



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 24, 2019

Title

Rules and Forms: Notices of Hearings in
Probate Proceedings

Rules, Forms, Standards, or Statutes Affected

Adopt form DE-115/GC-015; revise form
DE-120

Recommended by

Probate and Mental Health Advisory
Committee
Hon. John H. Sugiyama, Chair

Agenda Item Type

Action Required

Effective Date

January 1, 2020

Date of Report

September 5, 2019

Contact

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Executive Summary

The Probate and Mental Health Advisory Committee recommends adopting one mandatory form and revising one mandatory form to solicit information and give advisements required by statute in a notice of hearing on a petition filed under Probate Code section 850 and a notice of hearing on a report of status of estate administration filed under Probate Code section 12201. These revisions have been requested by courts and stakeholders. They are needed to conform to existing law, promote access to the courts, and reduce delays to hearings.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Adopt *Notice of Hearing on Petition to Determine Claim to Property* (form DE-115/GC-015) to give the required notice of a hearing on a petition under Probate Code section 850; and
2. Revise *Notice of Hearing—Decedent's Estate or Trust* (form DE-120) to add a required advisement, update instructions, and make technical corrections.

The revised forms are attached at pages 5–8.

Relevant Previous Council Action

The Judicial Council approved *Notice of Hearing of Petition (Probate)* for optional use, effective July 1, 1977. The form was renamed *Notice of Hearing (Probate)* and given the number DE-120, effective July 1, 1988. It was adopted for mandatory use, effective January 1, 2000, and renamed *Notice of Hearing—Decedent’s Estate or Trust*, effective July 1, 2005.

Analysis/Rationale

The Probate and Mental Health Advisory Committee recommends adopting form DE-115/GC-015 and revising form DE-120 to implement statutory requirements, promote access to the courts, and reduce delays in the distribution of the proceeds of decedents’ estates.

Notice of Hearing on Petition to Determine Claim to Property (form DE-115/GC-015)

Effective January 1, 2002, Senate Bill 669 (Stats. 2001, ch. 49) consolidated various provisions in the Probate Code dealing with determination of property claims involving estates of decedents, conservatees, minors, and trusts into sections 850–859.¹ The bill authorized the probate court to resolve questions of title affecting property and any related claims by or against a fiduciary acting on behalf of an estate or other person.²

Effective January 1, 2018, Assembly Bill 308 (Stats. 2017, ch. 32, § 1) amended section 851 to require a notice of hearing on a petition under section 850 to include a (1) description of the property at issue, (2) description of any relief sought under section 859 for bad-faith conduct or financial abuse, and (3) statement that any person interested in the property may file a response to the petition. Adopting form DE-115/GC-015 ensures that notice of a hearing on a petition filed under section 850 will include all the elements required by section 851.

Notice of Hearing—Decedent’s Estate or Trust (form DE-120)

Form DE-120 is used to give notice of hearings in most proceedings under the Probate Code except for guardianships and conservatorships.³ Since January 1, 1991, and operative July 1 of that year, section 12201 has required that notice of a hearing on a report of the status of estate administration filed under section 12200 include “a statement in not less than 10-point boldface type or a reasonable equivalent thereof if printed, or in all capital letters if not printed, in substantially the following words: ‘YOU HAVE THE RIGHT TO PETITION FOR AN ACCOUNT UNDER SECTION 10950 OF THE CALIFORNIA PROBATE CODE.’” (Stats. 1990, ch. 79, § 14.)

¹ All subsequent statutory references are to the Probate Code unless otherwise specified.

² Sen. Com. on Judiciary, Analysis of Sen. Bill No. 669 (2001–2002 Reg. Sess.) as introduced, p. 1.

³ *Notice of Hearing—Guardianship or Conservatorship* (form GC-020) must be used to give notice of a hearing in a guardianship or conservatorship proceeding.

The revisions to form DE-120 provide space to indicate whether the subject of the noticed hearing is a report of status of decedent's estate administration under section 12200 and add the required statement advising interested persons of their right to petition for an accounting. The revisions also update the instructions for requesting an accommodation under the Americans with Disabilities Act, update statutory references in the form footer, and make minor technical corrections.

Policy implications

The recommended revisions promote access to the courts by providing mechanisms for petitioners and fiduciaries to give notice of hearings in compliance with law.

Comments

The proposed recommendation circulated for public comment to the regular list of persons interested in probate and mental health proposals from April 12 to June 10, 2019, as part of the regular spring comment cycle. The committee received eight comments, including responses from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, five trial courts, the Trusts and Estates section of the California Lawyers Association, and the Orange County Bar Association. A chart with the full text of the comments received and the committee's responses is attached at pages 9–15.

