

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report Summary

TO: Members of the Judicial Council

FROM: Probate and Mental Health Advisory Committee
Hon. Don E. Green, Chair
Douglas C. Miller, Committee Counsel, 415-865-7535,
douglas.miller@jud.ca.gov

DATE: March 8, 2005

SUBJECT: Probate: Notices of Hearing and Proof of Service (revise forms DE-120 and GC-020; adopt form GC-020(C); and approve forms DE-120(P), GC-020(P), DE-120(MA)/GC-020(MA), and DE-120(PA)/GC-020(PA) (Action Required)

Issue Statement

Forms DE-120 and GC-020 are used to give notice of the place, time, and purpose of court hearings in probate matters. Form GC-020 is used in probate guardianships and conservatorships; form DE-120 is used in all other probate matters, including decedents' estates and trust proceedings.

These forms do not currently give notice of the right of a hearing-impaired person to apply to the court for an accommodation at the hearing noticed in the forms.

Form GC-020, Notice of Hearing Guardianship or Conservatorship

This form give advice about the availability of additional information from the court's file that is inconsistent with statute and rules of court providing for confidentiality of some documents filed with the court. The form also gives notice of requests for independent powers to be granted to guardians or conservators of the estate that is misleading and incomplete.

Proof-of-service attachments to probate notices of hearing

There are currently no form proof-of-service attachments to probate notices of hearing. The proof of service by mail included in both forms cannot be used to prove personal service, although personal service is sometimes required in a guardianship and is always permitted in lieu of service by mail in all probate matters. There are no

attachments designed to be used with the notices of hearing to show the names and addresses of additional persons served, although the number of persons who must be served is often greater than the space available for listing them in the notice forms.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective July 1, 2005, revise forms DE-120 and GC-020, adopt form GC-020(C), and approve forms DE-120(P), GC-020(P), DE-120(MA)/GC-020(MA), and DE-120(PA)/GC-020(PA) to improve the accuracy and clarity of the notice forms and provide a means for proving their personal or mailed service.

Copies of the revised and new forms are attached at pages 14–22. Copies of existing forms DE-120 and GC-020 are attached at pages 23–26.

Rationale for Recommendation

Form GC-020, Notice of Hearing Guardianship or Conservatorship

Notice to hearing-impaired persons

The revised form gives notice to hearing-impaired persons of their right to apply to the court for an assistive hearing device or a computer-aided transcription system. The notice was recently approved in form and appearance for placement on all Judicial Council forms that compel attendance at or give notice of hearings or that compel participation in judicial proceedings.

Confidentiality

This form currently gives advice about access to documents in the court file that is inconsistent with statutes and rules of court providing for confidentiality of some of these documents. The instruction for item 2 on page 1 of the form would be revised to conform to statutory and California Rule of Court requirements for confidentiality of certain documents filed in guardianships and conservatorships.

Independent powers

The current form is misleading and incomplete in the notice it gives of requests for independent powers to be granted to guardians and conservators. Item 3 on page 1 of this form would be modified to clearly indicate when independent powers of a guardian or conservator of the estate are requested at the hearing noticed by the form, and to advise when independent powers of a guardian of the person have been requested.

Service instructions

Form GC-020 now provides no instructions for its service and for proof of that service. The proposed revision would move the clerk's certificate of posting on page 2 to a new separate attachment, designated as form GC-020(C). The space made available in form GC-20 by this change would be filled with instructions on service by mail and personal service of the notice form and proof-of-service requirements, particularly for the benefit of self-represented persons who are often confused about these issues in guardianships and conservatorships.

Proof of service by mail

The existing proof of service by mail on page 2 of this form would be revised to conform to the format of recently approved proof-of-service forms used in civil matters.

Form DE-120, Notice of Hearing (Probate)

Changes in this form would be made to correspond to some of the changes proposed for form GC-020, particularly the addition of notice to hearing-impaired persons and changes to the format and appearance of the proof of service by mail on page 2 of the form.

Proof of service form attachments

New form attachments to the probate notices of hearing are proposed, consistent with the format and appearance of similar forms recently approved for use in civil matters, to provide a proof of personal service of the notice forms and service on additional persons who could not be listed in the space provided for proof of service by mail in those forms.

