



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

March 27, 2008

Hon. Dave Jones, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: AB 2014 (Tran), as introduced - Support

Dear Assembly Member Jones:

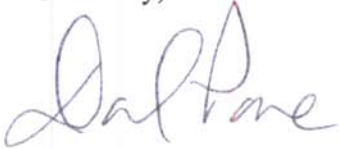
The Judicial Council supports AB 2014, which clarifies the law governing the responsibilities of conservators and guardians with respect to property in foreign jurisdictions.

AB 2014 was introduced in response to the Court of Appeal's decision in *Conservatorship of Hume* (2006) 139 Cal.App.4th 139. The *Hume* decision created confusion regarding how property in foreign jurisdictions is to be treated because neither the fiduciary (conservator or guardian) appointed by the court nor the probate examiners who appraise property in California have the authority to act outside this state. (See Code of Civ. Proc. sec. 1913(b).) The same problem can arise with an administrator of a decedent's estate when property of the decedent is located outside the state. AB 2014 tracks the same basic statutory approach that currently applies in decedent's estates by requiring the guardian or conservator to take reasonable steps to preserve and protect the out-of-state property. The bill also generally requires guardians and conservators to include in their required accountings an additional schedule that identifies the real property, and provide a good faith estimate of the fair market value of the real property. These changes will help avoid confusion by clarifying the duties of guardians and conservators in cases involving property in foreign jurisdictions.

Hon. Dave Jones, Chair
March 27, 2008
Page 2

For these reasons, the Judicial Council supports AB 2014.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Pone", with a stylized flourish at the end.

Daniel Pone
Senior Attorney

DP/op

cc: Members, Assembly Judiciary Committee
Hon. Van Tran, Member of the Assembly
Ms. Leora Gershenzon, Counsel, Assembly Judiciary Committee
Mr. Mark Redmond, Senior Consultant, Assembly Republican Office of Policy
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

April 17, 2008

Hon. Dave Jones, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: AB 2014 (Tran), as amended April 16, 2008 – Support
Hearing: Assembly Judiciary Committee – April 22, 2008

Dear Assembly Member Jones:

The Judicial Council supports AB 2014, which clarifies the law governing the responsibilities of conservators and guardians with respect to property in foreign jurisdictions.

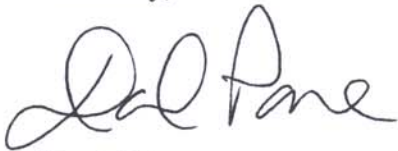
AB 2014 was introduced in response to the Court of Appeal's decision in *Conservatorship of Hume* (2006) 139 Cal.App.4th 139. The *Hume* decision created confusion regarding how property in foreign jurisdictions is to be treated because neither the fiduciary (conservator or guardian) appointed by the court nor the probate examiners who appraise property in California have the authority to act outside this state. (See Code of Civ. Proc. sec. 1913(b).) The same problem can arise with an administrator of a decedent's estate when property of the decedent is located outside the state. AB 2014 tracks the same basic statutory approach that currently applies in decedent's estates by requiring the guardian or conservator to take certain steps to preserve and protect the out-of-state property. The bill adds a new requirement for the guardian or conservator to advise the court as to whether an ancillary proceeding may be necessary to preserve and protect the out-of-state property. AB 2014 also requires guardians and conservators to include in their required accountings an additional schedule that identifies the real property

Hon. Dave Jones, Chair
April 17, 2008
Page 2

and provide a good faith estimate of the fair market value of the real property. In addition, the bill clarifies the definition of estate for these purposes to mean "all of the conservatee's or ward's personal property, wherever located, and real property located in this state." These changes will help avoid confusion by clarifying the duties of guardians and conservators in cases involving property in foreign jurisdictions.

For these reasons, the Judicial Council supports AB 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Pone". The signature is fluid and cursive, with the first name "Daniel" and last name "Pone" clearly distinguishable.

