

1. 23PR0021 CONSERVATORSHIP OF MONICA BAY

Accounting Hearing

See related case: Estate of Bay – 23PR0281

Letters of Conservatorship were issued to William Bay on September 18, 2023.

Notice of the Conservatee's death was filed on November 7, 2023.

At the hearing on November 13, 2023, an accounting hearing was set for the final accounting on February 26, 2024. No accounting is on file with the court since that hearing date.

TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, FEBRUARY 26, 2024, IN DEPARTMENT NINE. THE HEARING ON THIS MATTER SET FOR SEPTEMBER 16, 2024, IS VACATED.

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. 22PR0244 ESTATE OF MCCREADY

**First and Final Account
Final Distribution**

Letters of Administration were issued on April 25, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

Proof of Service of Notice of the hearing on the Petition was filed on January 25, 2024.

The proposed distribution of the estate is in equal shares to the two surviving minor children of the decedent, to be deposited in blocked accounts with no withdrawal permissible without court order before age 18.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The Account filed with the Petition be settled, allowed and approved;
3. All acts of the Administrator be confirmed and approved;
4. The Administrator be authorized to pay statutory attorney fees in the amount of \$10,634.40, plus \$1,133.00 for costs advanced to the estate;
5. The Administrator be authorized to pay herself \$9,587.75, which is reduced from the amount of \$10,634.40 which would be the amount of statutory compensation;
6. The Administrator be authorized to pay herself \$18,876.80 for costs advanced to the estate;
7. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
8. 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;
9. The Administrator be authorized to retain \$750 in closing expenses and to pay liabilities, and to deliver the unused part to the beneficiaries of the estate without further court order after closing expenses have been paid.

TENTATIVE RULING #2: ABSENT OBJECTION THE MOTION 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. 23PR0297 ESTATE OF MOORE

Petition for Letters of Administration

Decedent died intestate on October 18, 2023, survived by his spouse, one adult child who is a conservatee, and one minor child. Petitioner is decedent's spouse, the conservator of the adult child and the parent of the minor child.

The Petition requests full authority under the Independent Administration of Estates Act.

Waivers of bond have been filed with the court on behalf of all beneficiaries.

A Duties/Liabilities Statement (DE 147) was filed on February 21, 2024, but there is no DE-147s form on file with the court, as required by Local Rules of El Dorado County Superior Court, Rule 10.02.10.

Proof of Service of Notice of the hearing on the Petition was filed on February 21, 2024.

Proof of publication was filed on February 16, 2024.

TENTATIVE RULING #3: CONTINGENT UPON FILING OF THE DE-147S FORM WITH THE COURT, THE MOTION IS GRANTED AS REQUESTED. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, FEBRUARY 24, 2025, 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.

4. PP20200209 ESTATE OF BEHRENDT

Status of Administration

An Order for Final Distribution was entered by the court on August 28, 2023. On January 29, 2024, an Amended Order was filed with the court but has not yet been signed. It is not clear what amendments are proposed to the signed Order.

There were no appearances at the Status of Administration hearing on February 5, 2024, and the matter was continued.

TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, FEBRUARY 26, 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.

5. 22PR0307 ESTATE OF ARMSTRONG

Status of Administration

An Inventory and Appraisal and Petition for Final Distribution having been filed on January 18, 2024, and a hearing for on the Petition for Final Distribution scheduled on March 25, 2024, this matter is removed from calendar.

TENTATIVE RULING #5: A HEARING ON THE PETITION FOR FINAL DISTRIBUTION HAVING BEEN SCHEDULED FOR MARCH 25, 2024, THIS MATTER IS REMOVED FROM CALENDAR.

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

6. 23PR0295 ESTATE OF HOFFMAN

**Letters of Administration
Motion for Disclosure of Digital Assets**

The parents of decedent seek a court order allowing them to access decedent's social media accounts before they are deleted for inactivity. There are no personal or real property assets that require distribution through probate.

