

**1. 23PR0294 ESTATE OF FOTH**

**Petition for Letters of Administration**

Decedent died intestate on July 7, 2023, survived by his spouse and two minor children. Petitioner is decedent's spouse. The Petition requests full authority under the Independent Administration of Estates Act.

Waiver of bond has been filed with the court by the beneficiaries.

A Duties/Liabilities Statement (DE 147) was filed on November 14, 2023, 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 December 12, 2023.

Proof of publication was filed on January 26, 2024.

**TENTATIVE RULING # 1: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED, SUBJECT TO FILING OF DE-147S FORM WITH THE COURT CLERK. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, FEBRUARY 3, 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.**

**2. 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 have been made to the amended Order.

**TENTATIVE RULING #2: APPEARANCES ARE REQUIRED AT 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.**

**3. 23PR0293 ESTATE OF WATSON**

**Petition for Validation of Trust and Appointment of Successor Trustee**

Decedent Herbert Duane Watson established the Duane Watson Revocable Revocable Family Trust on September 1, 1992 (“Trust”) and the Trust document was maintained in his possession until his death on July 29, 2023. Petitioner had been notified by Decedent that he would be appointed successor trustee. When the Trust document was read following Decedent’s death, it appeared that the Trust did not appoint a successor trustee. Petitioner is named as successor trustee in decedent’s Will.

**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. 22PR0231 ESTATE OF HEIER**

**Status of Administration**

The court received a Report on Status of Administration from the Administrator, filed on January 25, 2024. The Administrator requested a continuance of at least six months to allow the estate to accomplish the tasks necessary to close.

**TENTATIVE RULING #4: THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, FEBRUARY 3, 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.**

**5. 23PR0307 ESTATE OF MOONEY**

**Petition to Determine Succession to Real Property**

This matter was scheduled for hearing on January 22, 2024, and was continued at the request of the parties for the purpose of allowing the collection of additional information.

The issue is the intestate succession of a 27.5 percent interest in commercial real property interest belonging to decedent Roger Michael Bickel as his separate property. Petitioner is decedent's mother. Decedent is survived by his parents and by a natural child who was adopted by a third party. Decedent's father has disclaimed his interest in the property (Petition, Exhibit 13.)

Probate Code § 6402(a)-(b) specify the order of intestate succession as to children and parents of the decedent:

Except as provided in Section 6402.5, the part of the intestate estate not passing to the surviving spouse, under Section 6401, or the entire intestate estate if there is no surviving spouse, passes as follows:

(a) To the issue of the decedent, the issue taking equally if they are all of the same degree of kinship to the decedent, but if of unequal degree those of more remote degree take in the manner provided in Section 240.

(b) If there is no surviving issue, to the decedent's parent or parents equally.

Probate Code § 6451(a) addresses the status of an adopted child:

An adoption severs the relationship of parent and child between an adopted person and a natural parent of the adopted person unless both of the following requirements are satisfied:

(1) The natural parent and the adopted person lived together at any time as parent and child, or the natural parent was married to or cohabiting with the other natural parent at the time the person was conceived and died before the person's birth.

(2) The adoption was by the spouse of either of the natural parents or after the death of either of the natural parents.

Decedent's natural child, Olivia Deggennaro, has filed a Declaration opposing the inheritance by decedent's parents. Declaration of Olivia Deggennaro (Bickel), dated January 12, 2024. In her Declaration she states, and attached documentary evidence establishing, that she and decedent lived together as parent and child until she was two years old. (Declaration, Exhibit A.) Subsequently she stayed with decedent during court-ordered visitation periods until she was 9 years old. (Id.; Declaration ¶14.) She was adopted in 2011 after she turned 18 years old.

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At that time her natural mother and adoptive father were married. (Declaration, ¶15; Exhibit C.) Deggennaro declares that the reason for waiting until she was an adult was because decedent was not willing to waive his parental rights. (Declaration ¶ 7.) Deggennaro was designated as the beneficiary on decedent's pension plan and 401K plan. (Declaration, Exhibit D.)

Based on the information in the record, the court finds that the conditions of Probate Code § 6451 have been met, and Olivia Deggennaro is entitled to inherit the real property interest from decedent's estate.

