

AMENDED IN ASSEMBLY APRIL 27, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

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 amended, 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~~ *creditors of the trust and creditors of a trustor if the trust has become irrevocable upon the trustor's death. The bill would permit these creditors to request notice of proceedings only for specified purposes.* 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) (1) If proceedings involving a trust are pending,
4 a beneficiary or an interested person, *as defined in paragraph (2),*
5 of the trust may, in person or by attorney, file with the court clerk
6 where the proceedings are pending a written request stating that
7 the beneficiary or ~~a~~ *the interested* person desires special notice of
8 the filing of petitions in the proceeding relating to any or all of the
9 purposes described in Section 17200, *except as provided in*
10 *paragraph (2),* and giving an address for receiving notice by mail.
11 A copy of the request shall be personally delivered or mailed to the
12 trustee or the trustee's attorney pursuant to the provisions of
13 Section 1215. If personally delivered, the request is effective when
14 it is delivered. If mailed, the request is effective ~~on the date it is~~
15 ~~deposited in the mail~~ *when it is received.* When the original of the
16 request is filed with the court clerk, it shall be accompanied by a
17 written admission or proof of service. A request for special notice
18 may be modified or withdrawn in the same manner as provided for
19 the making of the initial request.
20 (2) (A) *For purposes of this section "interested person" means*
21 *only:*
22 *(i) A creditor of the trust.*
23 *(ii) If the trust has become irrevocable upon the death of a*
24 *trustor, a creditor of the trustor.*
25 *(B) An interested person is permitted to request special notice*
26 *of proceedings only for the purposes set forth in paragraphs (2),*
27 *(4) to (6), inclusive, (8), (9), (12), (16), (20), and (21) of*
28 *subdivision (b) of Section 17200.*
29 *(C) This section does not confer standing on a person if*
30 *standing does not otherwise exist.*
31 (b) Except as provided in subdivision (c), after serving and
32 filing a request and proof of service pursuant to subdivision (a), the
33 beneficiary or the *interested* person is entitled to notice pursuant
34 to Section 17203.



1 (c) A request for special notice made by a beneficiary or ~~a~~ *an*
2 *interested* person whose right to notice is restricted by Section
3 15802 is not effective.

O

