
16 executor refuses to act.

17 (c) Nothing in this article precludes the public
18 administrator from filing a petition with the court under
19 any other provision of this code concerning the
20 administration of the decedent's estate.

21 *(d) Petitions filed pursuant to this article shall contain*
22 *the information required by Section 8002.*

23 *SEC. 2. Section 1.5 of this bill incorporates*
24 *amendments to Section 7660 of the Probate Code*
25 *proposed by both this bill and SB 696. It shall only become*
26 *operative if (1) both bills are enacted and become*
27 *effective on or before January 1, 1998, (2) each bill*
28 *amends Section 7660 of the Probate Code, and (3) this bill*
29 *is enacted after SB 696, in which case Section 2 of this bill*
30 *shall not become operative.*

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