The parties are ordered to appear in order to ascertain whether there is additional relevant evidence that would affect the court's determination.

**TENTATIVE RULING #5: APPEARANCES ARE REQUIRED AT 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.**

**6. 22PR0204 ESTATE OF CROWE**

**Status of Administration**

Letters of Administration were issued on February 6, 2023. An Inventory and Appraisal was filed on May 11, 2023.

**TENTATIVE RULING #6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, FEBRUARY 5, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, FEBRUARY 3, 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.**

**7. 22PR0310 ESTATE OF COOK**

**Status of Administration**

A Petition for Final Distribution was filed on January 19, 2024, and a hearing on the Petition is scheduled for this matter on March 25, 2024.

**TENTATIVE RULING #7: A PETITION FOR FINAL DISTRIBUTION HAVING BEEN FILED WITH THE COURT ON JANUARY 19, 2024, AND SCHEDULED FOR HEARING ON MARCH 25, 2024, THIS STATUS OF ADMINISTRATION HEARING 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.**



**8. 22PR0189 ESTATE OF MARSHALL**

**Status of Administration**

The court received a Report on Status of Administration from the Administrator, filed on January 31, 2024.

The Inventory and Appraisal was filed on January 3, 2023.

Real property belonging to the estate was sold on May 30, 2023, and on January 29, 2024, the Administrator received a final accounting from her accountant. The Administrator requests a continuance to March 11, 2024, to allow time to file a Petition for Final Distribution, however that date is not available.

The court will continue the matter for one year, and when the Administrator files the Petition for Final Distribution the hearing will be scheduled on the next available court date.

**TENTATIVE RULING #8: THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, FEBRUARY 3, 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.**

**9. 23PR0272 IN THE MATTER OF RENEE RUBIN TRUST, DATED 1-11-2017  
Petition to Determine Ownership of Estate Property**

Petitioner is the trustee of The Renee Rubin Trust ("Trust"). Petition, Exhibit A.

The trustee has discovered that the record title to two Northwestern Mutual financial accounts were not transferred to the Trust during the settlor's lifetime, but instead were held in the settlor's name as an individual. Petition, Exhibit B.

There are several indicia of the Decedent's intent to transfer these accounts to the Trust. For example, Decedent executed a General Transfer on January 11, 2017 which "transfers and assigns to the Trustee all of the Trustor's interest in all tangible or intangible property, of whatever nature and wherever situated [including] . . . savings accounts, checking accounts [and] brokerage accounts . . ." Petition, Exhibit C. In addition, Decedent's Will gives her entire estate to the trustee of the Renee Rubin Trust. Petition, Exhibit D.

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.

Petitioner sent notice of the hearing to the beneficiaries of the Trust and to Northwestern Mutual on November 1, 2023. No objection to the Petition has been filed.

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.

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

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**10. 22PR0116 IN THE MATTER OF THE EDNA EARL REVOCABLE LIVING TRUST**  
**Review Hearing**

**TENTATIVE RULING #10: A STIPULATION AND ORDER REFLECTING THE SETTLEMENT OF THE MATTER HAVING BEEN ENTERED ON AUGUST 30, 2023, THE HEARING IS TAKEN OFF CALENDAR AND THE MATTER IS DISMISSED.**

**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. 23PR0276 IN THE MATTER OF MARGUERITE L. BAILEY REVOCABLE TRUST**

**Petition to Determine Construction of Trust and to Determine Beneficiaries**

The Petition requests the court to determine whether the list of beneficiaries set forth in a December 16, 2020, addendum to a trust document (1) replaces or (2) supplements the list of beneficiaries in the original trust document, and thereby to determine the beneficiaries of the trust.

Settlor Marguerite L. Bailey executed a Trust Agreement, titled the Marguerite L. Bailey Revocable Living Trust (“Trust”) on September 18, 2020, which included a notarized acknowledgement of the document. The Trust is attached to the Petition as Exhibit A. The Settlor died on September 18, 2023.

The addendum at issue, attached as Exhibit B to the Petition, includes a handwritten note at the top of the document that states: “Addendum to original trust agreement dated 9/18/2020” followed by the Settlor’s initials. That document was signed by the Settlor and was notarized.

