

NOTICES

Every time a petition is filed with the court asking for some type of action by the judge, the clerk of the court calendars it for four to six weeks in the future. The attorney's job, then, is to give notice of the hearing to each beneficiary under the Will, or, in the case of intestacy, to each heir who might inherit. In addition, other persons might be entitled to notice, such as anyone who has filed a Request for Special Notice with the court, or, in some cases, a creditor. California law requires that notice of a hearing must be given (meaning "mailed") at least 15 days before the hearing. Mailing is considered complete upon deposit in a mailbox or in the office mail drop. It is not required that any particular person actually receive the notice, although a hearing could be continued if someone raises an objection based on receiving a late or delayed notice. If a person's address is unknown, and the court is satisfied that you have tried to find the person, the mailing can be made to the County Clerk.

Personal delivery of any notice is acceptable, of course, though rarely done because of the added cost. The court can require additional notice in any particular case if it feels that the 15 day notice requirement is too liberal, or does not actually give notice to the person or persons who should be receiving it. In addition, the court can "shorten" notice, that is, allow less than 15 days notice, in certain cases, upon a showing of good cause (emergencies, for example). Certain exceptions apply to this rule: a court may not shorten notice on a Petition for Probate, or on a petition to transfer property claimed to belong to decedent or any other person.

Notice of any hearing may be waived in writing, and such waiver must be filed with the court. Waivers can be useful where you have forgotten to give notice to someone, or someone has requested Special Notice, unbeknownst to you, and you did not give them notice. FAX machines can help in getting a waiver to the person or company, which can sign the form, fax it back to you, which you can then file with the court (sending the original in as soon as it can be signed and returned). Some courts will even allow faxing of documents in order to clear the probate notes before the hearing, so check the local rules to see if this is permitted.

If a hearing is continued for any reason, no further Notice of Hearing is required to be mailed unless the court requires it. Probate Code Section 1211 prescribes the form Notice of Hearing. On the back of the form is a Proof of Service by Mail. Typically, the attorney's secretary fills out this portion of the form, indicating to whom he/she has mailed the notice to (with any copies of the petition, if required), and signs the form under penalty of perjury.

Any person or entity can request that special notice be given of all actions taken by a personal representative, or of only certain actions (such as the selling of property, or the filing of an accounting). The form Request for Special Notice is filed with the court, with a copy mailed to the attorney for the personal representative. A copy of any petition filed with the court must accompany the Notice of Hearing when mailed to the requester.

Some petitions require more than just notification by mail. For example, a petition to remove an executor must be personally served on the executor, and a Citation, issued by the

court, must accompany the petition at the time of service. The Citation directs the executor to personally appear in court (or by attorney) to answer the petition ("give any legal reason why, according to the verified petition..."). Citations are issued upon request (usually the request is made in the petition) by the clerk of the court. The Citation is served just like a summons: it must be made on the person himself/herself. The court may accept substitute service, that is, service on a person living with the executor, or a co-worker, but each court is different in its requirements. Check the local rules or call the court and speak with the probate attorney/examiner (or try e-mail).

In most cases, the Citation must be served at least five days before the hearing, although the court may give the citee more time to respond. The Proof of Service of the back of the Original Citation must be filled out by the process server or sheriff/marshal, and returned to the court before the hearing so the court can tell that the citee was properly served with the Citation and Petition.

Where the executor in the above scenario can't be found, the court may allow service to be made by publication of the citation in a local newspaper. Requirements for publication are stiff, as judges recognize that this form of giving notice is highly unlikely to give actual notice to the citee. It is only done upon a proper showing by the attorney that he/she has searched for the citee and could not locate the person.

In the case of a Will Contest, the form Summons (Probate) is used, just as a summons is used in civil proceedings. Anyone objecting to the admission of a Will can file a Will Contest. The Summons is then issued by the clerk of the court. The objector's attorney must have the Summons and Objection to Petition for Probate served on the person who has requested appointment as personal representative. The Summons requires the person served to file a response within 30 days. However, no person named as executor in a Will is under a duty to defend the Will from such contests unless he/she has actually been appointed executor. The Summons is served personally on the petitioner and a Proof of Service (form on back of Summons) must be filled out and returned to the court, with the Original Summons, before the hearing.