Decedent died intestate on December 18, 2020, survived by his parents. Petitioners are decedent's parents; decedent was a minor.

The Petition requests Letters of Special Administration for the sole purpose of accessing social media accounts held by Google and Apple, Inc.

Waivers of bond have been filed with the court by the beneficiaries.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on November 22, 2023.

Proof of Service of Notice of the hearing on the Petition was filed on January 26, 2024.

There is no proof of publication on file with the court. However, the court finds that notice by publication is not required for the issuance of Letters of Special Administration in this case for the reasons discussed below.

Probate Code § 8120 generally requires publication of notice of the hearing on a petition for the administration of decedent's estate, such notice to be published as described in §§ 8120-8125. However, the appointment of a Special Administrator is governed by Probate Code §§ 8540-8547. Those sections support the award of Letters of Special Administration without prior publication.

First, Section 8545 provides that a court may grant the status of a general personal representative, but if the court does elect to do so, the notice requirements of Section 8003 must be met. It is Section 8003(b) that requires notice by publication prior to the hearing on a petition for the appointment of a personal representative. By inference, such notice is not necessarily required for the appointment of a Special Administrator.

Second, Section 8540(a) authorizes the appointment of a Special Administrator "[i]f the circumstances of the estate require the immediate appointment a personal representative. . . to exercise any powers that may be appropriate for the preservation of the estate." Section 8541(a) authorizes the appointment of a Special Administrator "at any time without notice or on such notice to interested persons as the court deems reasonable."

Third, the circumstances of this case that support the issuance of Letters without requiring publication include the following:

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- Decedent was a minor and Petitioners are his only heirs by intestate succession.
- Petitioners would have parental rights over the information during decedent's lifetime.
- There are no assets with financial value that would be subject to the appointment of a Special Administrator.
- The two entities that hold the assets have been served with notice of the Petition.
- The Letters of Special Administration are for the single purpose of recovering decedent's digital information and their issuance is time sensitive to prevent the destruction of that information.

TENTATIVE RULING #6: ABSENT OBJECTION THE MOTION 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.

7. 23PR0300 ESTATE OF MCDONALD

Petition for Letters of Administration

Decedent died intestate on October 2, 2023, survived by his spouse and one adult child. Petitioner is decedent's spouse.

The Petition requests full authority under the Independent Administration of Estates Act.

Waivers of bond have been filed with the court by the beneficiaries.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on November 29, 2023, and December 11, 2023.

Proof of Service of Notice of the hearing on the Petition was filed on December 12, 2023.

Proof of publication was filed on January 26, 2024.

TENTATIVE RULING #7: ABSENT OBJECTION THE MOTION IS GRANTED AS REQUESTED.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, FEBRUARY 24, 2025, 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. 22PR0247 ESTATE OF KUVAKOS

Final Distribution on Waiver of Account

Letters of Administration were issued on January 23, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on June 22, 2023.

Waivers of Account were executed by both the heirs entitled to distributions under the estate.

Proof of Service of Notice of the hearing on the Petition was filed on February 8, 2024.

The proposed distribution of the estate is equal shares to each of the two children of the decedent.

Petitioner waives compensation as Administrator.

The Petition requests:

1. The administration of the estate be brought to a close;
2. All acts, transactions and proceedings of the Administrator be confirmed and approved;
3. The Administrator be authorized to pay statutory attorney fees in the amount of \$16,711.44, and \$943.00 for compensation for extraordinary services in filing an ex parte petition for appointment of a special administrator to complete the sale of real property that decedent had initiated prior to his death;
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.

TENTATIVE RULING #8: ABSENT OBJECTION THE MOTION 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.

**9. 23PR0281 ESTATE OF BAY
Petition for Letters Testamentary**

See related case: Conservatorship of Bay – 23PR0021

Decedent died intestate on October 27, 2023, survived by three adult siblings. Petitioner is decedent's brother and is named as a successor Executor. The named Executor has filed a Declination to Act as Executor that is attached to the Petition.