Daniel Pone
Senior Attorney

DP/op

cc: Members, Assembly Judiciary Committee
Hon. Van Tran, Member of the Assembly
Ms. Leora Gershenzon, Counsel, Assembly Judiciary Committee
Mr. Mark Redmond, Senior Consultant, Assembly Republican Office of Policy
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

May 15, 2008

Hon. Ellen Corbett, Chair
Senate Judiciary Committee
State Capitol, Room 3092
Sacramento, California 95814

Subject: AB 2014 (Tran), as amended April 16, 2008 – Support
Hearing: Senate Judiciary Committee – June 10, 2008

Dear Senator Corbett:

The Judicial Council supports AB 2014, which clarifies the law governing the responsibilities of conservators and guardians with respect to property in foreign jurisdictions.

AB 2014 was introduced in response to the Court of Appeal's decision in *Conservatorship of Hume* (2006) 139 Cal.App.4th 139. The *Hume* decision created confusion regarding how property in foreign jurisdictions is to be treated because neither the fiduciary (conservator or guardian) appointed by the court nor the probate examiners who appraise property in California have the authority to act outside this state. (See Code of Civ. Proc. sec. 1913(b).) The same problem can arise with an administrator of a decedent's estate when property of the decedent is located outside the state. AB 2014 tracks the same basic statutory approach that currently applies in decedent's estates by requiring the guardian or conservator to take certain steps to preserve and protect the out-of-state property. The bill adds a new requirement for the guardian or conservator to advise the court as to whether an ancillary proceeding may be necessary to preserve and protect the out-of-state property. AB 2014 also requires guardians and conservators to include in their required accountings an additional schedule that identifies the real property

Hon. Ellen Corbett, Chair
May 15, 2008
Page 2

and provide a good faith estimate of the fair market value of the real property. In addition, the bill clarifies the definition of estate for these purposes to mean "all of the conservatee's or ward's personal property, wherever located, and real property located in this state." These changes will help avoid confusion by clarifying the duties of guardians and conservators in cases involving property in foreign jurisdictions.

For these reasons, the Judicial Council supports AB 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Pone", with a stylized, cursive script.

Daniel Pone
Senior Attorney

DP/op

cc: Members, Senate Judiciary Committee
Hon. Van Tran, Member of the Assembly
Ms. Gloria Ochoa, Deputy Chief Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 "L" Street, Suite 700 • Sacramento, California 95814-3393
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 800-735-2929

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

June 23, 2008

Hon. Arnold Schwarzenegger
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 2014 (Tran) – Request for Signature

Dear Governor Schwarzenegger:

The Judicial Council supports AB 2014, which clarifies the law governing the responsibilities of conservators and guardians with respect to property in foreign jurisdictions.

AB 2014 was introduced in response to the Court of Appeal's decision in *Conservatorship of Hume* (2006) 139 Cal.App.4th 139. The *Hume* decision created confusion regarding how property in foreign jurisdictions is to be treated because neither the fiduciary (conservator or guardian) appointed by the court nor the probate examiners who appraise property in California have the authority to act outside this state. (See Code of Civ. Proc. sec. 1913(b).) The same problem can arise with an administrator of a decedent's estate when property of the decedent is located outside the state. AB 2014 tracks the same basic statutory approach that currently applies in decedent's estates by requiring the guardian or conservator to take certain steps to preserve and protect the out-of-state property. The bill adds a new requirement for the guardian or conservator to advise the court as to whether an ancillary proceeding may be necessary to preserve and protect the out-of-state property. AB 2014 also requires guardians and conservators to include in their required accountings an additional schedule that identifies the real property and provide a good faith estimate of the fair market value of the real property. In addition, the bill clarifies the definition of estate for these purposes to mean "all of the conservatee's or ward's personal property, wherever located, and real property located in this state." These changes will

Hon. Arnold Schwarzenegger

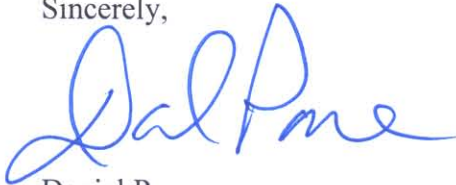
June 23, 2008

Page 2

help avoid confusion by clarifying the duties of guardians and conservators in cases involving property in foreign jurisdictions.

For these reasons, the Judicial Council requests your signature on AB 2014.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Pone". The signature is fluid and cursive, with the first name "Daniel" and last name "Pone" clearly distinguishable.

Daniel Pone
Senior Attorney

DP/ml

cc: Hon. Van Tran, Member of the Assembly

Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor

Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research

Ms. Barbara Gaal, California Law Revision Commission