Three commenters agreed with the proposal as circulated, and five agreed while suggesting additional revisions. The commenters suggested mostly minor modifications to the forms' captions, titles, cross-references, and formatting. The committee considered all comments and made several revisions in response.

Alternatives considered

The committee considered not recommending any revisions to form DE-120, given that the statutes seem to place the burden on the filing parties to provide the requested information. However, in light of requests from courts and stakeholders—as well as the judicial branch's interests in providing access to the courts, giving all interested persons notice and an opportunity to be heard, and resolving cases efficiently—the committee elected to recommend these revisions.

The committee also considered recommending incorporation of the notices and advisements required by section 851 into form DE-120 and not recommending a separate form for notice of hearing on a section 850 petition. The committee determined, however, that resolving a claim to specific property implicated rights that are sufficiently independent of an underlying estate proceeding to warrant a dedicated notice form; that a crossover form was needed because a section 850 petition may also be filed in a guardianship or conservatorship estate proceeding; and that adding the required elements to form DE-120 would make that form confusing and difficult to use properly.

Fiscal and Operational Impacts

The proposal would require courts to develop processes for using form DE-115/GC-015, replace current inventories of form DE-120, and possibly enter one or more new data elements into their case management systems. Based on the requests and comments from courts, the revisions will probably reduce the frequency with which petitioners and fiduciaries need to correct deficiencies in notices of hearings on section 850 petitions or reports of status of administration. This reduction will, in turn, reduce the frequency of continued hearings and increase the efficiency of case processing.

Attachments and Links

1. Forms DE-115/GC-015 and DE-120, at pages 5–8
2. Chart of spring 2019 comments and committee responses, at pages 9–15
3. Link A: Assem. Bill 308 (Stats. 2017, ch. 32),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB308

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> ESTATE OF (name): <input type="checkbox"/> IN THE MATTER OF (name): <input type="checkbox"/> DECEDENT <input type="checkbox"/> TRUST <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR	
NOTICE OF HEARING ON PETITION TO DETERMINE CLAIM TO PROPERTY	CASE NUMBER:

A petition has been filed asking the court to determine a claim to the property identified in 3, and a hearing on the petition has been set. Please refer to the petition for more information.

If you have a claim to the property described in 3, you may attend the hearing and object or respond to the petition. If you do not want to attend the hearing, you may also file a written response before the hearing.

If you do not respond to the petition or attend the hearing, the court may make orders affecting ownership of the property without your input.

1. NOTICE is given that (name):
 (fiduciary or representative capacity, if any):
 has filed a petition entitled (state complete title):
 under Probate Code section 850 asking for a court order determining a claim or claims to the property described in 3.

2. A HEARING on the petition will be held as follows:

<div style="border: 2px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> Hearing Date </div>	→ Date:	Time:	Name and address of court if different from above:
	Dept.:	Room:	

3. The property that is the subject of the petition is (describe each item of real or personal property; for real property—i.e., land or buildings—give the street address or, if none, describe the property's location and give the assessor's parcel number):

☐ Continued on Attachment 3.

Check 4 only if the petition seeks the additional relief described.

4. ☐ In addition to seeking to recover the property described in 3, the petition also alleges and seeks relief for bad faith conduct, undue influence in bad faith, or elder or dependent adult financial abuse. The petition describes these allegations in detail. Based on the allegations, the petition seeks to recover twice the value of the property described in 3
☐ and requests that the court award attorney's fees and costs to the petitioner. (Prob. Code, § 54.8.)



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civ. Code, § 54.8.)

<input type="checkbox"/> ESTATE OF <input type="checkbox"/> IN THE MATTER OF (name): <input type="checkbox"/> DECEDENT <input type="checkbox"/> TRUST <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR	CASE NUMBER:
--	--------------

PROOF OF SERVICE BY MAIL*

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (*specify*):

3. I served the foregoing *Notice of Hearing on Petition to Determine Claim to Property* on each person named below by enclosing a copy in an envelope addressed as shown below AND
 - a. ☐ **depositing** the sealed envelope on the date and at the place shown in item 4 with the U.S. Postal Service with the postage fully prepaid.
 - b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.
4.
 - a. Date mailed:
 - b. Place mailed (*city, state*):
5. ☐ I served with the *Notice of Hearing on Petition to Determine Claim to Property* a copy of the petition referred to in the Notice.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)		(SIGNATURE)
----------------------	--	-------------

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

	<u>Name</u>	<u>Address (street & number, city, state, zip code)</u>
1.		
2.		
3.		
4.		
5.		
6.		