The Petition requests full authority under the Independent Administration of Estates Act.

The Will is lodged with the court as an attachment to the Petition and is admitted to probate. The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on November 7, 2023.

Proof of Service of Notice of the hearing on the Petition was filed on December 13, 2023.

Proof of publication was filed on December 15, 2023.

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

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, FEBRUARY 24, 2025, 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.

10. PP20210107 ESTATE OF DORMISHEV

Attorney Withdrawal

On October 24, 2023, counsel for the Petitioner 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).

On November 20, 2023, counsel for Petitioner filed a letter requesting continuance in order to provide sufficient time to serve the motion on all parties.

On December 12, 2023, the court issued an ex parte Order continuing the matter until February 26, 2024, and ordering Petitioner's counsel to serve all parties with a new notice of hearing. No documents have been filed with the court since the November 20, 2023, letter requesting a continuance. Accordingly, there is no proof service of the motion on file with court. Additionally, as noted above, the proposed Order should be refiled to include the upcoming hearing date on April 8, 2024.

TENTATIVE RULING #10: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, FEBRUARY 26, 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.

11. 22PR0311 IN THE MATTER OF EDGAR J. THIBODEAU

Status of Administration

Final Distribution on Waiver of Account

Letters Testamentary were issued on February 27, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on October 19, 2023.

Waivers of Account were executed by all the heirs entitled to distributions under the estate.

Proof of Service of Notice of the hearing on the Petition was filed on November 14, 2023.

The proposed distribution of the estate is to Jenna M. Thibodeau as successor trustee of the Edgar J. Thibodeau III Revocable Trust.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The First and Final Report and Waiver of Account of Petitioner be settled, allowed and approved;
3. All acts and proceedings of Petitioner as Executor be confirmed and approved;
4. The Administrator be authorized to pay statutory attorney fees in the amount of \$16,688.00, plus \$2,711.46 for costs advanced to the estate;
5. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
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.
7. Upon filing of receipts that Petition be discharged and released from all liability that may be incurred hereafter.

TENTATIVE RULING #11: ABSENT OBJECTION THE MOTION 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.

12. 23PR0092 IN THE MATTER OF DALE AESCHLIMAN LIVING TRUST

Status of Mediation

At the hearing on August 28, 2023, the court signed the Order on the trustee's Petition for Instructions authorizing the trustee to use trust funds to defend the Petition to Set Aside the Trust and to delay distribution until the parties reach an agreement, and the parties were directed to mediate the dispute.

TENTATIVE RULING #12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, FEBRUARY 26, 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.

**13. 23PR0026 HADDON A. FRANKLIN & JOANNE F. FRANKLIN 1995 REVOCABLE TRUST
Trust Accounting**

At the hearing held on December 4, 2023, Respondent was ordered to file and serve an accounting by December 8, 2023, with objections to be filed by January 12, 2024, and a new hearing date was set on January 22, 2024.

An accounting was filed on January 5, 2024, and an objection was filed on January 12, 2024. The Objection requests the court:

1. To order Respondent to account for \$400,000 that was deposited to her personal account on December 12, 2022;
2. Award Petitioner reasonable costs incurred in filing the Petition;
3. Grant Petitioner attorney's fees incurred to be paid personally by Respondent or out of her share of Trust assets, or alternatively, to be paid by the Trust as an administrative expense and shared equally by Trust beneficiaries;
4. To charge the current trustee's (Mia Ehsani) attorney's fees to Respondent personally or out of her share of Trust assets;
5. Deny Respondent's request for Trustee fees in the amount of \$32,850.

At the hearing held on January 22, 2024, the court continued the matter to February 26, 2024.

On February 20, 2024, the former trustee, Leanne Franklin, filed additional documentation of the \$400,000 for which an accounting had been requested showing a deposit to the trust account of \$400,000 on February 13, 2023.

TENTATIVE RULING #13: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, FEBRUARY 26, 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.