



Superior Court of California County of Orange

Chambers of
NANCY WIEBEN STOCK
PRESIDING JUDGE

700 CIVIC CENTER DRIVE WEST
P. O. BOX 1994
SANTA ANA, CA 92702-1994
PHONE: (714) 834-3729

March 20, 2008

INVITATION TO COMMENT

PROBATE DIVISION RULE REVISIONS

The Rules and Forms Committee of the Superior Court of California, County of Orange, has approved for public comment proposed revisions to the Local Rules, of the Probate Division as follows:

Chapter 1 – General Information

- Rule 600 – Application (revised)
- Rule 601.01 – Filing Procedures, Hearings and Telephone Appearances (revised)
- Rule 601.02 – Form of Papers Presented for Filing (repealed)
- Rule 601.03 – Lodging Voluminous Materials for Review (revised)
- Rule 601.04 – Document Covers (repealed)
- Rule 601.06 – Approved Matters and Probate Notes (revised)
- Rule 601.07 – Contested Matters (revised)
- Rule 601.08 – Continuances (revised)
- Rule 601.11 – Signatures and Verifications (repealed)
- Rule 601.12 – Service of Citation and Summons (repealed)
- Rule 601.13 – Petitions for Ex Parte Orders (revised)
- Rule 601.14 – Probate Orders (revised)
- Rule 601.16 – Bonds (revised)
- Rule 601.17 – General Instructions/Statement of Duties and Liabilities of Personal Representative (repealed)
- Rule 601.20 – Attorneys must be admitted in California (repealed)
- Rule 601.21 – Withdrawal of Attorneys of Record (revised; now titled Motions to be Relieved as Counsel of Record)
- Rule 601.22 – Law and Motion Matters (revised)
- Rule 601.23 – Guardians ad Litem (revised)

Chapter 2 – General Notice Requirements (repealed)

- Rule 602.01 – Requirement of Direct Notice (repealed)
- Rule 602.03 – Notice to Minors (repealed)

Page 2

- Rule 602.04 – Notice to Guardians and Conservators (repealed)
- Rule 602.05 – Notice to Persons whose Current Addresses are Unknown (repealed)
- Rule 602.07 – Notice of Amendments and Amended Pleadings (repealed)

Chapter 3 – Appointment of Personal Representatives

- Rule 603.01 – Special Letters of Administration (revised)
- Rule 603.02 – Wills and Codicils as Exhibits to Petition (revised)
- Rule 603.04 – Allegations in Petitions re Heirs or Devisees (revised)
- Rule 603.11 – Proof of Wills by Affidavit or Declaration (revised)
- Rule 603.13 – Bonding of Personal Representatives (revised)

Chapter 4 – Probate Referees, Inventories and Appraisals

- Rule 604.01 – Probate Referees (revised)
- Rule 604.02 – Character of Property (revised)
- Rule 604.04 – Appraisal by Independent Expert (revised)

Chapter 5 – Creditor's Claims

- Rule 605.01 – Form of Claims (revised)
- Rule 605.02 – Allowance or Rejection of Claim (revised)
- Rule 605.03 – Claims of Representatives and their Attorneys (revised)
- Rule 605.04 – Approval of Funeral and Interment Claims (revised)
- Rule 605.08 – Special Creditors' Claims (revised)

Chapter 6 – Sales

- Rule 606.04 – Sales of Cooperative and Mobile Homes (revised)
- Rule 606.05 – Exclusive Listings for the Sale of Real Property (revised)
- Rule 606.10 – Real Property Sales – Appraisals (revised)
- Rule 606.14 – Sales of Property Will Not Be Confirmed in the Absence of Attorney for the Estate (repealed)

Chapter 7 – Miscellaneous Petitions

- Rule 607.03 – Petitions to Determine Title to Real or Personal Property pursuant to Probate Code 850 (revised)
- Rule 607.05 – Petitions for Determination of Entitlement to Estate Distribution (revised)

Chapter 8 – Accounts, Compensation and Distributions

- Rule 608.01 – Required Form of Accounts for Decedent's Estates and Trusts (revised)
- Rule 608.02 – Petitions for Distribution without an Account and Waivers of Account (revised; renamed Required Form of Accounts for Conservatorships and Guardianships)
- Rule 608.03 – General Information on and Computation of Compensation (revised)
- Rule 608.04 – Request for Compensation Based on Services by a Paralegal (repealed)
- Rule 608.07 – Surcharge if Compensation Paid before Court Order (repealed)
- Rule 608.08 – Creditors' Claims (revised)
- Rule 608.10 – Taxes (revised)