The Settlor acknowledged this addendum in a recital in an amendment to the Trust dated January 11, 2021, attached as Exhibit C to the Petition as follows:

The Trust is dated September 18, 2020. The Settlor has previously amended the Trust, by way of a document referred to as an addendum dated December 16, 2020.

The addendum at issue contains a different list of beneficiaries than the original Trust document.

Petitioner indicates that there are three indicia of the Settlor’s intent that may indicate the intention to replace the original Trust’s list of beneficiaries with the list contained in the addendum.

First, the final line of the addendum states “I have made these changes to my existing trust.”

Second, the January 11, 2021, amendment (Exhibit C) states: “The Settlor has previously amended the Trust, by way of a document referred to as an addendum dated December 16, 2020.”

Third, Petitioner filed a Declaration of Kate Carmer, dated October 31, 2023, who stated that she was present with the Settlor on December 16, 2020 and that the Settlor told her that “the provisions of this document were intended to change the beneficiary provisions of her trust.” However, the court notes that Kate Carmer was added as a beneficiary by the addendum, and was not listed as a beneficiary in the original Trust document.

Additionally, the court notes that several individuals are named in both lists. This supports the conclusion that the Settlor intended to replace the original list of beneficiaries with

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the new list in the addendum because there would be no reason to repeat the names of individual beneficiaries if the addendum was merely intended to add to the existing list.

Probate Code § 15401(a) provides that “A trust that is revocable by the settlor or any other person may be revoked in whole or in part by any of the following methods: (1) By compliance with any method of revocation provided in the trust instrument.”

Probate Code § 15402 provides: “Unless the trust instrument provides otherwise, if a trust is revocable by the settlor, the settlor may modify the trust by the procedure for revocation.”

Article III provides that “During the lifetime of the Settlor, this trust may be revoked, in whole or in part, by an instrument in writing, signed by the Settlor, and delivered personally or by certified mail to the Trustee. . . .”

Article IV of the Trust further provides: “The Settlor may, at any time, amend any of the terms of this instrument in writing signed by the Settlor and delivered personally or by certified mail to the Trustee.”

The Settlor executed an amendment to the Trust on January 11, 2021, designating Kathryn Cain as trustee. Until that date, and at the time that the “addendum” at issue was executed, Settlor remained the trustee of the Trust.

Accordingly, by the terms of the Trust, the Settlor did have the power to modify the Trust at the time the addendum was executed.

Proof of service of notice of the Petition was filed with the court on January 30, 2024.

**TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 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.**

**12. PP20170180 IN THE MATTER OF THE JOHN M. BAUDINO TRUST**

**Third Account and Report**

At the preceding hearing on this matter held on April 3, 2023, the court authorized co-trustees to purchase real property. At that hearing the Public Defender requested future hearings to be set at the 10:00am calendar.

A hearing on the Third Account and Report scheduled for February 7, 2024, at 10:00a.m. in Department 8 was continued for lack of a courtroom.

A hearing on the Third Account and Report is scheduled on February 5, 2024, in Department 9 for 8:30 a.m.; however there is no Third Account and Report in the court's file, and there has been no activity on the case since the previous hearing.

**TENTATIVE RULING #12: APPEARANCES ARE REQUIRED AT 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.**

**13. PP20110058 RAYLEENA SOSTRE SPECIAL NEEDS TRUST**

**Petition Hearing – Attorney’s Fees**

Petitioner is the interim trustee of the Special Needs Trust of Rayleena Mercedes Sostre (“Trust”).

On May 9, 2023, the court issued a Ruling on a Submitted Matter which granted Petitioner’s request for payment of attorney’s fees for the period of March 10, 2021, through April 23, 2021, but the trustee, Crystal Wilson-Sostre has not yet made the court-ordered payments to the interim trustee or to the Drobny Law Office, Inc.

Petitioner also requests the court to award interest at the legal rate (10% per year) for unpaid judgments beginning June 9, 2023, and ending upon the date of payment of the outstanding amount plus interest.

