

Chapter 2

General Notice Requirements

Rule 602.01. Vacated

(Adopted effective July 1, 1992; repealed effective July 1, 2008)

Rule 602.02 Additional Notice Requirements

Under Probate Code section 1202, the court may require additional notice in any matter. Ordinarily, the Court will require notice to be given to a person whenever it appears that the interests of that person may be adversely affected by the determination of an issue raised by the pleadings. For example, in a proceeding where the status of property is to be determined, notice should be given to all persons who would be affected.

(Adopted effective July 1, 1992)

Rule 602.03 Vacated

(Adopted effective July 1, 1992; repealed effective July 1, 2008)

Rule 602.04 Vacated

(Adopted effective July 1, 1992; repealed effective July 1, 2008)

Rule 602.05 Vacated

(Adopted effective July 1, 1992; repealed effective July 1, 2008)

Rule 602.06 Notice to Trust Beneficiaries

If a personal representative presents an account or petition that affects the interest of a beneficiary of a trust, and the representative is either named to act or acting as the sole trustee, then the Court will require notice to the beneficiaries as required by Probate Code section 1208. In addition, the notice should be accompanied by a copy of the petition or account. If the petitioner in a petition to determine succession to real property or spousal property petition is also the trustee of a trust that is a devisee under the will, notice of the petition must be given to the trust beneficiaries pursuant to Probate Code sections 13152(a)(7) and 13655(b)(2), respectively. In addition, the notice should be accompanied by a copy of the petition.

LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE

In appropriate circumstances the Court may require the appointment of and notice to a guardian ad litem for potential beneficiaries if their interests might diverge significantly from those of the beneficiaries who are in being.

(Adopted effective July 1, 1992)

Rule 602.07 Vacated

(Adopted effective July 1, 1992; repealed effective July 1, 2008)

Rule 602.08 Notice when Compensation Requested for Extraordinary Services

In every case in which there is a request for compensation for extraordinary services totaling in excess of \$1,000.00, the notice must include, in addition to the time and place of hearing, a summary of the matters to be determined, including a statement of the amount of compensation requested for extraordinary services; or, alternatively, a copy of the petition must be served with the notice. If a copy of the petition is served with the notice, the proof of such service should contain an allegation to that effect, but a copy of the petition should not be attached to the original proof of service which is filed with the court.

(Adopted effective July 1, 1992)

Rule 602.09 Notice of Petitions Affecting Inheritance Tax

For estates of decedents dying before June 8, 1982, in every instance in which a petition is filed which, if granted, could possibly affect the inheritance tax paid or to be paid, notice of the hearing and a copy of the petition must be given to the State Controller.

(Adopted effective July 1, 1992)