INDEPENDENT ADMINISTRATION OF ESTATES ACT

The Independent Administration of Estate Act (IAEA) gives the personal representative the authority to take certain actions during the probate without court approval. The general rule of thumb is that you always ask for this authority when you file your Petition for Probate. The big question, however, is whether to ask for **full** powers or **limited** powers. The difference between the two is that full power allows the personal representative to sell real property without court approval, while limited power requires the personal representative to get court approval.

When requesting this authority, an initial determination should be made as to whether the court will require a bond. If there's a Will, and the Will waives bond, ask for full authority. However, if the named executor lives out of state, the court will require a bond regardless, so ask for limited authority. Bonds can be expensive. Only ask for such authority as you think

your client can afford until an additional bond becomes necessary (as when you actually sell the family home).

If there's no Will, many courts will require at least a minimal bond, unless there's cash, of course, in the bank. By giving your client full authority, the court will require a bond to match the amount you expect to realize upon the sale. Again, bonds can be expensive, so most attorneys order only a minimal bond and request limited authority for their clients. However, if a sale is anticipated immediately after the client is appointed, you might just ask for full powers, avoid a court hearing, and consider the cost of the bond an expedient way of dealing with the sale and its delays if you had to get court approval. (NOTE: Remember, if all the heirs or beneficiaries waive the bond, the court may go along with them.)

Certain types of actions/petitions require court approval, regardless of IAEA: naturally, petitions for the appointment of a personal representative are in this category, but also the following: petitions for attorney or executor fees; petitions for distributions or accountings; sales to the executor or his attorney; and compromising/settling claims made by the executor or attorney.

Where the personal rep has independent authority, and he/she wishes to take any particular action, the procedure is to mail a Notice of Proposed Action to each interested person/entity, which describes the action to be taken, and gives the person or entity 15 days within which to object. The original Notice of Proposed Action is filed with the court, along with a Proof of Service by Mail (which is not a part of the form so must be typed up on a separate page). If an objection is filed, or received by the personal rep, the action may not be taken without court approval. The objector may also ask the court for a restraining order.

The following actions require a Notice of Proposed Action be mailed at least 15 days before the action is taken: sale or exchange of real property (where there is full IAEA only); selling or incorporating the decedent's business; abandoning tangible personal property (such as a car or boat) where the cost of upkeep (insurance???) exceeds the fair market value; borrowing against or encumbering real property (full IAEA only); giving an option to buy real property (full IAEA only); completing a contract that the decedent entered into prior to death; determining claims by other persons to property in decedent's possession.

In addition, a Notice of Proposed Action may be required, and is usually given, in other cases: managing/controlling estate property; entering into contracts for more than two years; investing the estate cash; continuing the decedent's business for more than six months; paying a Family Allowance, or continuing it for more than a year, or increasing it; leasing real or personal property; selling or exchanging personal property (except securities sold on a stock/bond exchange or through a broker); and granting exclusive rights to sell property.

A personal representative may take certain actions without any notice. For example, he/she may allow, pay, reject, or contest a creditor's claim, or compromise/settle a claim. Also, the personal rep has the authority to sue on behalf of the estate, or defend actions taken against

the estate; pay taxes and assessments; and make repairs or improvements to estate property when necessary to preserve it.

If an objection to any action is received by the personal rep or the attorney, the action cannot be taken. If he/she takes the action anyway, he/she may be removed as personal representative, and could be liable to the heirs/beneficiaries for any losses that the estate might have.

Occasionally, the personal rep asks for no IAEA powers. Whatever the reason, he or she may later decide that independent powers are the easier way to go. In this case, the attorney can file a petition asking the court to grant IAEA powers, either full or limited. The court will calendar the hearing and make a determination whether to grant the petition or not. Generally, unless there are objections, the court grants the petition. New Letters Testamentary or of Administration will be issued showing the IAEA powers.

Sales of real property with full IAEA powers are much easier than going the long route (with court approval). The attorney will work with the realtor, escrow company, and title insurer by providing them with copies of the Notice of Proposed Action (and Proof of Service by Mail), certified copy of Letters, and sometimes copies of other documents from the file.

NOTICES TO PUBLIC ENTITIES

Probate Code Sections 9200 - 9205 deal with claims by public entities, such as the Franchise Tax Board or the Department of Health Care Services. Whenever you open an estate, it is essential that you send notice to these agencies and provide them with a copy of the decedent's death certificate. Typically, you will receive back a form letter stating that no claim will be filed or that there is no tax due. The court may want to see these letters when you do your final accounting. In addition, if an heir or beneficiary is incarcerated, you should notify the Director of the California Victim Compensation and Government Claims Board. When someone is sentenced in California, they are often required to pay a fine or compensation to the victim. This agency is responsible for collecting that money, so check with your client and find out if someone involved in the estate is in jail or prison.

