

11-20-23
Dept. 9
Probate Tentative Rulings

1. **23PR0011** **ESTATE OF GIBSON**
Status Hearing

TENTATIVE RULING #1: THIS MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, NOVEMBER 27, 2023, IN DEPARTMENT NINE TO BE HEARD TOGETHER WITH THE OBJECTION HEARING SCHEDULED FOR THAT DATE.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

2. 23PR0238 ESTATE OF HUNT

Spousal Property Hearing

Petitioner is the surviving spouse of decedent, who died testate on January 31, 2023, survived by Petitioner and two children. Decedent's Will was lodged with the court on October 3, 2023. The Will grants decedent's entire estate to Petitioner, confirms Petitioner's interest in their shared community property, and appoints Petitioner executor of the estate. No petition to administer the estate has been filed.

Probate Code § 100(a) provides that "[u]pon the death of a person who is married or in a registered domestic partnership, one-half of the community property belongs to the surviving spouse and the other one-half belongs to the decedent."

Probate Code § 13500 provides that "when a spouse dies . . . testate and by his or her will devises all or a part of his or her property to the surviving spouse, the property passes to the survivor . . . , and no administration is necessary."

Probate Code 13650 authorizes a surviving spouse to file a petition requesting an order that administration of all or part of an estate is not necessary because all or part of the estate is property passing to the surviving spouse.

The Petition in this case identifies residential real property and states that the property was purchased during the marriage with earnings.

Notice of the hearing on the Petition was served on decedent's two children and proof of service was filed with the court on October 24, 2023.

TENTATIVE RULING #2: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

3. 23PR0223 ESTATE OF PETERSEN

Spousal Property Hearing

Petitioner is the surviving spouse of decedent, who died intestate May 9, 2022, survived by Petitioner and three adult children. No petition to administer the estate has been filed.

Probate Code § 100(a) provides that “[u]pon the death of a person who is married or in a registered domestic partnership, one-half of the community property belongs to the surviving spouse and the other one-half belongs to the decedent.”

Probate Code § 6401(a) states: “As to community property, the intestate share of the surviving spouse is the one-half of the community property that belongs to the decedent under Section 100.”

Probate Code § 13500 provides that “when a spouse dies intestate leaving property that passes to the surviving spouse under Section 6401, . . . the property passes to the survivor . . . , and no administration is necessary.”

Probate Code 13650 authorizes a surviving spouse to file a petition requesting an order that administration of all or part of an estate is not necessary because all or part of the estate is property passing to the surviving spouse.

The Petition in this case identifies residential real property that is the subject of the Petition.

Notice of the hearing on the Petition was served on decedent’s children and proof of service was filed with the court on October 30, 2023.

TENTATIVE RULING #3: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

4. PP20210129 ESTATE OF VAN NESS

Petition for Final Distribution

Decedent died intestate on November 4, 2016. Letters of Administration were issued on June 8, 2022, with full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on October 12, 2023.

Notice of the hearing on the Petition was filed on October 12, 2023.

On October 12, 2023, Petitioner and the other heir to the estate filed waivers of accounting and agreements to distribution different than would be provided by intestate succession, as set forth in the Petition for Final Distribution. The entire estate consists of a single real property that will be distributed to Petitioner pursuant to an agreement among the decedent's heirs. But for this agreement the estate would be divided equally between the two heirs, pursuant to Probate Code § 6402.

The Petition requests:

1. The administration of the estate be brought to a close;
2. All acts and proceedings of Petitioner as Administrator be confirmed and approved;
3. Petitioner as Administrator waives statutory compensation for her services as Administrator.
4. Petitioner requests authorization to pay statutory attorney fees in the amount of \$12,400.
5. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed made to the beneficiaries as set forth in the Petition.

TENTATIVE RULING #4: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

5. PP20200196 ESTATE OF GILMET

Final Distribution on Waiver of Account

Decedent died intestate on April 10, 2019. Letters of Administration were issued on April 12, 2021, with full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on June 15, 2022.

Petitioner is an heir to the estate, and the Petition attaches waivers of account executed by the other two heirs to the estate, executed on September 21, 2023.

During administration of the estate the real property making up the majority of the estate was sold. Petitioner advanced \$64,576 of her personal funds to pay property taxes, pay off debts and utility bills and of clean-up, repair and operating expenses of the property until it was sold. In the body of the Petition, Petitioner requests reimbursement of those funds. However, a request for reimbursement of such funds is not included in the prayer of the Petition, or in the proposed Order for Final Distribution.

The Petition proposes equal distribution of one-third of the estate to each of the three heirs, including Petitioner.

Proof of service of notice of the hearing on the Petition was filed on October 16, 2023.

The verified Petition requests:

1. The administration of the estate be brought to a close;
2. The first and final account of Petitioner as administrator be settled, allowed and approved as filed;
3. All acts and proceedings of proceedings of Petitioner as administrator be confirmed and approved;
4. Petitioner be authorized to pay herself \$13,580 as statutory compensation for her services as administrator;
5. The personal representative be authorized to pay statutory attorney fees in the amount of \$13,580, as well as costs advanced to the estate in the amount of \$1,110;
6. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed made to the beneficiaries as set forth in the Petition.

