



**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF TUOLUMNE**  
**Hector X. Gonzalez, Jr., Court Executive Officer**  
41 W. Yaney Avenue  
Sonora, CA 95370

September 30, 2019

## **Proposed Amendments to Local Rules to Become Effective January 1, 2020**

Pursuant to California Rules of Court, rule 10.613, subdivision (g), the following proposed amendments to the local rules are hereby distributed for comment.

Public comments must be submitted in writing and directed to Hector X. Gonzalez, Jr., Court Executive Officer, Superior Court of California, County of Tuolumne, 41 W. Yaney Avenue, Sonora, CA 95370. Comments must be received no later than 3:00 p.m. on November 14, 2019.

During this cycle, we propose to amend one existing rule, to adopt one new rule, and to revoke one existing rule. A high-level summary of the proposed amendments, along with brief explanations of the reasons for the proposals, is provided in the table below. Attached to this document is the text of each rule as it would appear if the proposals are adopted, accompanied by redlined changes to the existing rules that reflect exactly how the existing rules would change.

<b>Rule</b>	<b>Proposed Action</b>	<b>Explanation</b>
5.18.0	Amend	Add a requirement that a personal representative's final report in a decedent's estate case address dispositions of property made <i>without</i> notice. This requirement would complement the existing requirement to disclose actions taken under the Independent Administration of Estates Act <i>with</i> notice. Adding this requirement should reduce delays in closing estate administration by clarifying the information the Court considers in determining whether it will approve a personal representative's actions and by ensuring that persons interested in an estate are informed of actions taken without notice.
6.00.5	Add	Clarify the applicability of the general probate local rules to conservatorship and guardianship proceedings by incorporating them explicitly.
6.08.0	Revoke	Revoke as duplicative of requirements at Probate Code section 2422.

**Rule 5.18.0**

Proposed rule as amended

**5.18.0 Petitions for Distribution:**

\*\*\*

- n. **Actions Under Independent Administration of Estates Act:** If a personal representative has proceeded under the Independent Administration of Estates Act, the final report, whether or not accompanied by an accounting, shall contain a list of all independent acts performed and an allegation that all required notices of proposed action were duly served and that no objections were made.
- o. **Disposition of Property without Notice:** A personal representative’s final report shall (1) describe any sales, transfers, or disposals of estate property that were made without notice, (2) cite the authority for such action(s), and (3) include facts demonstrating compliance with the cited authority.

\*\*\*

Current rule with redlined amendments

**5.18.0 Petitions for Distribution:**

\*\*\*

- n. **Actions Under Independent Administration of Estates Act:** If a personal representative has proceeded under the Independent Administration of Estates Act, the final report, whether or not accompanied by an accounting, shall contain a list of all independent acts performed and an allegation that all required notices of proposed action were duly served and that no objections were made.
- o. **Disposition of Property without Notice:** A personal representative’s final report shall (1) describe any sales, transfers, or disposals of estate property that were made without notice, (2) cite the authority for such action(s), and (3) include facts demonstrating compliance with the cited authority.

[SHIFT EXISTING SUBDIVISIONS (o) THROUGH (r) BY ONE LETTER]

\*\*\*

## **Rule 6.00.5**

### Proposed new rule

#### **6.00.5 General Probate Rules Applicable to Conservatorship and Guardianship Cases:**

Except as otherwise provided in these rules, all generally applicable provisions in this Court's local probate rules (commencing with rule 5.01.0) apply to conservatorship and guardianship proceedings.

## **Rule 6.08.0**

### Current rule as revoked

~~**6.08.0 Guardianship Funds for Support of Minor:** In all cases in which guardianship funds are intended to be used for the ordinary expenses of supporting a minor and there is a parent living who has an obligation to support the minor, the guardian shall obtain court approval prior to expending funds for that purpose.~~