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
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="text-align: center;"> <input type="checkbox"/> DECEDENT <input type="checkbox"/> TRUST <input type="checkbox"/> OTHER </div>	
NOTICE OF HEARING—DECEDENT'S ESTATE OR TRUST	CASE NUMBER:
<p><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></p>	

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: 1px solid black; border-radius: 50%; padding: 5px; width: 40px; 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).

6-5

<input type="checkbox"/> ESTATE OF <i>(name)</i> :	<input type="checkbox"/> IN THE MATTER OF <i>(name)</i> :	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

	<u>Name</u>	<u>Address (street & number, city, state, zip code)</u>
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.

For your protection and privacy, please press the Clear This Form button after you have printed the form.



6-6

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
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: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;"> Hearing Date </div>	Date: Dept.:	Time: Room:	Name and address of court if different from above:
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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, § 859.)

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

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

	Name	Address (street & number, city, state, zip code)
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.

For your protection and privacy, please press the Clear This Form button after you have printed the form.



6-8

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): FAX: (562) 407-1417 Alan D. Davis, Esq., #81783 Attorney at Law 4241 E. Firestone Blvd., Suite 400 La Mirada, CA 90638-5534 ATTORNEY FOR (Name): I. L. GETRICH	TELEPHONE AND FAX NOS.: (562) 407-1415	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 341 THE CITY DRIVE MAILING ADDRESS: P.O. BOX 14169 CITY AND ZIP CODE: ORANGE, CA 92613-1569 BRANCH NAME:		
MATTER OF (Name): I. M. DECEASED, <input checked="" type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR <input type="checkbox"/> TRUST		
REQUEST FOR SPECIAL NOTICE		CASE NUMBER: A 123456

1. a. I am a person interested in this proceeding.
 b. I am the attorney for a person interested in this proceeding (specify name of interested person):

2. I REQUEST SPECIAL NOTICE of (complete only a or b)

- a. the following matters (check applicable boxes):
- (1) all matters for which special notice may be requested (Do not check boxes (2)-(8))
 - (2) inventories and appraisals of property, including supplements
 - (3) accountings
 - (4) reports of the status of administration
 - (5) objections to an appraisal
 - (6) petitions for the sale of property
 - (7) Spousal Property Petition (form DE-221) (Prob. Code, § 13650)
 - (8) other petitions: all petitions the following petitions (specify):
- b. the following matters (specify):

3. SEND THE NOTICES to

- a. the interested person at the following address (specify): Betty Jones
 123 N. Main St.
 Anaheim, CA 92800
- b. the attorney at the following address (specify):

Date:

.....
 (TYPE OR PRINT NAME)

.....
 (SIGNATURE)

Attorney for person requesting special notice (client's name):

(Continued on reverse)

MATTER OF (Name): I. M. DECEASED,	CASE NUMBER: A 123456
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NOTE: A formal proof of service or a written admission of service must accompany this Request for Special Notice when it is filed with the court.

You must have your request served on either the personal representative, conservator, guardian, or trustee, or his or her attorney, or obtain a signed Admission of Service (see below).

PROOF OF SERVICE BY MAIL

- 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.
- My residence or business address is (specify): 123 N. Main St.
Anaheim, CA 92800
- I served the foregoing Request for Special Notice on each person named below by enclosing a copy in an envelope addressed as shown below AND
 - depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - 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' practice for collecting and processing correspondence for mailing. On the same day that correspondence is place for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
- Date of deposit:
 - Place of deposit (city and state): Anaheim, CA

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

Betty Jones
(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

Alan D. Davis
14241 E. Firestone Blvd., #400
La Mirada, CA 90638

List of names and addresses continued in attachment.

ADMISSION OF SERVICE

- I am the personal representative, conservator, guardian, or trustee the attorney.
- I ACKNOWLEDGE that I was served a copy of the foregoing Request for Special Notice.

