

AMENDED IN SENATE MARCH 21, 1996

SENATE BILL

No. 1582

Introduced by Senator Maddy

February 16, 1996

~~An act to amend Section 1352 of the Code of Civil Procedure, relating to unclaimed property. An act to amend Sections 7643 and 7663 of the Probate Code, relating to unclaimed property.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1582, as amended, Maddy. Unclaimed property.

Existing law provides for the administration of an estate by a public administrator. Existing law requires the public administrator to, upon receipt, deposit all money of the estate in an insured account in a financial institution or with the county treasurer of the county in which the proceedings are pending. Existing law requires the county treasurer to deliver all money in its possession that belongs to an estate to the State Treasurer or the Controller, if there are no beneficiaries or other persons entitled to the money, as specified. Existing provisions of law regarding summary disposition of defined small estates by a public administrator require, if there are no beneficiaries, the public administrator to deposit the balance of a decedent's estate with the county treasurer for use in the general fund of the county, as specified.

This bill would require the county treasurer to deliver all money in its possession that belongs to an estate, including money that would be subject to the above described

provisions regarding summary disposition, to the Treasurer or the Controller, if specified requirements are met.

~~Existing law authorizes a person to present a claim to the Controller for unclaimed money or other property with a value of less than \$60,000 if the unclaimed money or other property is deposited in the State Treasury or if it is held by the state or its officers for 3rd persons or its title has vested in the state subject to the right of 3rd persons, and the period to claim that money or other property has not terminated. Existing law authorizes a name distributee or his or her legal guardian to claim property assigned or distributed to the distributee regardless of the amount.~~

~~This bill would authorize an heir of a name distributee who is deceased or whose whereabouts are unknown to also claim that property regardless of the amount.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 1352 of the Code of Civil~~
- 2 *SECTION 1. Section 7643 of the Probate Code is*
- 3 *amended to read:*
- 4 7643. (a) The county treasurer shall receive and
- 5 safely keep all money deposited with the county treasurer
- 6 under this chapter and pay the money out on the order
- 7 of the public administrator when required for the
- 8 purposes of administration. The county treasurer and
- 9 sureties on the official bond of the county treasurer are
- 10 responsible for the safekeeping and payment of the
- 11 money.
- 12 (b) The county treasurer shall deliver to the State
- 13 Treasurer or the Controller all money in the possession of
- 14 the county treasurer belonging to the estate, *including*
- 15 *money that is subject to summary disposition under*
- 16 *Article 4 (commencing with Section 7660), if there are no*
- 17 *beneficiaries or other persons entitled to the money, or*
- 18 *the beneficiaries or other persons entitled to the money*
- 19 *do not appear and claim it. Delivery shall be made under*
- 20 ~~the provisions of Article 1 (commencing with Section~~



1 1440) of Chapter 6 of Title 10 of Part 3 of the Code of Civil
2 Procedure.

3 *SEC. 2. Section 7663 of the Probate Code is amended*
4 *to read:*

5 7663. ~~(a)~~—After payment of debts pursuant to Section
6 7662, but in no case before four months after court
7 authorization of the public administrator to act under this
8 article or after the public administrator takes possession
9 or control of the estate, the public administrator shall
10 distribute to the decedent’s beneficiaries any money or
11 other property of the decedent remaining in the
12 possession of the public administrator.

13 ~~(b) If there are no beneficiaries, the public~~
14 ~~administrator shall deposit the balance with the county~~
15 ~~treasurer for use in the general fund of the county, subject~~
16 ~~to Article 3 (commencing with Section 50050) of Chapter~~
17 ~~4 of Part 1 of Division 1 of Title 5 of the Government Code.~~
18 ~~If the amount deposited exceeds ten thousand dollars~~
19 ~~(\$10,000), the public administrator shall at the time of the~~
20 ~~deposit give the Controller written notice of the~~
21 ~~information specified in Section 1311 of the Code of Civil~~
22 ~~Procedure.~~

23 Procedure is amended to read:

24 1352. ~~(a) Whenever unclaimed money or other~~
25 ~~property is deposited in the State Treasury under this~~
26 ~~title, and, except as otherwise provided by law, whenever~~
27 ~~there is in the possession of the state or its officers any~~
28 ~~money or other property which is held for third persons~~
29 ~~or the title to which has vested in the state subject to the~~
30 ~~rights of third persons, and the period during which it~~
31 ~~may be claimed by a person entitled thereto has not~~
32 ~~terminated, the period and person being prescribed by~~
33 ~~law, if the value of the money or other property to which~~
34 ~~the claimant is entitled is less than sixty thousand dollars~~
35 ~~(\$60,000), any such person may present his or her claim~~
36 ~~for it to the Controller.~~

37 ~~The claim shall be made in the form prescribed by the~~
38 ~~Controller, which shall set forth the information required~~
39 ~~by Section 1355 or any other information that the~~



1 ~~Controller may deem necessary to establish right or title~~
2 ~~to the money or other property in the claimant.~~

3 ~~(b) Property assigned or distributed to a name~~
4 ~~distributee may be claimed by the distributee himself or~~
5 ~~herself, his or her legal guardian or conservator, or an heir~~
6 ~~of a name distributee who is deceased or whose~~
7 ~~whereabouts are unknown, as provided in subdivision (a)~~
8 ~~regardless of the amount. This subdivision does not apply~~
9 ~~to the estate of a distributee, or to property distributed to~~
10 ~~the state for lack of known heirs.~~

11 ~~(c) Any person aggrieved by a decision of the~~
12 ~~Controller may commence an action, naming the~~
13 ~~Controller as a defendant, to establish his or her claim in~~
14 ~~the superior court in any county or city and county in~~
15 ~~which the Attorney General has an office pursuant to~~
16 ~~Section 1541.~~

