

November 4, 2024
Dept. 9
Probate Tentative Rulings

1.	23PR0110	ESTATE OF SKINKLE
Final Distribution		

At the hearing on August 12, 2024, counsel requested a hearing date be given for a final distribution hearing. However, no Petition for Final Distribution has been filed.

TENTATIVE RULING #1:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 4, 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.

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2.	22PR0163	ESTATE OF BUTTLES
Status		

Letters Testamentary were issued on September 28, 2022.

California Probate Code §8800(b) provides that: The inventory and appraisal shall be filed within four months after letters are first issued to a general personal representative. The court may allow such further time for filing an inventory and appraisal as is reasonable under the circumstances of the particular case.

There is no Inventory and Appraisal on file with the court. At the last status hearing on November 27, 2023, counsel confirmed that an Inventory and Appraisal had not been completed. It has still not been completed.

TENTATIVE RULING #2:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 4, 2024, IN DEPARTMENT NINE.

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3.	23PR0142	ESTATE OF MILLER
Status		

An Order for Final Distribution was filed on September 17, 2024, and signed on October 7, 2024.

TENTATIVE RULING #3:

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON OCTOBER 7, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, OCTOBER 6, 2025, IN DEPARTMENT NINE, BY WHICH TIME THE COURT EXPECTS RECEIPTS AND AN EX PARTE PETITION FOR FINAL DISCHARGE (JUDICIAL COUNCIL FORM DE-295) TO BE FILED WITH THE COURT.

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

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4.	24PR0258	ESTATE OF SCHURPF AKA COSTA
Letters Testamentary		

Decedent died testate on February 28, 2024, survived by four adult siblings. Petitioner is decedent's niece. The Petition requests full authority under the Independent Administration of Estates Act.

Petitioner was named as Executor in the Will. The Will was lodged with the court on September 17, 2024, and is admitted to probate.

The two beneficiaries are Petitioner and David Lundin. There is a of bond waiver on file with the Court from David Lundin.

A Duties/Liabilities Statement (DE 147) was filed on September 17, 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.

There is no proof of service of notice of the Petition on file with the court, as required by Probate Code § 8110.

There is no proof of publication on file with the court, as required by Probate Code §§ 8120, 8121.

TENTATIVE RULING #4:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 4, 2024, IN DEPARTMENT NINE.

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5.	23PR0323	ESTATE OF MASHBURN SR.
Status		

TENTATIVE RULING #5:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 4, 2024, IN DEPARTMENT NINE.

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6.	24PR0254	MATTER OF TAVERNA
§850 Petition		

Dennis Frank Taverna (“Decedent”) established the Dennis Frank Taverna Revocable Trust (“Trust”) on May 16, 2013. Decedent passed away on March 24, 2024. Sara Paige Jurrens and Alexandra Denise Haney (“Petitioners”) are Decedent’s daughters and trustees of the Trust. Both trustees are residents of El Dorado County, so venue is proper under Probate Code §17002.

At the time the Trust was drafted, it appears there was no Schedule A prepared. Additionally, Petitioners assert that Decedent apparently prepared his own estate documents without professional help. However, the language of the Trust and the existence of Decedent’s Pour-Over Will support the contention that Decedent desired all of his assets to be transferred to the Trust.

Probate Code § 850 permits a trustee who has a claim to property, the title to or possession of which is held by another, to file a petition requesting that the court make an order pursuant to Probate Code § 856 authorizing and directing the person having title to or possession of real property to execute a conveyance or transfer to a person entitled thereto, or granting other appropriate relief. Probate Code § 851 requires the Petitioner to serve notice of the hearing and a copy of the Petition at least 30 days prior to the hearing to each person claiming an interest in or having title to or possession of the property. When the matter concerns a decedent estate, notice shall also be given to any heir or devisee whose interest may be affected by the Petition in accordance with Probate Code §1200.

Probate Code § 857 provides that in the event that the court issues such an Order:

(a) The order is prima facie evidence of the correctness of the proceedings and of the authority of the personal representative or other fiduciary or other person to make the conveyance or transfer.

(b) After entry of an order that the personal representative, other fiduciary, or other person execute a conveyance or transfer, the person entitled thereunder has the right to the possession of the property, and the right to hold the property, according to the terms of the order as if the property had been conveyed or transferred in accordance with the terms of the order.

* * *

Notice of the hearing and a copy of the Petition were mailed at least 30 days prior to the hearing, to each person claiming an interest in or having title to or possession of the property, as well as any heir or devisee whose interest may be affected by the Petition. The notice and Petition were mailed on September 12, 2024, and filed on September 16, 2024.

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Pursuant to Probate Code §850 and *Estate of Heggstad* (1993) 16 Cal.App. 4th 943, 947-950, the Court finds sufficient evidence that decedent intended the above-mentioned assets be part of the Trust.

TENTATIVE RULING #6:

ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043)

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7.	24PR0250	MATTER OF MOORE
Spousal Property Petition		

Decedent died testate on April 30, 2024, survived by her surviving spouse, mother and sister. Petitioner is Decedent's spouse. Decedent's Will was lodged with the court on September 3, 2024, with this Petition. The Will grants decedent's entire estate to Petitioner 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. Notice of the hearing on the Petition was served on decedent's mother and sister and proof of service was filed with the court on September 17, 2024.

TENTATIVE RULING #7:

ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043)

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8.	PP20210061	ISAAC YOON FIRST PARTY SPECIAL NEEDS TRUST
Account & Petition		

Petitioner files her Second Account and Report for the Isaac Yoon First Party Special Needs Trust (the "Trust") to be settled, allowed, and approved, and all its acts and transactions set forth in the account and report be ratified and confirmed. Petitioner also seeks to decrease the Court ordered surety bond of the trustee, in order to reflect the current assets on hand, and to fix and allow trustee fees and attorneys' fees and costs for services rendered to the trustee.

TENTATIVE RULING #8:

ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043)

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, NOVEMBER 3, 2025, IN DEPARTMENT NINE.

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9.	24PR0257	ESTATE OF ABRAMENKOFF
Letters of Administration		

Decedent died intestate on January 16, 2024, survived by his wife and one adult child. Petitioner is decedent's surviving spouse.

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

The Petition states that the heirs have waived bond, but there are no waivers on file with the court.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on September 13, 2024.

Proof of service of notice of the hearing on the Petition was filed on October 2, 2024.

There is no proof of publication on file with the court, as required by Probate Code §§ 8120, 8121.

TENTATIVE RULING #9:

HEARING CONTINUED TO MONDAY, DECEMBER 2, 2024, AT 8:30 AM IN DEPARTMENT NINE.

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10.	23PR0284	THE BISHOP TRUST
Accounting Hearing		

The court ordered that an accounting be completed by September 13, 2024, and set this hearing regarding status and to address the remaining issues as appropriate.

TENTATIVE RULING #10:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 4, 2024, IN DEPARTMENT NINE.

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11.	23PR0145	THE ZAROW TRUST
Objection Hearing		

TENTATIVE RULING #11:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 4, 2024, IN DEPARTMENT NINE TO UPDATE THE COURT REGARDING MEDIATION.

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