

14 Summary of California Law (10th), Wills and Probate

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- (d) [§439] Relatives.
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- (11) [§575] Procedural Challenges.
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 - (2) [§578] Trial.
 - (3) [§579] Orders and Judgment.
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- (a) [§583] Who May Petition.
- (b) [§584] Content and Attachments.
- (c) [§585] Filing Fee.
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- (b) [§595] Prohibited Political Activity.
- (c) [§596] Revocation of Appointment.
- (d) [§597] Powers of Probate Referee.

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- (b) [§599] Verification.
- (c) [§600] Discovery of Decedent's Property.

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- (a) [§601] In General.
- (b) [§602] Appraisal by Personal Representative.
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- (i) [§609] Referee's Appraisal Report and Data.

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- (b) [§613] Estoppel and Waiver.

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- (a) [§614] Requirement of Notice.
- (b) [§615] Sufficiency of Notice.
- (c) [§616] Immunity for Good Faith Acts or Omissions.
- (d) [§617] Liability of Distributee to Known or Ascertainable Creditors.

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- (a) [§618] In General.
- (b) [§619] Contract Claims.
- (c) [§620] Tort Claims.
- (d) Claims by Public Entities.
 - (1) [§621] Filing Requirement.
 - (2) [§622] Claims Under Specific Statutes.
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- (e) Claims in Litigation.
 - (1) [§624] Claim on Cause of Action.
 - (2) [§625] Claim on Pending Action or Proceeding.
- (f) Claims Established by Judgment.
 - (1) [§626] Former Statutes and Revision.
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- (b) [§634] Amended and Revised Claims.
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6. Procedure for Filing Claim.

- (a) [§636] How Claim Is Filed.
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- (b) [§641] Approval or Rejection by Court.
- (c) [§642] Barred Claims Must Be Rejected.
- (d) [§643] Contest of Allowed and Approved Claims.
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- (a) **[\$645] Right To Bring Action.**
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- 1. [\$648] In General.**
- 2. [\$649] Priority Among Claimants.**
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 - (e) **[\$654] Disputed, Contingent, and Not Due Debts.**
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 - (b) **[\$656] Allocation Rules.**
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 - (a) **[\$658] In General.**
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 - (a) **[\$662] In General.**
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 - (d) **[\$665] Qualified Real Property.**
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 - (h) **[\$677] Sale of Undivided Interest.**
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 - (a) **Nature of Contract.**
 - (1) **[\$678] Agent or Broker.**
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- (1) [§680] Requirements for Liability.
- (2) [§681] Limitations on Amount.
- (3) [§682] Compensation in Absence of Exclusive Contract.
- (4) [§683] Compensation Under Exclusive Contract.

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(a) Personal Property.

- (1) [§684] Notice of Sale.
- (2) [§685] Sale at Public Auction.
- (3) [§686] Private Sale.
- (4) [§687] Sale on Credit.
- (5) [§688] Passage of Title Without Confirmation.
- (6) [§689] Report and Hearing.
- (7) [§690] Overbid and Confirmation.

(b) Real Property.

- (1) [§691] Notice of Sale.
- (2) [§692] Sale at Public Auction.
- (3) [§693] Private Sale.
- (4) [§694] Sale on Credit.
- (5) [§695] Report and Hearing.
- (6) [§696] Overbid Procedure.
- (7) [§697] Confirmation or Vacation of Sale.
- (8) [§698] Assignment or Conveyance.

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- (1) [§699] In General.
- (2) [§700] Securities.
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- (4) [§702] Leasehold Interest.
- (5) [§703] Contract Right To Purchase Real Property.

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- (a) [§704] Vacating Sale and Directing Resale.
- (b) [§705] Vacating Sale and Confirming New Sale.

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- (a) [§706] In General.
- (b) [§707] Expenses of Administration.
- (c) [§708] Sale to Lienholder.

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- (d) [§713] Compelling Account.

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 - (c) Distribution to Person Other Than Beneficiary.
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 - (d) Conclusiveness of Order.
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 - (2) [§727] Conflict Between Order and Will.
 - (e) [§728] Correction of Order.
- 3. Preliminary Distribution.**
 - (a) [§729] In General.
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- 4. Final Distribution.**
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 - (a) [§733] In General.
 - (b) [§734] Credit and Offset.
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 - (d) [§736] Deposit With County Treasurer.
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- 1. [§739] Petition for Distribution or Status Report.**
- 2. [§740] Continuance of Administration.**
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- 3. [§747] Preliminary Provisions.**

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- 1. [§748] Petition and Notice.**

2. **[§749] Order, Letters, and Bond.**
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- C. Administration Under IAEA Authority.**
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 - (c) **[§753] Transactions Involving Personal Representative or Attorney.**
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- (a) [§796] Statutory Development.
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(2) [§805] Liability to Holder of Superior Right.

