

AMENDED IN SENATE JUNE 22, 2004

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 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 service~~ *mailing service* in regard to ~~delivering a copy of the request~~ *the notice of proceedings* to a trustee, *as specified*.

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 *SECTION 1. Section 17204 of the Probate Code is amended*
3 *to read:*

4 17204. (a) If proceedings involving a trust are pending, a
5 beneficiary of the trust may, in person or by attorney, file with the
6 court clerk where the proceedings are pending a written request
7 stating that the beneficiary desires special notice of the filing of
8 petitions in the proceeding relating to any or all of the purposes
9 described in Section 17200 and giving an address for receiving
10 notice by mail. A copy of the request shall be personally delivered
11 or mailed to the trustee or the trustee's attorney. If personally
12 delivered, the request is effective when it is delivered. If mailed,
13 the request is effective when it is received. When the original of
14 the request is filed with the court clerk, it shall be accompanied by
15 a written admission or proof of service. A request for special notice
16 may be modified or withdrawn in the same manner as provided for
17 the making of the initial request.

18 (b) (1) *An interested person may request special notice in the*
19 *same manner as a beneficiary under subdivision (a), for the*
20 *purpose set forth in paragraph (9) of subdivision (b) of Section*
21 *17200. The request for special notice shall be accompanied by a*
22 *verified statement of the person's interest.*

23 (2) *For purposes set forth in paragraphs (2), (4) to (6),*
24 *inclusive, (8), (12), (16), (20), and (21) of subdivision (b) of*
25 *Section 17200, an interested person may petition the court for an*
26 *order for special notice of proceedings involving a trust. The*
27 *petition shall include a verified statement of the creditor's interest*
28 *and may be served on the trustee or the trustee's attorney by*
29 *personal delivery or in the manner required by Section 1215. The*
30 *petition may be made by ex parte application.*

31 (3) *For purposes of this subdivision, an "interested person"*
32 *means only a creditor of a trust or, if the trust has become*
33 *irrevocable upon the death of a trustor, a creditor of the trustor.*

34 (4) *This section does not confer standing on an interested*
35 *person if standing does not otherwise exist.*

36 (c) *Except as provided in subdivision ~~(c)~~ (d), after serving and*
37 *filing a request and proof of service pursuant to subdivision (a) or*



1 *paragraph (1) of subdivision (b), the beneficiary or the interested*
2 *person is entitled to notice pursuant to Section 17203.*

3 ~~(e) If the petition of an interested person filed pursuant to~~
4 ~~paragraph (2) of subdivision (b) is granted by the court, the~~
5 ~~interested person is entitled to notice pursuant to Section 17203.~~

6 (d) A request for special notice made by a beneficiary whose
7 right to notice is restricted by Section 15802 is not effective.
8 to read:

9 17204. —(a) (1) If proceedings involving a trust are pending,
10 a beneficiary or an interested person, as defined in paragraph (2),
11 of the trust may, in person or by attorney, file with the court clerk
12 where the proceedings are pending a written request stating that
13 the beneficiary or the interested person desires special notice of the
14 filing of petitions in the proceeding relating to any or all of the
15 purposes described in Section 17200, except as provided in
16 paragraph (2), and giving an address for receiving notice by mail.
17 A copy of the request shall be personally delivered or mailed to the
18 trustee or the trustee’s attorney pursuant to the provisions of
19 Section 1215. If personally delivered, the request is effective when
20 it is delivered. If mailed, the request is effective when it is received.
21 When the original of the request is filed with the court clerk, it shall
22 be accompanied by a written admission or proof of service. A
23 request for special notice may be modified or withdrawn in the
24 same manner as provided for the making of the initial request.

25 (2) (A) For purposes of this section “interested person”
26 means only:

- 27 (i) A creditor of the trust.
- 28 (ii) If the trust has become irrevocable upon the death of a
29 trustor, a creditor of the trustor.

30 (B) An interested person is permitted to request special notice
31 of proceedings only for the purposes set forth in paragraphs (2), (4)
32 to (6), inclusive, (8), (9), (12), (16), (20), and (21) of subdivision
33 (b) of Section 17200.

34 (C) This section does not confer standing on a person if
35 standing does not otherwise exist.

36 (b) Except as provided in subdivision (e), after serving and
37 filing a request and proof of service pursuant to subdivision (a), the
38 beneficiary or the interested person is entitled to notice pursuant
39 to Section 17203.



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

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