

Introduced by Senator HarmanJanuary 25, 2010

An act to amend Section 8121 of the Probate Code, relating to decedent's estates.

LEGISLATIVE COUNSEL'S DIGEST

SB 893, as introduced, Harman. Decedent's estates: publication of notice of hearing.

Existing law provides that prior to the hearing of a petition for administration of a decedent's estate, the petitioner is required to serve notice of the hearing on each heir of the decedent or executor named in the will, as specified. Under existing law, that notice of hearing is also required to be published in a newspaper of general circulation prior to the hearing, as specified.

This bill would make a technical, nonsubstantive change to that provision.

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 8121 of the Probate Code is amended to
- 2 read:
- 3 8121. (a) The first publication date of the notice shall be at
- 4 least 15 days before the hearing. Three publications in a newspaper
- 5 published once-a *per* week or more often, with at least five days
- 6 intervening between the first and last publication dates, not
- 7 counting the publication dates, are sufficient.

1 (b) Notice shall be published in a newspaper of general
2 circulation in the city where the decedent resided at the time of
3 death, or where the decedent's property is located if the court has
4 jurisdiction under Section 7052. If there is no such newspaper, or
5 if the decedent did not reside in a city, or if the property is not
6 located in a city, then notice shall be published in a newspaper of
7 general circulation in the county which is circulated within the
8 area of the county in which the decedent resided or the property
9 is located. If there is no such newspaper, notice shall be published
10 in a newspaper of general circulation published in this state nearest
11 to the county seat of the county in which the decedent resided or
12 the property is located, and which is circulated within the area of
13 the county in which the decedent resided or the property is located.
14 (c) For purposes of this section, "city" means a charter city as
15 defined in Section 34101 of the Government Code or a general
16 law city as defined in Section 34102 of the Government Code.