Alternative Actions Considered

The existing notice of hearing forms need revision, particularly form GC-020, and particularly concerning notice for the hearing-impaired. No alternatives to revising these forms were considered. The advisory committee considered proceeding with revisions to the notice forms only but elected also to propose the proof-of-service attachments at this time.

Comments From Interested Parties

Nine comments were received, all of them favorable. Four commentators recommended modifications to one or more of the forms. The advisory committee considered the comments and made some additional changes to the forms in response to the comments received.

Implementation Requirements and Costs

These forms should not incur costs above the normal costs associated with the creation and distribution of any new or revised Judicial Council form. On the other hand, guardianships involve a high percentage of self-represented petitioners. The revised guardianship notice form and the new proof-of-service attachments to that form should reduce the number of continued court hearings because self-represented petitioners will be better able to understand and comply with service and proof-of-service requirements of the guardianship law.

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Report

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FROM: Probate and Mental Health Advisory Committee
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Issue Statement

Forms DE-120 and GC-020 are used to give notice of the place, time, and purpose of court hearings in probate matters. Form GC-020 is used in probate guardianships and conservatorships; form DE-120 is used in all other probate matters, including decedents' estates and trust proceedings.

These forms do not currently give notice of the right of a hearing-impaired person to apply to the court for an accommodation at the hearing noticed in the forms.

Form GC-020, Notice of Hearing Guardianship or Conservatorship

This form:

1. Gives advice about the availability of additional information from the court's file that is inconsistent with statute and rules of court providing for confidentiality of some documents filed with the court;
2. Gives notice of requests for independent powers to be granted to guardians or conservators of the estate that is misleading and incomplete; and
3. Does not instruct self-represented users about the requirements for the form's service and proof of service.

Proof of service of probate notices of hearing

The proof of service by mail included on page 2 both probate notice forms cannot be used to prove personal service, although personal service is sometimes required in a guardianship and is always permitted in lieu of service by mail in all probate matters. There are no attachments designed to be used with the notices of hearing to show the names and addresses of additional persons served, although the number of persons who must be served is often greater than the space available for listing them in the notice forms.

Rationale for Recommendation

Form GC-020, Notice of Hearing Guardianship or Conservatorship

Notice to hearing-impaired persons

Civil Code section 54.8(a) requires courts to provide hearing-impaired parties, counsel, witnesses, and others involved in civil and criminal proceedings with assistive hearing or computer-aided transcription systems (described in the statute), when requested at least five days before the hearing at which the devices will be needed. The Judicial Council is required to develop forms for giving notice of the availability of these accommodations. (Civ. Code, § 54.8(f).)

The council has approved the format and text of a notice to hearing-impaired persons for placement in Judicial Council forms that compel attendance at or notify persons of court hearings. The first set of forms containing this notice were approved by the council effective January 1, 2005.¹ The revised form GC-020 would add the notice to hearing-impaired persons at the bottom of page 1.

Confidentiality

The instruction for item 2 on page 1 of form GC-020 advises that documents filed with the court are available for inspection in the court's case file. This instruction is inconsistent with Probate Code sections 1513(d) and 1513.2(c) and California Rules of Court, rule 7.1001 concerning guardianships, and Probate Code sections 1821(a) and 1826(n) and rule 7.1050 concerning conservatorships, which provide that court investigators' reports and certain other documents filed in these proceedings are confidential.

The instruction would be changed to read:

(Some documents filed with the court are confidential. Under some circumstances you or your attorney may be able to see or receive copies

¹ Civil harassment proceeding forms CH-120, CH-125, CH-150, and CH-151; agenda item A9, Judicial Council meeting of October 15, 2004.

of confidential documents if you file papers in the proceeding or apply to the court.) (Italics in original, emphasis added.)

The emphasized text is derived from Probate Code sections 1821 and 1826, which provide that certain confidential documents filed in a conservatorship proceeding may be made available to persons who “appear in the proceeding” or are entitled to notice of hearing “and have requested [the documents from the court].” Applying to the court is also an option under sections 1513 and 1513.2, concerning guardianships, which permit courts to make copies of confidential documents available to parties served in the proceeding who request them.

