

# Can You Remove a California Personal Representative?

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<http://walnutcreekestateplanningattorney.com/>

The personal representative is responsible for settling an estate. The personal representative pays all the debts of the estate and then distributes the property in the estate according to the directions of the will (or the probate court). The personal representative has the highest ethical duty to protect the interests of the estate and not any one particular beneficiary of the estate.

A personal representative who does not act according to the instructions of the decedent may be removed and may be charged with both criminal and civil claims of wrongdoing. A personal representative could be charged with embezzlement, or with self-dealing. A personal representative who wrongly takes money from an estate will be required to pay back the funds taken and may also have to pay punitive damages as punishment for any loss the estate may incur.

A personal representative who does not put the interests of the estate beneficiaries before his own interests may be removed and charged with breach of fiduciary duty or other fraud offenses. Evidence of wrongdoing will be required before the court will remove an appointed representative. A person who simply doesn't like the way the estate is distributed will not be successful in a claim to remove the personal representative.

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## About Attorney David Pastor

Experienced California Estate Planning and Probate Attorney David Pastor has helped many people protect loved ones and distribute estate assets. We can protect you and your family's interests in probate and trust administration. Contact us today for personalized help at 925-932-3346.