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- (a) [§807] Nature of Proceeding.
- (b) [§808] Affidavit and Attachments.
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- (d) Liability of Transferee.

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(2) [§811] Liability to Holder of Superior Right.

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- (c) [§855] No General Duty To Act.
- (d) [§856] Special Duties.
- (e) [§857] Standard of Care.
- (f) [§858] Nature and Scope of Authority.
- (g) [§859] General, Limited, and Express Authority.
- (g) [§860] Relation to Court-Appointed Fiduciary.
- (h) [§861] Resignation.

5. Protection of Third Persons.

- (a) [§862] In General.
- (b) [§863] Certified Copy of Power.
- (c) [§864] Immunity From Liability.
- (d) [§865] Power Not Revoked Until Notice.

E. Uniform Statutory Form Power of Attorney.

- 1. [§866] Statutory Development.
- 2. [§867] Nature and Scope.
- 3. [§868] Requirements for Validity of Form.
- 4. [§869] Statutory Form.
- 5. [§870] General Powers.
- 6. [§871] Particular Powers.
- 7. [§872] Action To Compel Third Person To Honor Agent's Authority.

F. Judicial Proceedings.

- 1. [§873] In General.
- 2. [§874] Petition.
- 3. [§875] Hearing, Determination, and Appeal.

XVI. HEALTH CARE DECISIONS LAW

A. In General.

- 1. [§876] Former Law.
- 2. [§877] Law Revision Commission Recommendation.
- 3. [§878] Enactment.
- 4. [§879] Legislative Findings and Intent.
- 5. [§880] Definitions.
- 6. [§881] Who May Act as Decisionmaker.

B. Uniform Health Care Decisions Act.

- 1. [§882] In General.
- 2. [§883] Right To Give Instructions and Execute Powers.
- 3. [§884] Advance Health Care Directives.
- 4. Powers of Attorney for Health Care.
 - (a) [§885] In General.
 - (b) [§886] Agent's Authority.
- 5. [§887] Revocation of Directive or Designation.
- 6. Statutory Form.
 - (a) [§888] In General.
 - (b) [§889] Explanatory Section.
 - (c) [§890] Body of Form.
- 7. [§891] Health Care Surrogates.

8. Duties of Health Care Providers.

- (a) **[\$892] Duty To Communicate and Record.**
- (b) **[\$893] Duty To Comply With Instructions.**

9. Immunities and Liabilities.

- (a) **[\$894] Immunity of Health Care Provider or Institution.**
- (b) **[\$895] Immunity of Agent or Surrogate.**
- (c) **[\$896] Civil and Criminal Penalties.**

C. Judicial Proceedings.

- 1. **[\$897] In General.**
- 2. **[\$898] Petition.**
- 3. **[\$899] Hearing, Determination, and Appeal.**

D. [\$900] Request To Forgo Resuscitative Measures.

XVII. GUARDIANSHIP AND CONSERVATORSHIP

A. Former Law.

- 1. **[\$901] Former Law of Guardianship.**
- 2. **[\$902] Former Law of Conservatorship.**

B. Guardianship-Conservatorship Law.

- 1. **Nature of Revision.**
 - (a) **[\$903] In General.**
 - (b) **[\$904] Principal Changes.**
- 2. **[\$905] Statutory Framework.**
- 3. **[\$906] Definitions.**
- 4. **[\$907] Rules of Practice.**
- 5. **Appointment of Counsel.**
 - (a) **[\$908] Discretionary Appointment.**
 - (b) **[\$909] Mandatory Appointment.**
- 6. **Notices.**
 - (a) **[\$910] General Notice Requirement.**
 - (b) **[\$911] When Conservatee or Ward Is State Hospital Patient.**
 - (c) **[\$912] When Conservatee or Ward Is Developmentally Disabled.**
 - (d) **[\$913] Notice to Veterans Administration.**
 - (e) **[\$914] Notice in Missing Person Proceedings.**
- 7. **[\$915] Judicial Council Forms.**
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- 1. **[\$916] In General.**
- 2. **Appointment.**
 - (a) **[\$917] Nomination.**
 - (b) **Petition.**
 - (1) **[\$918] Who May File.**
 - (2) **[\$919] Content and Form.**
 - (c) **Notice of Hearing.**
 - (1) **[\$920] In General.**
 - (2) **[\$921] When Notice Is Not Required.**
 - (d) **[\$922] Investigation and Report.**
 - (e) **[\$923] Additional Requirements for Nonrelative Guardianship.**

- (f) [§924] Factors Considered in Appointment.
- (g) [§925] Degree of Proof.
- (h) [§926] Determination and Order.
- (i) Guardianship Contest Involving Parent.
 - (1) [§927] Nature of Problem.
 - (2) [§928] Illustrations.

- 3. [§929] Annual Status Report.
- 4. [§930] Termination of Guardianship.
- 5. [§931] Vexatious Litigants.