Notice of requests for independent powers

Item 3 on page 1 of current form GC-020 advises that the petition referenced in the form includes a request for independent powers of a guardian or conservator of the estate under Probate Code section 2590. Three changes are proposed for this item. First, the typographical error in the first sentence would be eliminated.² Second, a check box would be added at the beginning of the item. Third, additional check boxes and the phrase “Probate Code section 2108” would be added before the reference to section 2590.

The new check box at the beginning of item 3 would clearly indicate whether independent powers are or are not requested. Most petitions referenced in notices of hearing, perhaps even most petitions for the appointment of a guardian or conservator, do not include requests for independent powers. Item 3 erroneously implies that such requests are made in every petition identified in the form.

The third change would require petitioners whose candidates for appointment as guardian of the person are eligible for independent powers under Probate Code section 2108(a) to indicate that such powers have been requested and to state the requested powers in the form or in the referenced attachment. This change would provide equally specific notice of requests for independent powers for guardians of the person and guardians of the estate.³

² The sentence now reads: “The petition includes an application for the independent exercise of powers under *of the* Probate Code section 2590.” (Italics added.)

³ Probate Code section 2108(b) provides that a guardian of the estate who has been nominated by the child’s parents or the donor of a gift to the child, may be granted some or all of the independent powers of guardians or conservators of the estate listed in section 2591. The petition for appointment must request these powers. If it does, section 2592(b) requires the petitioner to list the specific powers requested in the *Notice of Hearing* served with the petition. Section 2108(a) says that a guardian of the person who has been nominated by the minor’s parents may also be granted certain independent powers in the order of appointment. However, there is no analogue to section 2592 that requires a *Notice of Hearing* on the petition for the appointment of a guardian of the person to advise that such powers have been requested or to describe them. The Continuing Education of the Bar

Instructions for service and proof of service

Page 2 of form GC-020 contains a court clerk's certificate of posting in addition to a proof of service by mail.⁴ The clerk's certificate is deleted from the revised form and moved to a separate attachment, proposed new form GC-020(C), *Clerk's Certificate of Posting Notice of Hearing—Guardianship or Conservatorship*, that would be completed by the clerk and attached to and filed with form GC-020 only when required. The certificate is replaced in revised form GC-020 by a text box advising users of the form, particularly self-represented persons, about the obligations to serve copies of the *Notice of Hearing* and prove to the court that service—personal service or service by mail—has been made, and providing instructions on how to fulfill these obligations.

Proof of service by mail

The proof of service by mail on the second page of form GC-020 would be modified by the addition of line borders around the spaces for the names and addresses of persons to whom the form is to be mailed. This change is consistent with a revised format for proof-of-service forms in civil actions generally, adopted effective January 1, 2005.⁵ The new format is intended to make the forms easier to complete by self-represented persons, particularly on computers, and to make forms prepared by such persons easier to read and use by the courts and other parties.⁶

Proof of personal service

Probate Code section 1511(b) requires personal service of notice of the hearing on a petition for appointment of a guardian on the minor, if over 12 years of age; the minor's parents; any person having legal custody of the minor; and any person other than the petitioner nominated as a guardian. All others entitled to notice of the hearing on that petition, all persons entitled to notice of hearing on any post-appointment guardianship petition, and all persons entitled to service of a *Notice of*

(CEB) treatise on guardianships and conservatorships recommends that the information concerning these powers should be added manually to the existing notice form because the policy in favor of specific notice of requests for independent powers applies equally to guardians of the person and guardians of the estate. (See 1 *Cal. Guardianships and Conservatorships* (Cont.Ed.Bar 2003) pp. 588 and 589, § 11.30). This change would accomplish the result recommended by the CEB treatise.

⁴ Posting as a form of notice in guardianships and conservatorships is required for certain hearings relating to the sale of guardianship or conservatorship property. (Prob. Code, § 2543(c).)

⁵ See civil proof-of-service forms POS-020(D) and (P), POS-030(D) and (P), and POS-040(D) and (P), approved effective January 1, 2005.

⁶ If adopted, the revised form would be posted on the judicial branch's public Web site, www.courtinfo.ca.gov, in two versions, fillable and nonfillable. The fillable version will allow the form's users to fill in the name and address information inside the text boxes in the form by computer before the form is printed. Commercial publishers that offer electronic Judicial Council forms to attorneys also provide fillable versions to their subscribers.