TENTATIVE RULING #5: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 20, 2023, IN DEPARTMENT NINE. THE STATUS OF ADMINISTRATION HEARING SET FOR 8:30 A.M. ON MONDAY, APRIL 15, 2024, IN DEPARTMENT NINE IS VACATED.

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6. 23PR0224 ESTATE OF COREY

Letters Testamentary

Decedent died testate on August 8, 2023. Petitioner decedent's sister and is the second named as executor in the Will. The first named Executor filed a declination to act as Executor, dated September 13, 2023, which was filed with the court on September 19, 2023.

The Petition requests full authority to administer the estate under the Independent Administration of Estates Act. The Will waives bond.

The Will was lodged with the court on September 19, 2023, as an attachment to the Petition, and is admitted to probate.

A Duties/Liabilities Statement (DE 147/DE-147s) was filed on September 19, 2023.

Proof of publication was filed on October 19, 2023.

Proof of service of Notice of the Petition was filed on September 29, 2023.

TENTATIVE RULING #6: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED. A STATUS OF ADMINISTRATION HEARING IS SET AT 8:30 A.M. ON MONDAY, NOVEMBER 25, 2024, IN DEPARTMENT NINE.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

7. 23PR0248 ESTATE OF MARTIN

Letters Testamentary

A Petition for Letters Testamentary was filed on October 6, 2023. On November 13, 2023, Petitioner filed a request for a continuance with the court to allow time to prepare the necessary documentation to support the Petition.

TENTATIVE RULING #7: AT PETITIONER'S REQUEST, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, DECEMBER 18, 2023, IN DEPARTMENT NINE.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

8. 22PR0189 ESTATE OF MARSHALL

Status of Administration

Letters of Administration were issued on November 16, 2022. A Final Inventory and Appraisal was filed on January 3, 2023. Following sale of the real property that constituted the principal asset of the estate the Administrator began preparation of a formal accounting. In a Report filed with the court on November 14, 2023, the Administrator requested a continuance to allow time for that accounting to be completed.

TENTATIVE RULING #8: AT PETITIONER'S REQUEST, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, FEBRUARY 5, 2024, IN DEPARTMENT NINE.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

9. 22PR0137 ESTATE OF QUEEN

Final Distribution Hearing

Letters of Administration with the Will Annexed were issued on March 13, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on September 27, 2023.

A waiver of account was executed by Petitioner as the sole heir entitled to distributions under the estate and was filed with the court on October 5, 2023.

Notice of the Petition is not required because Petitioner is the trustee of the Queen Family Trust, which is the sole beneficiary of the Will, and Petitioner is the sole beneficiary of the Queen Family Trust. Probate Code § 1201.

The proposed distribution of the estate is to Petitioner as the trustee of the Queen Family Trust, which is the sole beneficiary of the Will.

The petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. All acts and proceedings of the Administrator be confirmed and approved;
3. The Administrator be authorized to pay statutory attorney fees in the amount of \$15,730.47;
4. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed made to the beneficiaries as set forth in the Petition.
5. Upon filing of receipts that Petitioner and his sureties be discharged and released from all liability that may be incurred hereafter.

TENTATIVE RULING #9: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

10. PP20210107 ESTATE OF DORMISHEV

Motion to be Relieved as Counsel

Counsel for the Petitioner has filed a motion to be relieved as counsel pursuant to Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362.

A declaration on Judicial Council Form MC-052 accompanies the motion, as required by California Rules of Court, Rule 3.1362, stating that the client has been unresponsive to numerous attempts at communication through various means.

Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362 allow an attorney to withdraw after notice to the client. Counsel's Declaration (MC-052) states that the notice of the motion has been served on his client at her last known address, but that he has been unable to confirm that the address is current in spite of efforts to reach the client by mail, by telephone, and through contacting her husband.

The next hearing date currently scheduled for the case is a Status of Administration hearing scheduled for April 8, 2024. The proposed Order submitted by counsel does not list this upcoming hearing date as required by California Rules of Court, Rule 3.1362(e).

TENTATIVE RULING #10: ABSENT OBJECTION, THE MOTION IS GRANTED. COUNSEL IS DIRECTED TO FILE A NEW PROPOSED ORDER THAT INCLUDES THE UPCOMING HEARING DATE AND TO SERVE A COPY OF THE SIGNED ORDER (FORM MC-053) ON THE CLIENT AND ALL PARTIES THAT HAVE APPEARED IN THE CASE IN ACCORDANCE WITH CALIFORNIA RULES OF COURT, RULE 3.1362(e).

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11. PC20210251 TANIS v. TANIS

Status Conference

TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 20, 2023, IN DEPARTMENT NINE.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

12. PC20210032 MATTER OF THE DONNA L. PHILLIPS FAMILY TRUST
Pre-Trial Conference

**TENTATIVE RULING #12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY,
NOVEMBER 20, 2023, IN DEPARTMENT NINE.**

**IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530)
621-5867 AND MEETING INFORMATION WILL BE PROVIDED**