D. Conservatorship.

- 1. [§932] Organization and Purpose of Statutes.
- 2. [§933] When Conservatorship Is Appropriate.
- 3. Appointment.
 - (a) [§934] Nomination.
 - (b) [§935] Limitation on Appointment of Spouse or Domestic Partner.
 - (c) [§936] Court's Discretion and Statutory Preference.
 - (d) Petition.
 - (1) [§937] Who May File.
 - (2) [§938] Content and Form.
 - (e) Notice of Hearing.
 - (1) [§939] In General.
 - (2) [§940] Citation to Proposed Conservatee.
 - (f) [§941] Investigation and Report.
 - (g) [§942] Assessment of Developmentally Disabled Person.
 - (h) Hearing and Order.
 - (1) [§943] In General.
 - (2) [§944] Attendance of Proposed Conservatee.
 - (3) [§945] Degree of Proof.
 - (i) Required Disclosures.
 - (1) [§946] Disclosures to Conservatee.
 - (2) [§947] Disclosures to Conservator.
 - (j) [§948] Where Proposed Conservatee Is Absentee.
 - (k) [§949] Where Proposed Conservatee Is Missing Person.
- 4. [§950] Periodic Review of Conservatorship.
- 5. Termination of Conservatorship.
 - (a) [§951] In General.
 - (b) [§952] Procedure.
- 6. Legal Capacity of Conservatee.
 - (a) Capacity To Bind Estate.
 - (1) [§953] In General.
 - (2) [§954] Limited or Temporary Conservatee.
 - (3) [§955] Court Order Broadening Capacity.
 - (b) Capacity To Consent to Medical Treatment.
 - (1) [§956] Determination by Court.
 - (2) [§957] Procedure.
 - (c) [§958] Capacity To Marry.

- (d) [§959] Capacity To Vote.
- 7. [§959A] (New) Vexatious Litigants.
- E. Provisions Common to Guardianship and Conservatorship.
 - 1. General Provisions.
 - (a) [§960] Governing Law.
 - (b) [§961] Fiduciary Relationship.
 - (c) [§962] Court Supervision.
 - (d) [§963] Joint Guardians or Conservators.
 - (e) [§964] Guardian or Conservator for Nonresident.
 - (f) [§965] Nominated Guardian.
 - (g) [§966] Appointment of Charitable Corporation.
 - 2. Private Professionals.
 - (a) [§967] In General.
 - (b) [§968] Reporting Requirements.
 - (c) [§969] Statewide Registry.
 - (d) [§970] Restrictions on Self-Dealing.
 - 2A. [§970A] (New) Professional Fiduciaries Act.
 - 3. Public Guardian.
 - (a) [§971] Nature of Office.
 - (b) [§972] Appointment Procedure.
 - (c) [§973] Temporary Possession or Control of Property.
 - (d) [§974] Administration of Estate.
 - 4. Temporary Guardians and Conservators.
 - (a) [§975] Appointment.
 - (a-1) [§975A] (New) Good Cause Exception to Notice Requirements.
 - (b) [§976] Notice in LPS Proceedings.
 - (c) [§977] Powers and Duties.
 - (d) [§978] Change of Conservatee's Residence.
 - 5. Jurisdiction and Venue.
 - (a) [§979] Jurisdiction.
 - (b) [§980] Venue.
 - (c) [§981] Change of Venue.
 - 6. [§982] Oath and Letters.
 - 7. Bond.
 - (a) [§983] Requirement.
 - (b) [§984] Exceptions and Waiver.
 - (c) [§985] Amount of Bond.
 - (d) [§986] Sureties.
 - 8. [§987] Request for Special Notice.
 - 9. [§988] Appealable Orders.
 - 10. Powers and Duties: Guardian or Conservator of Person.
 - (a) [§989] In General.
 - (b) [§990] Fixing Residence.
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 - (1) [§991] Consent to Treatment of Ward.
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- (a) [§1063] In General.
 - (b) [§1064] Petition, Notice, and Hearing.
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- 3. **Protection of Minors.**
 - (a) [§1066] In General.
 - (b) [§1067] Small Estate.
 - (c) [§1068] Money Belonging to Minor.
 - (d) [§1069] Parent's Compromise of Minor's Claim.
 - (e) **Proceeds of Compromise or Judgment.**
 - (1) [§1070] In General.
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 - (3) [§1072] Special Needs Trust.
- 4. **Property of Absent Federal Personnel.**
 - (a) [§1073] In General.
 - (b) [§1074] Court Proceeding To Set Aside Property.
 - (c) [§1075] Management and Disposition Without Court Proceeding.
 - (d) [§1076] Absentee's Power of Attorney.
- 5. [§1077] **Property of Nonresident.**
- 6. [§1078] **Law Practice Administrator.**