Hearing in a conservatorship, may be served by mail.⁷ However, any person who must be served by mail may be personally served in lieu of mailed service, at the election of the party giving notice.⁸

Form GC-020 does not provide a means of showing personal service. Proposed new form GC-020(P), *Proof of Personal Service of Notice of Hearing—Guardianship or Conservatorship*, would provide that means. The new form would be completed and signed by each person who personally serves a copy of form GC-020 and then attached to and filed with the original of that form.

Form DE-120, Notice of Hearing (Probate)

This form, almost identical to form GC-020 but designed for use in decedents' estates and often used in trust matters and other probate proceedings, would also be revised by the addition of the notice to hearing-impaired persons on page one. The proof of service by mail on page two of the form would also be revised to conform to the revised proof of service in form GC-020.

The clerk's certificate of posting on page 2 of this form would be retained, although the identical certificate would be removed from form GC-020. Notice by posting at the courthouse is required more often in decedents' estates than in guardianships or conservatorships.⁹ There is also less need to replace the clerk's certificate with an explanation of service requirements in form DE-120 because personal service of the form is never required and the percentage of self-represented petitioners in the matters where the form is used is likely to be considerably lower than in guardianships or conservatorships, particularly guardianships.

Proof of personal service of form DE-120

Also proposed is a form of proof of service designed as an attachment to form DE-120, new form DE-120(P), *Proof of Personal Service of Notice of Hearing—Decedent's Estate or Trust*. Personal service of form DE-120 is not required, but such service is always permitted in lieu of service by mail (Prob. Code, §§ 1202, 1216). A proof of personal service attachment to form DE-120 would be useful when that form is personally served.

⁷ Unless the proposed conservatee is a petitioner, he or she must be personally served with a citation, form GC-320, not a *Notice of Hearing*, at the commencement of a conservatorship. (See Prob. Code, §§ 1460, 1511(c), and 1822–1824.)

⁸ Probate Code sections 1200, 1216, and 1460.

⁹ In addition to the matters mentioned in Probate Code section 2543(c), notice of which must also be posted in guardianships and conservatorships, posting is required in decedents' estates for notice of petitions for authority to lease or grant options to purchase estate real property. (Prob. Code, §§ 9944, 9963.) Posting is also required for petitions for authority to sell securities where notice is required. (Prob. Code, § 10200 et seq.)

Other changes proposed for form DE-120:

1. The warning at the bottom of the first page of form DE-120 (following the asterisk) would be revised to include advice not to use the form to give notice of a hearing in a guardianship or conservatorship. The appropriate form notices intended for use in probate matters where this form is not to be used would also be stated.
2. The instructions for item 2 of the form would be revised to advise that some documents in the case file may be confidential.¹⁰

Attachments for extended lists of persons served

The space available in forms DE-120 and GC-020 for the names and addresses of persons to be served with the forms is often insufficient to list all of them. Both forms address this situation by providing a check box and a statement at the bottom of page 2 of each form that the list of persons served is continued on an “attachment”—one or more additional attached pages. However, neither form instructs users about the contents or appearance of these additional pages, and there are no form attachments for this purpose. Two new forms are proposed, designed for use as attachments to either form DE-120 or form GC-020. Form DE-120(MA)/GC-020(MA) would be used when the *Notice of Hearing* is served by mail; Form DE-120(PA)/GC-020(PA) would be used when the notice is personally served.

Alternative Actions Considered

The existing *Notice of Hearing* forms need revision, particularly form GC-020, and particularly concerning the notice required for the hearing-impaired. No alternatives to making at least some of the revisions were considered.

The advisory committee did consider making changes only to the notice forms, without also proceeding with the proposed new attachments for proving service. This alternative was rejected because of changes now being made in proofs of service forms in civil matters. The committee elected to conform probate proofs of service to the format for civil proof-of-service forms to enhance uniformity and to make proving service in probate matters easier to understand and accomplish, particularly by self-represented persons.

¹⁰ Probate Code section 8404(b) permits courts, by local rule, to require an appointed personal representative of a decedent’s estate to provide his or her birth date and driver’s license number in the mandatory acknowledgment of receipt of a statement of duties and liabilities of the office of personal representative if the confidentiality of the information is ensured. Section 8404(b) does not authorize a court to permit anyone to gain access to this information.