☐ Continued on an attachment. (*You may use Attachment to Notice of Hearing Proof of Service by Mail, form DE-120(MA)/GC-020(MA), for this purpose.*)

* Do **not** use this form to prove personal or electronic service. You may use form DE-120(P) or GC-020(P) to prove personal service.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> ESTATE OF (name): <input type="checkbox"/> IN THE MATTER OF (name): <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> DECEDENT <input type="checkbox"/> TRUST <input type="checkbox"/> OTHER </div>	
NOTICE OF HEARING—DECEDENT'S ESTATE OR TRUST	CASE NUMBER:
<i>This notice is required by law. You are not required to appear in court, but you may attend the hearing and object or respond if you wish. If you do not respond or attend the hearing, the court may act on the filing without you.</i>	

1. NOTICE is given that (name):
 (fiduciary or representative capacity, if any):
 has filed a petition, application, report, or account (specify complete title and briefly describe):*

☐ The filing is a report of the status of a decedent's estate administration made under Probate Code section 12200. See the NOTICE below.
 Please refer to the filed documents for more information about the case. (Some documents filed with the court are confidential.)

2. A HEARING on the matter described in 1 will be held as follows:

<div style="border: 2px solid black; border-radius: 15px; padding: 5px; width: 50px; margin: 0 auto;"> Hearing Date </div>	→ Date:	Time:	Name and address of court, if different from above:
	Dept.:	Room:	

NOTICE

If the filing described in 1 is a report of the status of a decedent's estate administration made under Probate Code section 12200,

YOU HAVE THE RIGHT TO PETITION FOR AN ACCOUNTING UNDER SECTION 10950 OF THE PROBATE CODE.



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civ. Code, § 54.8.)

* Do not use this form to give notice of a petition to administer an estate (see Prob. Code, § 8100, and use form DE-121), notice of a hearing in a guardianship or conservatorship case (see Prob. Code, §§ 1511 and 1822, and use form GC-020), or notice of a hearing on a petition to determine a claim to property (see Prob. Code, § 851, and use form DE-115/GC-015).

<input type="checkbox"/> ESTATE OF (name): <input type="checkbox"/> IN THE MATTER OF (name):	CASE NUMBER:
<input type="checkbox"/> DECEDENT <input type="checkbox"/> TRUST <input type="checkbox"/> OTHER	

CLERK'S CERTIFICATE OF POSTING

1. I certify that I am not a party to this cause.
2. A copy of the foregoing *Notice of Hearing—Decedent's Estate or Trust*
 - a. was posted at (address):

b. was posted on (date):

Date: _____ Clerk, by _____, Deputy

PROOF OF SERVICE BY MAIL*

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify):
3. I served the foregoing *Notice of Hearing—Decedent's Estate or Trust* on each person named below by enclosing a copy in an envelope addressed as shown below AND
 - a. ☐ **depositing** the sealed envelope on the date and at the place shown in item 4 with the **U.S.** Postal Service with the postage fully prepaid.
 - b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the **U.S.** Postal Service in a sealed envelope with postage fully prepaid.
4. a. Date mailed:
- b. Place mailed (city, state):
5. ☐ I served with the *Notice of Hearing—Decedent's Estate or Trust* a copy of the petition or other document referred to in item 1 of the Notice.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____



(TYPE OR PRINT NAME)

(SIGNATURE)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

	Name	Address (street & number, city, state, zip code)
1.		
2.		
3.		
4.		
5.		

☐ Continued on an attachment. (You may use Attachment to Notice of Hearing Proof of Service by Mail, form DE-120(MA)/GC-020(MA), for this purpose.)

* Do **not** use this form for proof of personal service. You may use form DE-120(P) to prove personal service of this Notice.

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Rules and Forms: Notices of Hearing in Probate Proceedings (adopt form DE-115/GC-015; revise form DE-120)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Orange County Bar Association by Deirdre Kelly, President Newport Beach	AM	<p>The OCBA believes this proposal appropriately addresses its stated purpose if modified as follows:</p> <p>(1) the new form DE-115/GC-015 should add references to Probate Code §17200.1 at paragraph 1 and at the citation string at the bottom of the form in order to specify that the trust interested parties are also entitled to file these Probate §850 petitions;</p> <p>(2) the new form DE-115/GC-015 should add a box #5 to be checked if the petitioner is seeking costs and attorneys' fees under Probate Code §17211 for any bad faith opposition; and</p> <p>[DE-120] (3) the new "NOTICE" box to cover the Probate Code §10950 accounting rights should reference that it is applicable only if the filing is a report of status "under Probate Code §12200" since that statute and Probate Code §12201 are the only authority for this notice and the reciprocal right to accounting.</p>	<p>The committee appreciates the bar association's comments.</p> <p>The committee does not recommend the suggested change to item 1. Section 17200.1 simply states that a proceeding concerning the transfer of trust property must be conducted under section 850 et seq. Section 850(a)(3) provides the authority for an interested person's petition. The committee does not recommend the suggested change to the citation footer. The statutes listed set forth notice requirements, including the applicable statute for notice in trust proceedings, section 17203. Section 17200.1 does not establish notice requirements and, therefore, does not belong in the footer.</p> <p>The committee does not recommend the suggested change. Section 859 provides remedies, including an award of attorney's fees and costs, for specified bad faith conduct related to property of, among other things, a trust. Section 17211 authorizes the award of fees and costs in accounting contests brought or opposed in bad faith. These are outside the scope of this proposal.</p> <p>The committee agrees with the suggestion and has modified the form accordingly.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

