

ASSEMBLY BILL

No. 2872

Introduced by Assembly Member Maddox

February 20, 2004

An act to amend Section 17204 of the Probate Code, relating to trusts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2872, as introduced, Maddox. Trusts: notices.

Existing law regulates judicial proceedings relating to trusts. Existing law permits a beneficiary of a trust to file a request with a court to receive notice of specified proceedings, and requires a beneficiary to deliver a copy of such a request to the trustee, as specified. If the request is mailed, it is effective when it is received. Existing law provides that, after a request is served, the beneficiary is entitled to notice, and it provides that such a request is ineffective under certain circumstances.

This bill would extend the provisions described above to any person who has an interest in the trust. The bill would specify particular methods of mailing in regard to delivering a copy of the request to a trustee. The bill would change the effective date of the request, if it is mailed, to the date it is deposited in the mail.

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 17204 of the Probate Code is amended
2 to read:
3 17204. (a) If proceedings involving a trust are pending, a
4 beneficiary *or an interested person* of the trust may, in person or

1 by attorney, file with the court clerk where the proceedings are
2 pending a written request stating that the beneficiary *or a person*
3 desires special notice of the filing of petitions in the proceeding
4 relating to any or all of the purposes described in Section 17200
5 and giving an address for receiving notice by mail. A copy of the
6 request shall be personally delivered or mailed to the trustee or the
7 trustee's attorney *pursuant to the provisions of Section 1215*. If
8 personally delivered, the request is effective when it is delivered.
9 If mailed, the request is effective ~~when it is received~~ *on the date*
10 *it is deposited in the mail*. When the original of the request is filed
11 with the court clerk, it shall be accompanied by a written admission
12 or proof of service. A request for special notice may be modified
13 or withdrawn in the same manner as provided for the making of the
14 initial request.

15 (b) Except as provided in subdivision (c), after serving and
16 filing a request and proof of service pursuant to subdivision (a), the
17 beneficiary *or the person* is entitled to notice pursuant to Section
18 17203.

19 (c) A request for special notice made by a beneficiary *or a*
20 *person* whose right to notice is restricted by Section 15802 is not
21 effective.

