

1. 23PR0012 ESTATE OF VAROZZA

Final Distribution

Decedent's Will was lodged with the court on January 26, 2023. Decedent's Will named Petitioner as Executor. Letters Testamentary were issued on May 15, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on August 3, 2023.

Waivers of Account were executed by all the beneficiaries entitled to distributions under the Trust.

Proof of service of notice of the hearing on the Petition was filed on November 2, 2023.

The proposed distribution of the estate is to the Bruce and Jolynne Varozza Family Trust, dated October 15, 2020. Petitioner is the current trustee of the trust. Petitioner has waived statutory compensation.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The First and Final Account filed with the Petition be settled, allowed and approved as filed;
3. All acts and proceedings of Petitioner as Executor be ratified, confirmed and approved;
4. The Petitioner be authorized to pay statutory attorney fees in the amount of \$10,540.12;
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.
6. Upon filing of receipts that Petition may apply to be discharged and released from all liability that may be incurred hereafter.

TENTATIVE RULING #1: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED. THE STATUS OF ADMINISTRATION HEARING SET FOR 8:30 A.M. ON MONDAY, MAY 13, 2024, IN DEPARTMENT NINE 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. 22PR0163 ESTATE OF BUTTLES

Status of Administration

At the previous status of administration hearing held on September 25, 2023, the court noted that there is no Final Inventory and Appraisal in the court's file. Nothing has been filed since the previous hearing.

TENTATIVE RULING #2: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 27, 2023, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 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.

3. 23PR0268 ESTATE OF JACOBSON

Petition for Letters Testamentary

Decedent died testate on March 6, 2023, in El Dorado Hills, California, survived by five adult children. Petitioner is decedent's daughter. Although decedent's trusts (described below) are being administered in Contra Costa County, venue is proper in El Dorado County for administration of the Will based on the domicile of the decedent. Probate Code § 7051.

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

A Duties/Liabilities statement (DE 147/DE 147s) was filed on November 3, 2023.

Proof of service of Notice of the Petition was filed on November 3, 2023.

The Will is attached to the Petition and was executed on October 22, 1992. Two Codicils to the Will, dated January 13, 2003, and May 6, 2008, respectively are also attached to the Petition. The Second Codicil to the Will names Petitioner as Executor and waives bond. The pour-over Will distributes the residue of decedent's estate to the Paul and Joan Jacobsen 1992 Community Property Trust ("Trust"). The Trust provides that decedent's five children will receive the Trust assets in equal shares, but that the share to be distributed to Patricia Anne Jacobsen be administered through the Third-Party Special Needs Trust F/B/O Patricia Anne Jacobsen, dated October 22, 1992 ("Special Needs Trust"). Petitioner is also named as successor trustee to the Special Needs Trust.

The Trust and the Special Needs Trust are appended as Exhibits A and B to a Petition for an Order to Modify Trust that was filed in Contra Costa County, which in turn is attached to Petitioner's Declaration (Petition, Exhibit B).

The Will is attached to the Petition as Exhibit A and, in compliance with the requirements of Probate Code § 6112, includes the testator's signature, a date, and attestation of two witnesses, as do both the First and Second Codicils. However, Petitioner has attached a Declaration by Petitioner, dated October 17, 2023, (see Petition, Exhibit B) declaring that following decedent's death, the Will could not be found at her residence but that the decedent had never declared any intention to revoke or destroy the Will. Accordingly, and because presumptive revocation of the Will would have negative and unintended consequences for the beneficiary of the Special Need Trust, Petitioner requests that the court not apply the presumption of Probate Code § 6124, which provides:

If the testator's will was last in the testator's possession, the testator was competent until death, and neither the will nor a duplicate original of the will can be found after the testator's death, it is presumed that the testator destroyed the will with intent to revoke it. This presumption is a presumption affecting the burden of producing evidence.

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It is not clear why the presumption should be applicable in this case as there was apparently a duplicate Will which is attached to the Petition. The Petition does not indicate where the duplicate Will was found. There is no objection to the Will on file with the court.

There is no proof of publication on file with the court; the Petition states that publication is being arranged.

TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 27, 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.

4. 22PR0243 ESTATE OF NICHOLS

Final Distribution on Waiver of Account

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

A Final Inventory and Appraisal was filed on October 4, 2023.

A waiver of account and a waiver of notice were executed by Petitioner as the sole heir entitled to distributions under the estate.

Notice of hearing on the Petition was filed on October 31, 2023.

The proposed distribution of the estate is to Petitioner as sole heir to the estate.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. The First and Final Report of Administrator on Waiver of Account and Petition for Allowance of Statutory Compensation to Attorney and for Final Distribution be settled, allowed and approved;
3. All acts and proceedings of the Administrator be ratified, confirmed and approved;
4. The Administrator be authorized to pay statutory attorney fees in the amount of \$12,555.03;
5. Approval of distribution of the estate to the Petitioner as the sole heir to the estate, as described in 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 as set forth in the Petition.

TENTATIVE RULING #4: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED. THE STATUS OF ADMINISTRATION HEARING SET FOR 8:30 A.M. ON MONDAY, MARCH 25, 2024, IN DEPARTMENT NINE 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.

5. 22PR0099 ESTATE OF MCNULTY

(1) Order to Show Cause

(2) Status Conference

At the hearing of October 2, 2023, the court issued an Order requiring Carrie Schroeder to comply with Requested Orders Nos. 1, 2, 3 and 7 requiring the filing of an accounting for the period from March 4 through October 2, 2023, and turning over certain information and keys to the property and the vehicles that belong to the estate. The court deferred a Requested Order for compliance with Orders Nos. 4, 5 and 6 related to payment of rent and her occupation of the property that is the principal asset of the decedent's estate.

At the hearing of October 16, 2023, counsel for Petitioner Bolduc confirmed compliance with some but not all of the court Orders, and the Order to Show Cause was continued to November 27, 2023. Proof of personal service of notice of this hearing on Carrie Schroeder was filed with the court on November 14, 2023.

TENTATIVE RULING #5: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 27, 2023, IN DEPARTMENT NINE.

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6. 23PR0096 MATTER OF BURTON A. ZABIN & HENRIETTE L. ZABIN REVOCABLE TRUST

- (1) Petition to Confirm Trust Assets**
- (2) Motion to Quash Subpoenas**

TENTATIVE RULING #6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 27, 2023, IN DEPARTMENT NINE.

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