Page 3

- Rule 608.12 – Character of Property (repealed)
- Rule 608.15 – Notices of Proposed Action in Estates Administered pursuant to Independent Administration of Estates Act (repealed)
- Rule 608.18 – Notices in Guardianship and Conservatorship Accounts (repealed)
- Rule 608.19 – Orders Dispensing with Accounts in Guardianships and Conservatorships (revised)
- Rule 608.20 – Completeness of Petitions, Accounts, and Orders (revised)
- Rule 608.22 – Final Discharge (repealed)

Chapter 9 – Joint Tenancies and Life Estates

- Rule 609.01 – Proceedings Must Be in Name of Decedent (revised)
- Rule 609.02 – Separate Petition Preferred (revised)
- Rule 609.04 – Inventories Unnecessary (revised)
- Rule 609.05 – Joint Tenancy Fees (revised; renamed Attorney Fees)

Chapter 10 – Guardianships

- Rule 610.02 – Appointment of Temporary Guardian – Adoption Pending (revised)
- Rule 610.03 – Appointment of Temporary Guardian – No Adoption Pending (repealed)
- Rule 610.04 – Appointment of General Guardian (revised)
- Rule 610.06 – Guardianship of the Person – Notice (repealed)
- Rule 610.08 – Guardianship of the Person – Additional Data and Declarations under Uniform Child Custody Jurisdiction Act (repealed)
- Rule 610.09 – Guardianship of the Person – Copy (repealed)
- Rule 610.11 – Duties of Guardian – Liability of Parents to Support Child (revised)
- Rule 610.12 – Guardians' Accounts (revised)
- Rule 610.13 – Allowance of Compensation in Guardianships (revised)
- Rule 610.15 – Bonds of Guardians (revised)
- Rule 610.16 – Investments by Guardians (revised)
- Rule 610.17 – Deceased Wards – Claims for Unpaid Expenses (repealed)

Chapter 11 – Conservatorships

- Rule 611.02 – Appointment of Temporary Conservator (revised)
- Rule 611.03 – Appointment of General Conservator (revised)
- Rule 611.05 – Limited Conservatorships (repealed)
- Rule 611.06 – Capacity to Give Informed Consent for Medical Treatment (revised)
- Rule 611.09 – Bonds of Conservators (revised)
- Rule 611.10 – Investments by Conservators (revised)
- Rule 611.11 – Conservators' Accounts (revised)
- Rule 611.14 – Death of the Conservatee (revised)
- Rule 611.15 – Deceased Conservatee – Claims for Unpaid Expenses (repealed)
- Rule 611.16 – Deceased Conservatees – Liquidation of Estate (revised)
- Rule 611.18 – Conservator's General Plan (repealed)
- Rule 611.19 – Conservator's Handbook and Orientation Program (revised)

Page 4

Chapter 12 – Trusts (repealed)

Rule 612.01 – Trustees' Accounts (repealed)

Rule 612.02 – Beneficiaries to be Identified – Notice (repealed)

Rule 612.03 – Trustees' Fees (repealed)

Chapter 13 – Blocked Accounts in Guardianships, Conservatorships, Decedent's Estates and Trusts

Rule 613.01 – Forms (revised)

Rule 613.02 – General Information on Blocked Accounts (revised)

The proposed rules have been published pursuant to rule 10.613, California Rules of Court. The rules are posted on the Superior Court's website, www.occourts.org. Click on "Court Rules (local)" and follow the links. A comment form is available online to download. A hard copy of the proposals is available upon request. For copies or additional information, please contact: Erin Rigby, Planning and Research, by e-mail at erigby@occourts.org or by telephone at (714) 834-4121.

Comments concerning the proposed rules should be submitted in writing no later than May 6, 2008, to:

Judge Ronald L. Bauer
Chair, Rules and Forms Committee
Superior Court, County of Orange
P. O. Box 1994
Santa Ana, CA, 92702-1994

A hard copy of the proposals is available upon request. For copies or additional information, please contact: Erin Rigby, Planning and Research, by e-mail at erigby@occourts.org or by telephone at (714) 834-4121.

Nancy Wieben Stock
Presiding Judge

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