

Rule 4.4.07 Petition for Confirmation of Trust Assets

Pursuant to *Estate of Heggstad* and pursuant to Probate Code § 850.

- (a) Copies of all testamentary instruments shall be attached to the petition.
- (b) Copies of pertinent and current documents of title to the assets in question shall be attached to the petition. Petitioner shall obliterate confidential information such as social security numbers before attaching the document to the petition.
- (c) Any Petition under Probate Code section 850 must state the names and last known addresses of all parties entitled to notice pursuant to Probate Code section 851.
- (d) For any Petition under Probate Code section 850(a)(3)(B), the parties entitled to notice pursuant to Probate Code section 851(b) shall include the following:
 - 1. The parties entitled to notice under Probate Code section 851(b)(1) shall include the following:
 - a) To all beneficiaries in a will and codicil if a will and codicil have been conclusively admitted to probate in the State of California within the meaning of Probate Code sections 8226 and 8007.
 - b) To all heirs at law if a court in the State of California has ordered appointment of a personal representative and if the later of the following time periods has elapsed: (1) one hundred twenty (120) days after such appointment of administrator and (2) sixty (60) days after a Will proponent first obtains knowledge of the Will.
 - c) If a court in the State of California has made an order determining entitlement to distribution and the order is final within the meaning of Probate Code section 11705, to all heirs or beneficiaries identified in the order determining entitlement to distribution.
 - d) If none of (a) or (b) or (c) applies, then to all beneficiaries and executors mentioned in every known Will and Codicil, whether admitted to probate or not, and to all heirs at law.
 - 2. The parties entitled to notice under Probate Code section 851(b)(3) shall include each person listed in section 17203.
- (e) For any Petition under Probate Code section 850 that concerns a lease of land held by the Bureau of Indian Affairs, the parties entitled to notice pursuant to Probate Code section 851(a)(2) shall include the Bureau of Indian Affairs.

- (f) For any Petition under Probate Code section 850 that concerns an asset which is subject to the Employee Retirement Income Security Act (ERISA--29 USC sections 1001 et seq.) and which is held by an institution defined in Probate Code section 2890(c) or by a financial institution defined in Probate Code section 2892(b), the parties entitled to notice pursuant to Probate Code section 851(a)(2) shall include the financial institution.

(Eff. 7/1/01) (Renamed & Renumbered 1/1/09)
(Rev. 1/1/13) (Rev. 1/1/20) (Rev. 1/1/27)