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Rules and Forms: Notices of Hearing in Probate Proceedings (adopt form DE-115/GC-015; revise form DE-120)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
2.	Superior Court of Monterey County by Christopher Haug, Research Attorney	AM	<p>Monterey County proposes a change to form DE-115/GC-015. In the Proof of Service section on page 2, we recommend changing the name of the document in items 3 and 5 to reflect the true name of the document. The Proof of Service currently refers to a “Notice of Hearing—Petition to Determine Claim of Property Ownership” but the new notice is named “Notice of Petition to Determine Claim to Property.” If the proof of service is stating what is being served, then the name of the document served should be precise.</p> <p>In addition, Monterey County asks that you consider a change to form DE-120. At the bottom of page 1 of the form is a caution not to use the form for noticing a petition to administer estate or noticing guardianship/conservatorship hearings. In light of the new DE-115/GC-015 notice for 850-petitions, should this new notice also be added to the caution? Possible new caution language: “Do not use this form to give notice of a petition to administer an estate (see Prob. Code, § 8100 and use form DE-121), or notice of a hearing in a guardianship or conservatorship case (see Prob. Code, §§ 1511 and 1822 and use form GC-020), or notice of a petition to determine a claim to property (see Prob. Code, § 851 and use form DE-115/GC-115).”</p>	<p>The committee agrees that items 3 and 5 on page 2 should reflect the correct title of the form and has modified those items accordingly.</p> <p>The committee agrees with the suggestion and has modified the form accordingly.</p>
3.	Superior Court of Orange County Civil, Small Claims, and Probate Division	AM	On form DE-115/GC-015, item #3 asks for a description of each item of real or personal property. This list could become extensive. We	The committee agrees with the suggestion and has modified the form accordingly.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

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	Commenter	Position	Comment	Committee Response
			recommend including a reference to the use of an Attachment form, as needed.	
4.	Superior Court of Riverside County by Susan Ryan, Chief Deputy, Legal Services	A	Riverside Superior Court is in support of this proposed mandate. The specific Notice of Hearing forms for each statutory requirement will streamline the process in estate administration. For the Notice of Hearing on the petition filed under Probate Code 850, recent legislation requires the moving party to make statutory allegations in the notice. A new form for this purpose specifically addresses the statutory requirements. In addition, the modification to the Notice of Hearing (DE-120) will also streamline the process when the petitioner files a Report of Status of Administration under Probate Code 12201 in that the form will provide the statutory allegations within the notice. There will be no costs to the court for each of the new forms. There will only be minor operational adjustments so staff is aware how to file each of the new forms in our case management system.	The committee appreciates the court's comments. No further response is required.
5.	Superior Court of San Bernardino County by Executive Office	A	<i>Does the proposal appropriately address the stated purpose?</i> Yes <i>What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.</i>	The committee appreciates the court's comments. No further response is required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

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Rules and Forms: Notices of Hearing in Probate Proceedings (adopt form DE-115/GC-015; revise form DE-120)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			Minimal training-Probate Examiners, Legal Processing Assistants. Potential code updates in the Case Management System.	
6.	Superior Court of San Diego County by Mike Roddy, Executive Officer	AM	<p><i>Does the proposal appropriately address the stated purpose?</i> Yes.</p> <p><i>Would the proposal provide cost savings? If so, please quantify.</i> It may potentially reduce continuances for defects regarding notice deficiencies on the 850 petitions.</p> <p><i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i> Minimal training would be required for front-line staff, as well as Probate Examiners and Judicial Officers. Changes would be needed to add the new form name to the CMS.</p> <p><i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> Yes.</p> <p><i>How well would this proposal work in courts of different sizes?</i> The proposal should work adequately, no matter the size of the court.</p>	The committee appreciates the court's comments. Please see below for responses to specific comments.