The advisory committee also considered making the new attachments for additional persons served and proof of personal service mandatory, as are all other probate forms, rather than optional, as are all proofs of service that are not part of other forms and all attachments to proofs of service in civil matters. The committee decided in favor of proposing the proof of service attachment forms as optional forms for the reasons stated below.

Comments From Interested Parties

This proposal was circulated to a standard list of court executives, judicial officers, and organizations, and to an augmented list of probate practitioners, court staff, and related organizations.

Attached at pages 27–34 is a chart showing the public comments received on the proposed new and revised forms. Nine comments were received, all of them favorable. Four commentators recommended modifications to one or more of the forms. The advisory committee’s responses to these recommendations are included in the chart.

One of the commentators, Ms. Jane Kwon, a staff attorney for a Los Angeles children’s rights advocacy agency, requested removal of the phrase “for further particulars” from item 2 of forms DE-120 and GC-020, the basic notice-of-hearing forms, because the phrase is vague and difficult for self-represented persons to understand. The advisory committee agrees with this comment. The phrase “for more information” has been substituted in both forms.

Ms. Linda Paquette, a private attorney from Pasadena, found the bordered text boxes provided in the proof-of-service portions of forms DE-120, GC-020 and the proof-of-service attachments to be impractical for attorneys who use computers. The advisory committee partially agrees and disagrees with this comment. The bordered text boxes should improve the readability of forms prepared by self-represented persons, and should be easier for them to prepare, with or without computers.¹¹ However, the advisory committee responded to Ms. Paquette’s comment by proposing the proof-of-service attachments as optional forms, like their counterparts in civil matters.¹²

Rule 201.1(e) of the California Rules of Court provides that proofs of service included on some Judicial Council forms are solely for the convenience of the parties, but that parties may use any other proper proof of service. Process servers routinely use their

¹¹ See footnote 6 above.

¹² Proposed new forms DE-120(P), GC-020(P), DE-120(MA)/GC-020(MA), and DE-120(PA)/GC-020(PA). New form GC-020(C), the clerk’s certificate of posting for use in guardianships or conservatorships, is proposed as a mandatory form.

own computer-generated proofs of service in civil actions. There is no reason not to permit them to do so in probate matters.¹³

Two commentators requested additional space in the proof-of-service forms for statement of the relationship between the persons served and the decedent, conservatee, or minor. The advisory committee disagrees with these comments. Persons requesting the appointment of fiduciaries in decedents' estates, conservatorships, or guardianships are required to allege these relationships in their appointment petitions because they are expected to know them. However, the proofs of service are declarations under penalty of perjury—testimony—by the persons performing the service. Persons serving documents could not in most cases testify competently about the family or other relationships of the people they serve.

Ms. Sandra Riley, the supervising probate attorney of the Superior Court of Los Angeles County, requested modification of some of the Probate Code citations in the new attachment forms. The advisory committee has agreed with some of her recommendations and has made the changes indicated in its response to Ms. Riley's comments on the attached chart.

Ms. Riley also recommended that the form group and subgroup designations at the bottom of forms DE-120 and DE-120(P) below the names of the forms be changed to emphasize that these forms may be used in matters other than decedents' estates.¹⁴ The advisory committee has declined to change the group designations of these forms because the designations are not intended as restrictions on the forms' actual use. However, to enhance clarity, the advisory committee proposes to change the name of form DE-120 from *Notice of Hearing (Probate)* to *Notice of Hearing—Decedent's Estate or Trust*, and to make the corresponding change in the name of form DE-120(P). These changes should emphasize the intended use of these forms. The change of name would also parallel the name of revised form GC-020, *Notice of Hearing—Guardianship or Conservatorship*.

¹³ All existing probate forms were made mandatory in 2000, and all probate forms adopted since then have also been mandatory. There is, however, no blanket prohibition of optional forms in this field, particularly for ancillary functions like proving service. Rule 7.101 of the California Rules of Court provides that a petition, order, or document for which a Judicial Council form has been *adopted* must be submitted on that form. Mandatory forms are adopted; optional forms are approved. (Cal. Rules of Court, rule 201.1(b) and (c).) Rule 7.101 therefore applies only to mandatory forms and does not bar the use of approved optional forms in probate matters.

