RELEASE OF FUNDS AND PROPERTY OF DECEASED PERSONS PURSUANT TO LETTERS OF TESTAMENTARY OR LETTERS ADMINISTRATION **8477.32**
(Renumbered from 8429.73 12/89)

Funds and property of deceased persons may be released to the executor or administrator of the estate of a decedent upon receipt of certified copies of letters testamentary, or letters of administration. Departments will:

1. retain a copy of the certified letters testamentary, or letters of administration as the department's record of authority for releasing funds and property of deceased persons;

2. attach to each claim schedule submitted to the State Controller's Office a copy of the letters testamentary, or letters of administration in addition to the other documentation normally required to support payments claimed. A reproduced copy of the letter will be sufficient; and

3. note, on the department's copy of the letters testamentary, or letter of administration, the dates, numbers, and amounts of any check(s) or warrant(s) drawn to the decedent as payee and the description of any property released.

Funds due a decedent may be released to persons designated in letters testamentary, or letters of administration in the form of checks or warrants made payable (1) to the persons designated in the certified copies of letters testamentary, or letters of administration or (2) to the deceased employee or other deceased person as payee.

Checks drawn or warrants claimed that are to be made payable to the person designated in the certified copies of letters testamentary, or letters of administration will show the payee as follows:

1. Where payee is the executor

   (NAME OF EXECUTOR) EXECUTOR OF THE LAST WILL AND TESTAMENT OF (NAME OF DECEDENT) DECEASED

2. Where the payee is the administrator

   (NAME OF ADMINISTRATOR) ADMINISTRATOR OF THE ESTATE OF (NAME OF DECEDENT) DECEASED

Agencies will instruct recipients of checks or warrants drawn to deceased employees or other deceased persons as payees to endorse such checks and warrants as follows:

(NAME OF PAYEE)

by: (SIGNATURE OF EXECUTOR OR ADMINISTRATOR)

(USE APPLICABLE TITLE*)

* (EXECUTOR OF THE LAST WILL AND TESTAMENT OF DECEASED PAYEE)

* (ADMINISTRATOR OF THE ESTATE OF THE DECEASED PAYEE)

SAM—DISBURSEMENTS

REQUEST FOR FUNDS AND/OR PROPERTY OF A DECEDENT

Pursuant to Chapter 3 Section 13100, amended July 1, 1987 of the Probate Code of the State of California, I the undersigned, an adult, hereby request the State Treasurer to pay and deliver to me the money and/or other personal property on deposit as described below.
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(Continued)

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SECTION 13006—PROBATE CODE, AS ENACTED JULY 1, 1987

Successor of the decedent means:

(a) If the decedent died leaving a will, the sole beneficiary or all of the beneficiaries who succeeded to a particular item of property of the decedent under the decedent's will. For the purposes of this part the trustee of a trust created during the decedent's lifetime is a beneficiary under the decedent's will if the trust succeeds to the particular item of property under the decedent's will.

(b) If the decedent died without a will, the sole person or all of the persons who succeeded to the particular item of property of the decedent under Sections 6401 and 6402.

SECTION 13050—PROBATE CODE, AS ENACTED JULY 1, 1987

(a) For the purposes of this part:

(1) Any property or interest or lien thereon which, at the time of the decedent's death, was held by the decedent as a joint tenant, or in which the decedent had a life or other interest terminable upon the decedent's death, or which was held by the decedent and passed to the decedent's surviving spouse pursuant to Section 13500, shall be excluded in determining the property or estate of the decedent or its value.

(2) A multiple-party account to which the decedent was a party at the time of the decedent's death shall be excluded in determining the property or estate of the decedent or its value, whether or not all or a portion of the sums on deposit are community property, to the extent that the sums on deposit belong after the death of the decedent to a surviving party, P.O.D. payee, or beneficiary. As used in this paragraph, the terms "multiple-party account," "party," "P.O.D. payee," and "beneficiary" have the same meaning as given those terms by Section 5101.

(b) For the purposes of this part, all of the following property shall be excluded in determining the property or estate of the decedent or its value:

(1) Any vehicle registered under Division 3 (commencing with Section 4000) of the Vehicle Code or titled under Division 16.5 (commencing with Section 38000) of the Vehicle Code.

(2) Any vessel numbered under Division 3.5 (commencing with Section 9840) of the Vehicle's Code.

(3) Any manufactured home, mobile home, commercial coach, truck camper, or floating home registered under Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code.

(c) For the purposes of this part, the value of the following property shall be excluded in determining the value of the decedent's property in this state:

(1) Any amounts due to the decedent for services in the armed forces of the United States:

(2) The amount, no exceeding five thousand dollars ($5,000), of salary of other compensation, including compensation for unused vacation, owing to the decedent for personal services from any employment.

SECTION 13051—PROBATE CODE, AS ENACTED JULY 1, 1987

For the purposes of this part:

(a) A guardian or conservator of the estate of a person entitled to any of the decedent's property may act on behalf of the person without authorization or approval of the court in which the guardianship or conservatorship proceeding is pending.

(b) A trustee of a trust created during the decedent's lifetime may act on behalf of the trust.

(c) If the decedent's will nominates a custodian to receive a devise to a beneficiary under the Uniform Gifts to Minors Act or the Uniform Transfer to Minors Act of any state and the nomination has not been revoked, the custodian may act on behalf of the beneficiary until such time as the custodianship terminates.

INSTRUCTIONS

1. The Request for Personal Property of a Decedent is the suggested from to be completed by claimants under Section 13100 of the Probate Code. This form is to be used only if applicable under the provisions of this section of law.

2. A certified copy of the decedent's Death Certificate must be attached to the request form.

3. Claimants must certify under penalty of perjury to the facts included on the request form.

4. The original of the request form and copy of the Death Certificate should be presented with the warrant to support the endorsement of the warrant. Endorsement of the warrant should be substantially as follows:

_____
(Name of Payee)

_____
(Beneficiary(ies)
"As per Section 13100 of the Probate Code"

If there is more than one beneficiary, all should join in certifying the request form, and in the endorsement of the warrant. The warrant should be deposited in your local bank in the usual manner along with all attachments. When it is presented to the State Treasurer through the usual channels, if found to be in order, it will be paid.