VENTURA
SUPERIOR COURT
FILED
MAR 10 2023
BRENDA L. McCORMICK
Executive Officer and Clerk
By: _____, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF VENTURA

IN RE: MATTERS OF PERSON(S) WHO DIE WITHOUT AN EXECUTOR OR PERSONAL REPRESENTATIVE

ADMINISTRATIVE ORDER NO. 23.06

ORDER CONCERNING PUBLIC ADMINISTRATOR'S AUTHORITY OVER CERTAIN DECEDENT ESTATES

Probate Code section 7603 ("Section 7603") empowers a public administrator under certain statutorily authorized circumstances to issue a written certification that the public administrator is authorized to take possession of a decedent's estate, wherein, for example, there is no next of kin to administer the estate. Despite this statutory authorization, the Ventura County Public Administrator ("Public Administrator") advises the Ventura Superior Court ("Court") that the Public Administrator encounters great difficulty in accessing information regarding and/or taking possession of assets from: 1) financial institutions; 2) government or private agencies; 3) retirement fund administrators; 4) insurance companies; 5) licensed security dealers; 6) or other persons or entities who are unfamiliar with Section 7603 (collectively herein, "Entities"). The Entities' reluctance to acknowledge the Public Administrator's Section 7603 authority results in unnecessary expense and delay in the administration of the subject estates. This reluctance occurs despite the fact that upon receipt of the Public Administrator's Section 7603 written certification, an Entity is fully discharged from liability "for any act or omission of the public administrator with respect to the property or the safe-deposit box". (Section 7603(d)(2)).

Additionally, the Public Administrator advises the Court that Entities frequently require Public Administrator officials to provide their own personal identifying information (i.e., Driver's

License and Social Security numbers, etc.) in order to conduct their statutorily authorized duties concerning decedent estates.

BASED UPON THE PRECEEDING, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The Court takes judicial notice of California Government Code sections 7 and 1194 which provide that a duly appointed deputy has all the powers of the principal, and may perform all the functions and duties of his/her public office, unless expressly provided otherwise in the statutes of the State of California. As such, all duly appointed deputies of the Public Administrator have all the powers of the Public Administrator, and may perform all the duties of the Public Administrator. The titles of duly empowered deputies include, but are not limited to: Assistant Public Administrator, Senior Deputy Public Administrator, and Deputy Public Administrator.

2. Upon presentation of a written certification issued by the Public Administrator stating that the Public Administrator is authorized to take possession or control of property of a decedent pursuant to Article 1, Chapter 4, Part 1, Division 7, of the California Probate Code ("Article 1"), an Entity - without the necessity of inquiring into the truth of the written certification, without requiring a death certificate, without charge, and without court order or letters being issued - shall assist the Public Administrator deputy in fulfilling his or her statutory duties enumerated in Article 1. As stated in Section 7603(a), such written certification is effective for thirty (30) days after the date of issuance.

3. The Public Administrator's duties to administer certain types of decedent estates are set forth in Chapter 4, Part 1, Division 7 of the Probate Code. None of the provisions therein (Probate Code sections 7600 through 7666) require the Public Administrator (or deputy as described in paragraph 1 of this order) to present personal identification (e.g., Driver's License or Social Security numbers) to administer such estates. Therefore, the Entities are advised that upon the

presentation of government issued identification of the Public Administrator, the Entities shall – without the need for additional personal identification – allow the Public Administrator deputy to conduct the administration of decedent estates discussed herein.

Requiring the presentation of government identification only is consistent with federal banking law on this issue. Sections 1010.311 and 1010.312 of Title 31 of the Code of Federal Regulations (C.F.R.) provide that a financial institution must report and verify the name and address of any individual presenting a currency transaction exceeding $10,000. However, where such transaction involves a governmental entity no report is required and the bank's obligation is to determine that the name of the "person reasonably indicates" that the person is from a government entity. 31 C.F.R. §1020.315(a), (b)(2)&(3), (e)(2)&(3). As the Public Administrator is an entity established under the laws of the State of California and exercising governmental authority on behalf of the County of Ventura, a political subdivision of the State of California, the Public Administrator deputy's presentation of his or her government issued identification shall be sufficient identification to authorize the Public Administrator deputy to carry out the duties set out in Chapter 4 of Part 1 of Division 7 of the Probate Code.

THIS ORDER IS EFFECTIVE MARCH 10 2023. IT WILL REMAIN IN EFFECT UNTIL IT IS AMENDED OR SUPERSEDED.

IT IS SO ORDERED.

DATED: MARCH 10 2023

Kevin G. DeNoce
Presiding Judge
Superior Court of California,
County of Ventura