Date:
.....
(TYPE OR PRINT NAME)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Alan D. Davis, #81783 Law Office of Alan D. Davis P.O. Box 3476 Fullerton, CA 92834-3476 TELEPHONE NO.: (714) 614-0422 FAX NO. (Optional): (714) 285-1425 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): I. L. GETRICH		FOR COURT USE ONLY CASE NUMBER: A 123456
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 341 THE CITY DRIVE MAILING ADDRESS: P.O. BOX 14169 CITY AND ZIP CODE: ORANGE, CA 92613-1569 BRANCH NAME: LAMOREAUX JUSTICE CENTER		
<input checked="" type="checkbox"/> ESTATE OR TRUST <input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> OTHER OF (Name): I. M. DECEASED, <input checked="" type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR <input type="checkbox"/> OTHER		
CITATION—PROBATE *		

1. TO (name): I. L. GETRICH

2. You are hereby cited and required to appear at a hearing in this court on

a. Date: 2-28-06	Time: 9:00 A.M.	Dept.: L73	Room:
b. Address of court: <input checked="" type="checkbox"/> same as noted above <input type="checkbox"/> other (specify):			

3. At this hearing you are required to give any legal reason why the relief requested in the verified petition attached to and served with this citation, and filed with this court, should not be granted.
you should not be removed as executor.

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for Request for Accommodations by Persons With Disabilities and Order (form MC-410). (Civil Code section 54.8.)



Date: _____ Clerk, by _____, Deputy

CLERK KINT

(REAL)	NOTICE TO THE PERSON SERVED: You are served a. <input type="checkbox"/> as an individual. b. <input type="checkbox"/> as the person cited under the fictitious name of (specify): c. <input type="checkbox"/> On behalf of (specify): under <input type="checkbox"/> Code Civ. Proc., § 416.10 (corporation) <input type="checkbox"/> Code Civ. Proc., § 416.20 (defunct corporation) <input type="checkbox"/> Code Civ. Proc., § 416.40 (association or partnership) <input type="checkbox"/> Code Civ. Proc., § 416.60 (minor) <input type="checkbox"/> Code Civ. Proc., § 416.90 (individual) <input type="checkbox"/> other (specify): d. by personal delivery on (date):
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* For use in all proceedings under the Probate Code EXCEPT to start a conservatorship. Use Citation for Conservatorship (form GC-320) for that purpose.

6-11

<input checked="" type="checkbox"/> ESTATE OR TRUST <input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> OTHER OF (NAME): I. M. DECEASED,	CASE NUMBER: A 123456
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PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the Citation—Probate and the following documents (specify): *Petition for Removal of Executor*

2. a. Party served (specify name of party as shown on the documents served): *I. L. Getrich*
- b. Person served: (1) party in item 2a (2) other (specify name and title or relationship to the party named in item 2a):
- c. Address (specify): *12345 Main St., Santa Ana, CA*

3. I served the party named in item 2
 - a. by personally delivering the copies (1) on (date): *1-15-06* (2) at (time): *10:00 am*
 - b. by leaving the copies with or in the presence of (name and title or relationship to person indicated in item 2b):
 - (1) (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him or her of the general nature of the papers.
 - (2) (residence) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the person served. I informed him or her of the general nature of the papers.
 - (3) on (date): (4) at (time):
 - (5) A declaration of diligence is attached. (Substituted service on natural person, minor, conservatee, or political candidate.)
 - c. by mailing the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,
 - (1) on (date): (2) from (city):
 - (3) with two copies of the Notice and Acknowledgment of Receipt—Civil and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt—Civil (form POS-015.))
 - (4) to an address outside California with return receipt requested. (Attach completed return receipt.)
 - d. other (specify other manner of service and authorizing code section):

4. The "Notice to the Person Served" (on the citation) was completed as follows:
 - a. as an individual defendant.
 - b. as the person sued under the fictitious name of (specify):
 - c. On behalf of (specify):

under <input type="checkbox"/>	Code Civ. Proc., § 416.10 (corporation)	<input type="checkbox"/>	Code Civ. Proc., § 416.60 (minor)
<input type="checkbox"/>	Code Civ. Proc., § 416.20 (defunct corporation)	<input type="checkbox"/>	Code Civ. Proc., § 416.90 (individual)
<input type="checkbox"/>	Code Civ. Proc., § 416.40 (association or partnership)	<input type="checkbox"/>	other (specify):

5. a. Person serving (name, address, and telephone number):

*Joe Server
1323 N. Broadway
Santa Ana, CA 92706
(714) 614-0422*
- d. Exempt from registration under Business and Professions Code, § 22350(b).
- e. Registered California process server.
 - (1) Employee or independent contractor
 - (2) Registration no. (specify):
 - (3) County (specify):
 - (4) Expiration (date):

- b. Fee for service: \$ 50
- c. Not a registered California process server.