¹⁴ The form group for these forms is Probate. The subgroup for form DE-120 is Decedents' Estates. The subgroups for form DE-120(PA)/GC-020(PA) are Decedents' Estates and Guardianships and Conservatorships, currently the only subgroups provided for probate forms. These subgroups are also identified by the prefixes "DE-" and "GC-" preceding a probate form's number. A form is listed on the judicial branch's public Web site and placed in publishers' form compilations by its group and subgroup listings, which are not part of the form's name.

Implementation Requirements and Costs

These forms should not incur costs above the normal costs associated with the creation and distribution of any new or revised Judicial Council form. On the other hand, guardianships involve a high percentage of self-represented petitioners. The revised guardianship notice form and the new proof-of-service attachments to that form should reduce the number of continued court hearings because self-represented petitioners will be better able to understand and comply with service and proof-of-service requirements of the guardianship law.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective July 1, 2005, revise forms DE-120 and GC-020 and adopt forms DE-120(P), GC-020(P), DE-120(MA)/GC-020(MA), DE-120(PA)/GC-020(PA), and GC-020(C) to improve the accuracy and clarity of the notice forms and provide a means for proving their personal or mailed service.

Attached are copies of the following:

1. Revised *Notice of Hearing—Decedent's Estate or Trust* (form DE-120) at pages 14–15;
2. Revised *Notice of Hearing—Guardianship or Conservatorship* (form GC-020) at pages 16–17;
3. The following new forms:
 - (a) *Proof of Personal Service of Notice of Hearing—Decedent's Estate or Trust* (form DE-120(P)) at page 18;
 - (b) *Proof of Personal Service of Notice of Hearing—Guardianship or Conservatorship* (form GC-020(P)) at page 19;
 - (c) *Attachment to Notice of Hearing Proof of Service by Mail* (form DE-120(MA)/GC-020(MA)) at page 20;
 - (d) *Attachment to Notice of Hearing Proof of Personal Service* (form DE-120(PA)/GC-020(PA)) at page 21; and
 - (e) *Clerk's Certificate of Posting Notice of Hearing—Guardianship or Conservatorship* (form GC-020(C)) at page 22; and
4. Existing forms DE-120 and GC-020 at pages 23–26.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> <hr/> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY DRAFT 6 03/24/05 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 <i>(Name):</i> <input type="checkbox"/> IN THE MATTER OF <i>(Name):</i> <input type="checkbox"/> DECEDENT <input type="checkbox"/> TRUST <input type="checkbox"/> OTHER	
NOTICE OF HEARING—DECEDENT'S ESTATE OR TRUST	CASE NUMBER: _____

This notice is required by law.
This notice does not require you to appear in court, but you may attend the hearing if you wish.

1. NOTICE is given that *(name):*
(representative capacity, if any):
 has filed *(specify):**

2. You may refer to the filed documents for more information. *(Some documents filed with the court are confidential.)*

3. A HEARING on the matter will be held as follows:

a.	Date:	Time:	Dept.:	Room:
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b. Address of court shown above is *(specify):*

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.)



* Do **not** use this form to give notice of a petition to administer estate (see Prob. Code, § 8100 and form DE-121) or notice of a hearing in a guardianship or conservatorship (see Prob. Code, §§ 1511 and 1822 and form GC-020).

<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 United States 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 United States 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 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 OF PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

	<u>Name of person served</u>	<u>Address (number, street, city, state, and zip code)</u>
1.		
2.		
3.		
4.		

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.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT 15 03/24/05 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"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): <input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE	
NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP	CASE NUMBER: _____

This notice is required by law.
This notice does not require you to appear in court, but you may attend the hearing if you wish.

1. NOTICE is given that (name):
 (representative capacity, if any):
 has filed (specify):

2. You may refer to documents on file in this proceeding for more information. (Some documents filed with the court are confidential. Under some circumstances you or your attorney may be able to see or receive copies of confidential documents if you file papers in the proceeding or apply to the court.)

3. The petition includes an application for the independent exercise of powers by a guardian or conservator under Probate Code section 2108 Probate Code section 2590.
 Powers requested are specified below specified in Attachment 3.

4. A HEARING on the matter will be held as follows:

a. Date:	Time:	Dept.:	Room:
b. Address of court <input type="checkbox"/> same as noted above <input type="checkbox"/> is (specify):			

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.)



