

Can the Public Administrator or his/her staff buy estate property?

California law and Nevada County Policy prohibits the Public Administrator and his/her staff from purchasing estate property.

Who can make a claim against the estate?

Anyone who was owed money by the decedent at the time of death must file a Creditor's Claim with the Court and against the estate in order to receive payment from the estate. The Public Administrator, as personal representative, notifies all known creditors that they must file a claim within the statutory period.

During administration, do funds held by the Public Administrator earn interest?

Yes, the Public Administrator maintains all funds in interest bearing accounts in compliance with California law. Interest earnings accrue to the estate and are part of the final distribution.

Do estate beneficiaries receive a full accounting of the estate administration?

Yes, a copy of the final account is mailed to all beneficiaries when it is submitted to the Court for approval.

How long does it take for the estate to be distributed to the heirs?

The complexity of the estate dictates the length of time an estate administration will take. Beneficiaries are cautioned not to plan their financial affairs upon the expectation of receiving a distribution of a certain amount at a specific time.

How much does the Public Administrator charge for its services?

California law provides a statutory fee for the personal representative/administrator of an estate. The Public Administrator is allowed the same compensation as private administrators. The allowable fees are based on the value of the estate accounted for as follows:

- 4% of the first \$100,000
- 3% of the next \$100,000
- 2% of the next \$800,000
- 1% of the next \$9,000,000
- ½% on the next \$15,000,000
- Amounts over \$25,000,000 to be determined by the court.

The law also provides for statutory attorney's fees based on the same fee schedule as that of the administrator. The Court may also allow extraordinary fees to the administrator and his/her attorneys for services such as preparation of tax returns, sale of estate property, and litigation to collect assets or defend actions brought against the estate. The Probate Court must review and approve all requests for fees at the time any administrator presents a final accounting to the Court.

Public Administrator fees are deposited into the county treasury to defray the expenses of administering the estate.

Are heirs required to advance funds necessary for the administration of the estate (court costs, insurance and storage costs, etc.) in those cases where estate funds are not immediately available?

No, in most cases, the Public Administrator either provides needed services directly through in-house staff and facilities or utilizes an estate account to advance the needed funds.

How can a beneficiary or other interested person help to speed up the administration?

They can give invaluable assistance by promptly and fully completing all forms and answering all questions asked of them by the Public Administrator.



I hope these questions and answers give you a general picture of what the Public Administrator does to render a professional service. We take pride in the service our office provides.



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**Visit us at
www.mynevadacounty.com/sheriff**

**PUBLIC
ADMINISTRATOR**



***Sheriff Keith Royal
Public Administrator***

***Deputy Public Administrator
Rolf D. Kleinhans***

**PUBLIC ADMINISTRATOR
OF
NEVADA COUNTY**

As Public Administrator of the County of Nevada, my legal responsibilities to Nevada County residents require me to:

Secure property if a person dies in Nevada County and an appropriate relative is not immediately available to claim it.

Provide for interment of a deceased person when there are no known relatives, make a search for heirs, and, if none are found, administer the estate.

Protect the assets and manage the affairs of deceased residents of Nevada County when there is not a qualified person willing or able to assume this responsibility whether or not there is a will.

In order to carry out my responsibilities, I oversee an experienced professional staff, which includes a Deputy Public Administrator and support staff, who are authorized by and sworn to provide services in accordance with California law. I also maintain the services of Nevada County Counsel, who are attorneys experienced in the practice of probate law.

Following are some of the questions most frequently asked about Public Administrator functions and answers to those questions. I hope this information will be helpful to you in understanding the role of the Office of the Public Administrator.

How does the Public Administrator's Office get involved in a case?

The Public Administrator may be notified of a death by mortuaries, the Coroner, residential care

facilities, hospitals, landlords, tax assessor, or private citizens when someone dies and there are assets to be protected or if the family of the decedent cannot be immediately located. The Public Administrator can also be notified directly by the Court.

How does someone report such a case?

You may call the Public Administrator's Office at (530) 265-1471. A Deputy Public Administrator or their staff will provide information and assistance.

What are the primary duties of the Public Administrator?

The Public Administrator has the same duties and functions as a private administrator, some of which are to:

Protect the decedent's property from waste, fraud, theft or abuse.

Make arrangements for the disposition of the decedent's remains.

Conduct a thorough investigation to discover all assets.

Ensure that the estate is administered according to the decedent's wishes.

Pay decedent's bills and taxes, provided estate funds are available.

Ensure all estate benefits are applied for and received.

Notify and pay decedent's creditors.

Locate persons entitled to inherit from the estate and ensure that these individuals receive their inheritance.

Distribute the estate.

What is a formal probate proceeding?

A formal probate proceeding is the legal method of ensuring that all assets are marshaled, the creditors of an estate are paid and the remaining property in the estate is distributed to the entitled persons. This process is carried out by the executor (if there is a will) or administrator (if there is no will) of the estate under the supervision of the Probate Division of the Superior Court.

If the value of an estate is in excess of \$100,000, a Court proceeding is commenced by filing a petition to admit a will to probate or to administer the estate without a will. The Public Administrator is appointed as the personal representative.

Is there a less complicated way of handling small estates?

A less formal procedure called Summary Administration applies to estates having a value of \$100,000 or less. It is designed to permit administration with very little, and in some cases no court involvement.

Should a beneficiary hire an attorney to represent his or her interests if the Public Administrator is acting as administrator?

The rights of heirs and beneficiaries are fixed by law. It is usually not necessary to hire an attorney because legal work is handled by the attorney for the Public Administrator. However, if your right to inherit is not clear, is challenged, or if substantial claims are made against the estate, you would be advised to retain legal counsel to represent your interests. The fees for such legal representation are your obligation and are not payable by the estate.

Is the Public Administrator bonded?

Yes. The Public Administrator has an official bond.

Is estate property ever sold?

If an estate is insolvent or has insufficient cash assets to pay fees, taxes or creditors, property will have to be sold to pay these obligations. If an estate is solvent and has sufficient cash, heirs are given the opportunity to select estate assets that they want to receive in place of cash. If real property is vacant, it usually is sold as soon as possible. However, if an heir wishes to receive real property as part of his or her distribution, the heir should make such wishes known and reach an agreement with the Public Administrator as soon as possible.

How does the Public Administrator sell the estate?

In Formal Probates the Public Administrator sells real estate property through licensed real estate agents or at private auction, which is open to the public, after publishing legal notices and advertising the property. The sale is subject to confirmation by the Probate Court. In Formal and Summary Probates the Public Administrator also sells personal property through estate sales, various auction houses or estate liquidators.

Can anyone bid on real estate property?

Yes. However, buyers of real property must post a minimum deposit by cash or certified check at the sale before a bid is accepted.