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California State Controller
UNCLAIMED PROPERTY DIVISION

Notice to Investigators
Updates to Deceased Owner Heir Claims Filing Instructions
June 7, 2013

In order to comply with existing statutes and to ensure consistent practices are applied when evaluating claims, the Unclaimed Property Division (UPD) has updated the Deceased Owner Heir Claim filing instructions. For your convenience, we have provided a summary below of key changes that may impact claims filed by you. This summary however, is not all inclusive and we encourage you to refer to the filing instructions on the State Controller's Office website for specific requirements.

Paying Property to a Trust and Pour-over Wills

In order to legally pay property to a trust, the property must be part of that trust. The three criteria used by UPD to determine when unclaimed property is considered to be "trust property" are as follows:

- If the property was reported in the name of the trust, then it is "trust property";
- If the property was not reported in the name of the trust, but the property is identified in the trust document, then it is "trust property"; or
- If the property was placed into the trust via a Will or Pour-over Will, then it is "trust property."

Whenever possible, trust property will be paid to the trustee of the trust. Exceptions may be made to pay beneficiaries of a trust under certain circumstances, and on a case-by-case basis only. Such claims may be referred to our Legal Office for decision.

Letters of Testamentary/Administration

Letter of Testamentary or Administration do not expire as the duties of a personal representative do not cease unless discharged by an order of the court (Affirmation of Final Discharge); therefore, these letters do not have to be date stamped within six months of the claim filed date. However, letters must be certified or endorsed/filed copies issued by the court clerk.

Declaration Under Probate Code Section 13101

If a declaration under Probate Code section 13101 is required, all property identification numbers being claimed must be listed in item number 5 of this form. Since Investigators are required to list all properties being claimed on either the Investigator Agreement or a supplemental attachment, there is no need for the claimant to re-enter this information on the 13101 form. The claimant may add language to item 5 of the 13101 form such as, "See attached Investigator Agreement or Supplemental Attachment."