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
7. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 1/15/06

 (SIGNATURE OF PERSON SERVING)
Joe Server

6-12

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): FAX: (562) 407-1417 Alan D. Davis, Esq., #81783 Attorney at Law 14241 E. Firestone Blvd., Suite 400 La Mirada, CA 90638-5534 ATTORNEY FOR (Name): I. L. GETRICH	TELEPHONE AND FAX NOS.: (562) 407-1415	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 341 THE CITY DRIVE MAILING ADDRESS: P.O. BOX 14169 CITY AND ZIP CODE: ORANGE, CA 92613-1569 BRANCH NAME:		
ESTATE OF (Name): I. M. DECEASED,		
DECEDENT		
NOTICE OF PROPOSED ACTION Independent Administration of Estates Act <input type="checkbox"/> Objection <input type="checkbox"/> Consent		CASE NUMBER: A 123456

NOTICE: If you do not object in writing or obtain a court order preventing the action proposed below, you will be treated as if you consented to the proposed action and you may not object after the proposed action has been taken. If you object, the personal representative may take the proposed action only under court supervision. An objection form is on the reverse. If you wish to object, you may use the form or prepare your own written objection.

- The personal representative (executor or administrator) of the estate of the deceased is (names): I. L. GETRICH
- The personal representative has authority to administer the estate without court supervision under the Independent Administration of Estates Act (Probate Code section 10400 et seq.)
 - with full authority under the act.
 - with limited authority under the act (there is no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
- On or after (date): 3-5-98, the personal representative will take the following action without court supervision (describe in specific terms here or in Attachment 3):

The proposed action is described in an attachment labeled Attachment 3.
 Sale of the real property at 12345 Main St., Santa Ana, California, legally described as: Lot 1 of Tract 4444, records of Orange County, CA.
 Sales price: \$150,000.00
 Commissions: 5%
 Terms: AS IS.
 Buyer: Hozee Kanucee
- Real property transaction (Check this box and complete item 4b if the proposed action involves a sale or exchange or a grant of an option to purchase real property.)
 - The material terms of the transaction are specified in item 3, including any sale price and the amount of or method of calculating any commission or compensation to an agent or broker.
 - \$ 150,000.00 is the value of the subject property in the probate inventory. No inventory yet.

NOTICE: A sale of real property without court supervision means that the sale will NOT be presented to the court for confirmation at a hearing at which higher bids for the property may be presented and the property sold to the highest bidder.

(Continued on reverse)

ESTATE OF (Name): I. M. DECEASED,	CASE NUMBER:
DECEDENT	A 123456

If you OBJECT to the proposed action

- a. Sign the objection form below and deliver or mail it to the personal representative at the following address (specify name and address): Alan D. Davis, Esq.
14241 E. Firestone Blvd., #400
La Mirada, CA 90638

OR

- b. Send your own written objection to the address in item 5a. (Be sure to identify the proposed action and state that you object to it.)

OR

- c. Apply to the court for an order preventing the personal representative from taking the proposed action without court supervision.
- d. NOTE: Your written objection or the court order must be received by the personal representative before the date in the box in item 3, or before the proposed action is taken, whichever is later. If you object, the personal representative may take the proposed action only under court supervision.

6. If you APPROVE the proposed action, you may sign the consent form below and return it to the address in item 5a. If you do not object in writing or obtain a court order, you will be treated as if you consented to the proposed action.

7. If you need more INFORMATION, call (name): Alan Davis
(telephone): 562-407-1415

Date:

Alan D. Davis
(TYPE OR PRINT NAME)

(SIGNATURE OF PERSONAL REPRESENTATIVE OR ATTORNEY)

OBJECTION TO PROPOSED ACTION

I OBJECT to the action proposed in item 3.

NOTICE: Sign and return this form (both sides) to the address in item 5a. The form must be received before the date in the box in item 3, or before the proposed action is taken, whichever is later. (You may want to use certified mail, with return receipt requested. Make a copy of this form for your records.)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF OBJECTOR)

CONSENT TO PROPOSED ACTION

I CONSENT to the action proposed in item 3.