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All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>General Comments:</p> <p>DE-115/GC-015-Notice of Petition to Determine Claim to Property:</p> <ul style="list-style-type: none">• Suggest retitling the form to Notice of Petition to Convey or Transfer Property, which is more in line with the Probate Code.• Suggest using the case caption that is used in the DE-120, but adding checkboxes for Conservatee and Minor. The Trust of.... / Settlor options diverge from current standards used.• The form should include, in item #1, a space for the filing party to include the title of the petition, in compliance with CRC, rule 7.50: <i>The notice of hearing on a pleading filed in a proceeding under the Probate Code must state the complete title of the pleading to which the notice relates.</i>• The form should include a checkbox in item #3, in the event there are multiple properties subject to the 850 petition and additional space is needed for the property descriptions.• The name and address section of the Proof of Service by Mail should include boxes around the name and address and more space to allow	<p>The committee does not recommend the suggested change. Sections 855 and 856 authorize the court to make orders beyond authorizing a conveyance or transfer. The recommended title of the form reflects the breadth of the court's authority.</p> <p>The committee agrees with the suggestion and has modified the form accordingly.</p> <p>The committee agrees with the suggestion and has modified the instructions in item 1 to direct the person completing the form to specify the complete title of the petition or other filing.</p> <p>The committee agrees that item 3 should include a check box to indicate that the item is continued on an attachment and has modified the form accordingly.</p> <p>The committee agrees with the suggestion and has modified the name and address section of the proof of service to conform to the format of</p>

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	Commenter	Position	Comment	Committee Response
			<p>for hand-writing of various sizes. Refer to current DE-120 for desired format.</p> <p>DE-120-Notice of Hearing—Decedent’s Estate or Trust:</p> <ul style="list-style-type: none"> • In item #1, rather than, “...(specify and briefly describe),” it should read, “...(specify complete title). Including this should reduce defects for failure to comply with CRC, rule 7.50, noted above. • At the bottom of pg. 1, in the “Do not use this form...” section, the new form, DE-115/GC-015-<i>Notice of Petition to Determine Claim to Property</i>, should be referenced. • The name and address section of the Proof of Service by Mail should include boxes around the name and address and more space to allow for hand-writing of various sizes. Refer to current DE-120 for desired format. 	<p>existing form DE-120.</p> <p>The committee agrees with the suggestion and has modified the instructions in item 1 to direct the person completing the form to specify the complete title of the petition or other filing.</p> <p>The committee agrees with the suggestion and has modified the form accordingly.</p> <p>The committee agrees with the suggestion and has modified the name and address section of the proof of service to outline the spaces for inserting names and addresses of persons served.</p>
7.	Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee Joint Rules Subcommittee (JRS)	A	The JRS notes that the proposal is required to conform to a change of law.	The committee appreciates the JRS’s comments. No further response is required.
8.	Trusts & Estates Section, Executive Committee (TEXCOM) California Lawyers Association by Carlena L. Tapella, Attorney at Law Sacramento	AM	<p>DE-115: It is recommended that the proposed form be entitled “Notice of Hearing of Petition to Determine Claim to Property”</p> <p>Using the name of the settlor, rather than the name of the trust, could be confusing. In addition, most trust proceedings are commenced</p>	<p>The committee agrees with this suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees that using the name of the settlor might be confusing and has modified the form as suggested by the Superior Court of San</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR19-36

Rules and Forms: Notices of Hearing in Probate Proceedings (adopt form DE-115/GC-015; revise form DE-120)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			<p>in the name of the trust, not the settlor. It is therefore recommended that the caption (and top of the second page) be revised to look as follows: [image omitted].</p> <p>DE-120: Including a provision in which the petitioner “briefly describes” the petition, application, report, or account could lead to concerns that the description did not adequately describe the document. It is therefore recommended that this be changed to “has filed a petition, application, report, or account titled (specify):”</p> <p>In addition, it is recommended that there be a checkbox for use of the language that applies only when the filing is a report on status of administration that does not include an accounting, such as: [] <i>Check this box if the filing described in item 1 is a report of status of decedent’s administration</i> – and then include the required statutory language.</p> <p>TEXCOM is concerned that there may be confusion that a recipient might be unsure whether the document is or is not a report on status of administration and will unnecessarily request an accounting to which the recipient may not be entitled.</p>	<p>Diego County.</p> <p>The committee agrees that the form should comply with rule 7.50 and has modified item 1 accordingly.</p> <p>The committee agrees with the suggestion and has added a checkbox to item 1 to indicate that the filing is a report made under section 12200.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated