

August 12, 2024  
Dept. 9  
Probate Tentative Rulings

1.	24PR0172	ESTATE OF PHILEBAR
Letters of Administration		

Decedent died intestate on April 22, 2024, survived by one adult child and one adult sibling. Petitioner is a licensed professional fiduciary. Petitioner is a nominee of a person entitled to Letters.

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

The Petition requests that bond be fixed at \$665,000.00.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on June 18, 2024.

Proof of service of notice of the hearing on the Petition was filed on July 10, 2024.

Proof of publication was filed on July 19, 2024.

**TENTATIVE RULING #1:**

**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, AUGUST 11, 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.**

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<b>2.</b>	<b>23PR0110</b>	<b>ESTATE OF SKINKLE</b>
<b>Status of Administration</b>		

Letters of Administration with full authority issued on September 7, 2023. A partial Inventory and Appraisal was filed on March 13, 2024.

On May 1, 2024, the personal representative filed a Notice of Proposed Action regarding the planned sale of real property. There are no objections on file.

**TENTATIVE RULING #2:**

**APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, AUGUST 12, 2024, IN DEPARTMENT NINE.**

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<b>3.</b>	<b>22PR0125</b>	<b>ESTATE OF NEELY</b>
<b>Status of Administration</b>		

Letters of Administration with full authority issued on November 1, 2022. A partial Inventory and Appraisal was filed October 27, 2022.

No Petition for Final Distribution has been filed.

**TENTATIVE RULING #3:**

**APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, AUGUST 12, 2024, IN DEPARTMENT NINE.**

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4.	PP20200097	ESTATE OF FORNI
Status of Administration		

This matter was heard on August 31, 2022, and the court found that the Petition for Final Distribution does not state that the personal representative served the mandated notice of administration of the estate on the California Franchise Tax Board, as is required by Probate Code § 9202(c).

The personal representative's counsel previously reported to the court that on August 13, 2021, the standard request had been sent to the Franchise Tax Board with the understanding that the decedent's taxes had already been paid. The hearing has been continued several times. The personal representative did not appear at the October 6, 2021, January 12, 2022, March 2, 2022, May 4, 2022, or August 31, 2022, hearings.

On July 21, 2022, the court relieved counsel of record as the court was notified that counsel had passed away. No new counsel has appeared in the case.

There were no appearances at the hearing on May 1, 2023.

This matter was heard on August 14, 2023, regarding a Petition for Final Distribution, and Petitioner had retained new counsel. An amended Petition was to be filed and has yet to be received.

**TENTATIVE RULING #4:**

**APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, AUGUST 12, 2024, IN DEPARTMENT NINE.**

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5.	PP20190232	ESTATE OF REX WRIGHT
Status of Administration		

**SEE RELATED CASE, NO. 7**

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6.	22PR0131	ESTATE OF LOCKE
Dismissal		

**TENTATIVE RULING #6:**

**AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON JANUARY 29, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, JANUARY 27, 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.**

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<b>7.</b>	<b>PP20190231</b>	<b>ESTATE OF SHERRY WRIGHT</b>
<b>Status of Administration</b>		

At the hearing on April 15, 2024, the Petition was approved pending the filing of form DE-174 Allowance or Rejection of Creditor's Claim. On May 3, 2024, the DE-174 was filed in the companion case (PP-20190232).

**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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<b>8.</b>	<b>24PR0165</b>	<b>NICHOLS LIVING TRUST</b>
<b>Petition to Confirm Trust Property</b>		

Petitioner asks for an Order confirming the following assets as Trust property: Wells Fargo #9908, Wells Fargo #1033, Wells Fargo #7793, Wells Fargo #7282, Wells Fargo #6398, Wells Fargo #6922, and Bank of America #2841.

Settlor established a Trust and pour-over Will on April 22, 2024. Settlor died the next day, survived by two adult children who are the beneficiaries. The Schedule A attached to the Trust identifies each of the accounts at issue in the Petition. The Trust identifies Settlor's intent to transfer the assets into her 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 June 18, 2024, and filed on June 20, 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 #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).**

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9.	24PR0163	MATTER OF BERTI
Petition for Modification of Trust		

Due to a clerical error, this case was inadvertently called on August 5, 2024. However, the Petition and notice indicated a hearing date of August 12, 2024. The case will be re-called to confirm there are no objections.

The Trustors established their Trust on February 26, 1993. One of the Trustors died on January 16, 2019. She is survived by her husband and four adult children.

The Trust provided that upon the death of the first Trustor, the estate was to be divided into the Family Trust and the Survivor's Trust. When the Trust was created, the exemption amount was \$600,000.00, but at the time of the first death in 2019, the exemption amount was \$11,400,000. The purpose of the division was to reduce or eliminate estate taxes and to provide for the surviving spouse.

Probate Code section 17200 provides in pertinent part:

(a) Except as otherwise provided in Section 15800, a trustee or beneficiary of a trust may petition the court under this chapter concerning the internal affairs of the trust or to determine the existence of the trust.

(b) Proceedings concerning the internal affairs of a trust include, but are not limited to, proceedings for any of the following purposes:

(1) Determining questions of construction of a trust instrument

(8) Granting powers to the Trustee

(13) Approving or directing the modification or termination of the trust.

Based on the intent of the Trustors, the purpose of the Trust, and the change in circumstances, the Court finds it reasonable that all of the Trust assets be confirmed to the Bertie Family Trust Survivor's Trust, and that no bond be required at this time.

**TENTATIVE RULING #9:**

**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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<b>10.</b>	<b>23PR0173</b>	<b>MATTER OF HILL</b>
<b>Petition for Final Distribution</b>		

Letters of Administration were issued on September 20, 2023, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on December 28, 2023. Petitioner is the sole beneficiary and waived an accounting.

No one has filed a request for special notice in this proceeding. The proposed distribution of the estate includes full distribution to Petitioner.

Per Local Rule 10.07.12 Petitions for final distribution must include a report of the following:

1. That no federal or California estate taxes are payable or that they have been paid;
2. That income taxes and all other taxes (e.g. supplemental real property taxes or personal property taxes, if any, have been paid or otherwise provided for.

The Petition complies with Local Rule 10.07.12.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The First and Final Report be approved;
3. The property of the estate be distributed as set forth pursuant to this petition;
4. All acts, transactions, sales and investments of the Administrator be ratified, confirmed and approved;
5. The waiver of account, is allowed and approved;
6. Petitioner be authorized and directed to pay \$8,250.00 as statutory attorney's fees;
7. Distribution of any other property of the decedent or the estate not now known or discovered be made pursuant to the petition;
8. For all other orders the Court deems proper.

**TENTATIVE RULING #10:**

**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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