NOTICE: You may indicate your consent by signing and returning this form (both sides) to the address in item 5a. If you do not object in writing or obtain a court order, you will be treated as if you consented to the proposed action.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF CONSENTER)

6-14

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): (714) 614-0422 (714) 285-1425 Alan D. Davis, #81783 Law Office of Alan D. Davis 1323 N. Broadway Santa Ana, CA 92706	TELEPHONE AND FAX NOS.: FOR COURT USE ONLY
ATTORNEY FOR (Name): I. L. GETRICH SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: same CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central District	
ESTATE OF (Name): I. M. DECEASED, DECEDENT	
WAIVER OF NOTICE OF PROPOSED ACTION (Probate Code section 10583) (Revocation of Waiver)	CASE NUMBER: A 123456

**WARNING
READ BEFORE YOU SIGN**

A. The law requires the personal representative to give you notice of certain actions he or she proposes to take to administer the estate. If you sign this form, the personal representative will NOT have to give you notice.

B. You have the right (1) to object to a proposed action and (2) to require the court to supervise the proposed action. If you do not object before the personal representative acts, you lose your right and you cannot object later.

C. IF YOU SIGN THIS FORM, YOU GIVE UP YOUR RIGHT TO RECEIVE NOTICE. This means you give the personal representative the right to take actions concerning the estate without first giving you the notice otherwise required by law. You cannot object after the action is taken.

D. You have the right to revoke (cancel) this waiver at any time. Your revocation must be in writing and is not effective until it is actually received by the personal representative. (A form to revoke your waiver is on the reverse. You may want to revoke this waiver later. Keep a copy of this form so you can.)

E. If you do not understand this form, ask a lawyer to explain it to you.

WAIVER OF RIGHT TO NOTICE

1. I understand that the personal representative named here has authority to administer the estate of the decedent without court supervision under the Independent Administration of Estates Act (California Probate Code sections 10400-10592).

a. (name): I. L. Getrich
 b. (address): 123 Main St.
 Santa Ana, CA 92709

(Mail or deliver notices to the personal representative at this address.)

2. I understand I have the right to receive notice of certain actions the personal representative may propose to take. I understand that those actions may affect my interest in the estate.

3. I understand that by signing this waiver form I give up my right to receive notices from the personal representative of actions he or she may decide to take.

(Continued on reverse)

ESTATE OF (Name): I. M. DECEASED, DECEDENT	CASE NUMBER: A 123456
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4. By signing below, I WAIVE MY RIGHT to receive prior notice of (CHECK ONLY ONE BOX to indicate your choice):
- Any and all actions the personal representative is authorized to take under the Independent Administration of Estates Act.
 - Any of the kinds of transactions I have listed below that the personal representative is authorized to take under the Independent Administration of Estates Act (specify which actions you are waiving your right to receive notice of):
 See Attachment 4.

Date:

James Greedy
(TYPE OR PRINT NAME)
My address is (type or print): 9876 Saratoga Avenue
New York, NY 10000

(SIGNATURE)

(Keep a copy for your records.)

REVOCATION OF WAIVER OF NOTICE OF PROPOSED ACTION

- I previously signed a waiver of my right to receive notices of proposed actions by the personal representative under the Independent Administration of Estates Act.
- I revoke (cancel) any previous waiver of my right to receive notices of proposed actions by the personal representative of the estate of the decedent.
- I request the personal representative to send me all notices required by law.

Date:

James Greedy
(TYPE OR PRINT NAME)
My address is (type or print): 9876 Saratoga Avenue
New York, NY 10000

(SIGNATURE)

(Mail or deliver this revocation to the personal representative at the address in item 1 on the reverse. Keep a copy for your records.)

PROOF OF SERVICE BY MAIL

- I mailed a copy of the Waiver of Notice of Proposed Action Revocation to the personal representative by depositing a copy of the revocation with the United States Postal Service, in a sealed envelope with postage fully prepaid by first-class mail or placing the envelope for collection and mailing on the date and place below following our ordinary business practices. I am readily familiar with this business' 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 United States Postal Service in a sealed envelope with postage fully prepaid.
I am a resident of or employed in the county where the mailing occurred.

- The envelope was addressed and mailed as follows:
 - Name of personal representative served: I. L. Getrich
 - Address on envelope: 123 Main St., Santa Ana, CA 92709
 - Date of mailing:
 - Place of mailing (city and state): New York NY

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

Manny Greedy
(TYPE OR PRINT NAME)

(SIGNATURE)

6-16