<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	

PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING—DECEDENT'S ESTATE OR TRUST

(Attach a separate completed and signed copy of this form or other proof of personal service to Notice of Hearing—Decedent's Estate or Trust for each person who personally served a copy of the Notice.)

1. I am over the age of 18 and not a party to this cause.
2. I served the attached *Notice of Hearing—Decedent's Estate or Trust* by personally delivering a copy to each person listed below at the address and on the date and time indicated below.
3. I served with the attached *Notice of Hearing—Decedent's Estate or Trust* a copy of the petition or other document referred to in the Notice.
4. I am *(check all that apply)*:
 - a. not a registered California process server.
 - b. a California sheriff or marshal.
 - c. a registered California process server.
 - d. an employee or independent contractor of a registered California process server.
 - e. exempt from registration (Bus. & Prof. Code, § 22350(b)).
5. My name, address, telephone number, and, if applicable, county of registration and number, are *(specify)*:

NAME OF EACH PERSON PERSONALLY SERVED, ADDRESS WHERE SERVED, AND DATE AND TIME SERVICE WAS MADE

	<u>Name</u>	<u>Address where served (number, street, city, and state)</u>	<u>Date and time service made</u>
1.			Date: _____ Time: _____
2.			Date: _____ Time: _____
3.			Date: _____ Time: _____
4.			Date: _____ Time: _____
5.			Date: _____ Time: _____
6.			Date: _____ Time: _____

List of names and addresses of persons personally served by the undersigned continued on an attachment.
(You may use Attachment to Notice of Hearing Proof of Personal Service, form DE-120(PA)/GC-020(PA), for this purpose.)

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

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct

Date:

Date:

▶ _____

▶ _____

(SIGNATURE)

(SIGNATURE)

<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <div style="text-align: right;"><input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE</div>	CASE NUMBER: _____
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PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP

(Attach a separate completed and signed copy of this form or other proof of personal service to Notice of Hearing—Guardianship or Conservatorship for each person who personally served a copy of the Notice.)

1. I am over the age of 18 and not a party to this cause.
2. I served the attached *Notice of Hearing—Guardianship or Conservatorship* by personally delivering a copy to each person listed below at the address and on the date and time indicated below.
3. I served with the attached *Notice of Hearing—Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.
4. I served with the attached *Notice of Hearing—Guardianship or Conservatorship* copies of the following documents (*specify*):

Continued on Attachment 4.

5. I am (*check all that apply*):
 - a. not a registered California process server.
 - b. a California sheriff or marshal.
 - c. a registered California process server.
 - d. an employee or independent contractor of a registered California process server.
 - e. exempt from registration (Bus. & Prof. Code, § 22350(b)).
6. My name, address, telephone number, and, if applicable, county of registration and number, are (*specify*):

NAME OF EACH PERSON PERSONALLY SERVED, ADDRESS WHERE SERVED, AND DATE AND TIME SERVICE WAS MADE

	<u>Name</u>	<u>Address where served (number, street, city, and state)</u>	<u>Date and time service made</u>
1.			Date: _____ Time: _____
2.			Date: _____ Time: _____
3.			Date: _____ Time: _____
4.			Date: _____ Time: _____

List of names and addresses of persons personally served by the undersigned continued on an attachment.
(You may use Attachment to Notice of Hearing Proof of Personal Service, form DE-120(PA)/GC-020(PA), for this purpose.)

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

Date: _____

▶ _____

(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct

Date: _____

▶ _____

(SIGNATURE)

<input type="checkbox"/> ESTATE <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> MATTER OF _____ (Name): _____	CASE NUMBER: _____
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ATTACHMENT TO NOTICE OF HEARING PROOF OF PERSONAL SERVICE

(This Attachment is for use with forms DE-120(P) and GC-020(P).)

NAME OF EACH PERSON PERSONALLY SERVED, ADDRESS WHERE SERVED, AND DATE AND TIME SERVICE WAS MADE

<u>No.</u>	<u>Name</u>	<u>Address where served (number, street, city, and state)</u>	<u>Date and time service made</u>
—	<div style="border: 1px solid black; height: 40px;"></div>	<div style="border: 1px solid black; height: 40px;"></div>	Date: _____ Time: _____
—	<div style="border: 1px solid black; height: 40px;"></div>	<div style="border: 1px solid black; height: 40px;"></div>	Date: _____ Time: _____
—	<div style="border: 1px solid black; height: 40px;"></div>	<div style="border: 1px solid black; height: 40px;"></div>	Date: _____ Time: _____
—	<div style="border: 1px solid black; height: 40px;"></div>	<div style="border: 1px solid black; height: 40px;"></div>	Date: _____ Time: _____
—	<div style="border: 1px solid black; height: 40px;"></div>	<div style="border: 1px solid black; height: 40px;"></div>	Date: _____ Time: _____
—	<div style="border: 1px solid black; height: 40px;"></div>	<div style="border: 1px solid black; height: 40px;"></div>	Date: _____ Time: _____
—	<div style="border: 1px solid black; height: 40px;"></div>	<div style="border: 1px solid black; height: 40px;"></div>	Date: _____ Time: _____
—	<div style="border: 1px solid black; height: 40px;"></div>	<div style="border: 1px solid black; height: 40px;"></div>	Date: _____ Time: _____
—	<div style="border: 1px solid black; height: 40px;"></div>	<div style="border: 1px solid black; height: 40px;"></div>	Date: _____ Time: _____
—	<div style="border: 1px solid black; height: 40px;"></div>	<div style="border: 1px solid black; height: 40px;"></div>	Date: _____ Time: _____
—	<div style="border: 1px solid black; height: 40px;"></div>	<div style="border: 1px solid black; height: 40px;"></div>	Date: _____ Time: _____
—	<div style="border: 1px solid black; height: 40px;"></div>	<div style="border: 1px solid black; height: 40px;"></div>	Date: _____ Time: _____

<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): <input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE	CASE NUMBER:
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CLERK'S CERTIFICATE OF POSTING NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP

(For court use only)

(Attach to a copy of the posted Notice of Hearing—Guardianship or Conservatorship.)

1. I certify that I am not a party to this cause.
2. A copy of the attached *Notice of Hearing—Guardianship or Conservatorship*
 - a. was posted at (address):

b. was posted on (date):

Date:

Clerk, by _____, Deputy

(SEAL)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
ATTORNEY FOR (<i>Name</i>): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
ESTATE OF (<i>Name</i>): <div style="text-align: right;">DECEDENT</div>	
NOTICE OF HEARING (Probate)	

This notice is required by law. This notice does not require you to appear in court, but you may attend the hearing if you wish.

1. NOTICE is given that (*name*):

(*representative capacity, if any*):

has filed (*specify*):*

2. You may refer to the filed documents for further particulars. (*All of the case documents filed with the court are available for examination in the case file kept by the court clerk.*)

3. A HEARING on the matter will be held as follows:

a. Date: _____ Time: _____ Dept.: _____ Room: _____

b. Address of court shown above is:

* Do not use this form to give notice of hearing of the petition for administration (see Probate Code, § 8100).

(Continued on reverse)

ESTATE OF <i>(Name)</i> : _____	CASE NUMBER: _____
DECEDENT	

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 (Probate)*
 - 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 (Probate)* on each person named below by enclosing a copy in an envelope addressed as shown below AND
 - a. **depositing** the sealed envelope with the United States 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' 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.

4. a. Date mailed: _____ b. Place mailed *(city, state)*: _____

5. I served with the *Notice of Hearing (Probate)* a copy of the petition or other document 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 OF DECLARANT)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

List of names and addresses continued in attachment.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>):	TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
ATTORNEY FOR (<i>Name</i>):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
MAILING ADDRESS: STREET ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF (<i>Name</i>):		
<input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE		
NOTICE OF HEARING		CASE NUMBER:

This notice is required by law. This notice does not require you to appear in court, but you may attend the hearing if you wish.

1. NOTICE is given that (*name*):
(*representative capacity, if any*):
has filed (*specify*):

2. You may refer to the filed documents for further particulars. (*All of the case documents filed with the court are available for examination in the case file kept by the court clerk.*)

3. The petition includes an application for the independent exercise of powers under of the Probate Code section 2590. Powers requested are specified below specified in Attachment 3.

4. A HEARING on the matter will be held as follows:

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
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b. Address of court same as noted above is (*specify*):

(Continued on reverse)