The Petition represents that After April 23, 2021, the interim trustee’s counsel spent time finalizing, filing and serving the First Report and supplements and declarations in support of the First Report, appeared at multiple hearings, communicated with the client and opposing counsel and counsel for the beneficiary, and that the balance due for legal fees associated with those efforts for the period of April 24, 2021 through November 1, 2023, is \$9,185.09.

The Petition also requests reimbursement of costs that have been advanced on behalf of the interim trustee and the Trust for the period of April 24, 2021, through November 1, 2023, in the amount of \$1,649.53. The court has previously approved \$441.50 of those costs in its May 9, 2023, Ruling. See list of costs in Petition, Attachment 1.

Petitioner further requests interim trustee fees for the preparation of the Third and Fourth Accountings during the period of April 10, 2021 through April 9, 2023 in the amount of \$8,817.21. See Attachment 2 to the Petition, which includes services for this Trust and for the related Trust of River Journey Sostre Special Needs Trust (see Case No. PP20110057). The balance of \$17,634.42 on Attachment 2 to the Petition is for the interim trustee’s services to both trusts.

Finally, Petitioner requests the court to assess an additional amount, not to exceed \$2,000 and subject to proof of actual fees and costs incurred, to be paid by the trustee Crystal Wilson-Sostre, to compensate Petitioner’s attorneys for time spent and collection efforts required to attempt to enforce the court’s Ruling regarding payment of court-ordered fees and costs.

Petitioner requests the court to schedule an Order to Show Cause hearing for the trustee to explain why she has not complied with the court’s May 9, 2023, Ruling. Petitioner additionally

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requests the court to schedule a second Order to Show Cause hearing to ensure that the trustee has made payment in full of all fees and costs awarded by the court.

**TENTATIVE RULING #13: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, FEBRUARY 5, 2024, IN DEPARTMENT NINE.**

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**14. PP20110057 RIVER SOSTRE SPECIAL NEEDS TRUST**

**Petition Hearing – Attorney’s Fees**

Petitioner is the interim trustee of the Special Needs Trust of Rayleena Mercedes Sostre (“Trust”).

On May 9, 2023, the court issued a Ruling on a Submitted Matter which granted Petitioner’s request for payment of attorney’s fees for the period of March 10, 2021, through April 23, 2021, but the trustee, Crystal Wilson-Sostre has not yet made the court-ordered payments to the interim trustee or to the Drobny Law Office, Inc.

Petitioner also requests the court to award interest at the legal rate (10% per year) for unpaid judgments beginning June 9, 2023, and ending upon the date of payment of the outstanding amount plus interest.

The Petition represents that After April 23, 2021, the interim trustee’s counsel spent time finalizing, filing and serving the First Report and supplements and declarations in support of the First Report, appeared at multiple hearings, communicated with the client and opposing counsel and counsel for the beneficiary, and that the balance due for legal fees associated with those efforts for the period of April 24, 2021 through November 9, 2023, is \$10,837.50. See Declaration of Anastasia B. Salmon, dated November 28, 2023.

The Petition also requests reimbursement of costs that have been advanced on behalf of the interim trustee and the Trust for the period of April 24, 2021, through November 1, 2023, in the amount of \$1,641.23. The court has previously approved \$441.50 of those costs in its May 9, 2023, Ruling. See list of costs in Petition, Attachment 1.

Petitioner further requests interim trustee fees for the preparation of the Third and Fourth Accountings during the period of February 3, 2021, through April 9, 2021 in the amount of \$8,817.21. See Attachment 2 to the Petition, which includes services for this Trust and for the related Trust of Rayleena Sostre Special Needs Trust (see Case No. PP20110058). The balance of \$17,634.42 on Attachment 2 to the Petition is for the interim trustee’s services to both trusts.

Finally, Petitioner requests the court to assess an additional amount, not to exceed \$2,000 and subject to proof of actual fees and costs incurred, to be paid by the trustee Crystal Wilson-Sostre, to compensate Petitioner’s attorneys for time spent and collection efforts required to attempt to enforce the court’s Ruling regarding payment of court-ordered fees and costs.

Petitioner requests the court to schedule an Order to Show Cause hearing for the trustee to explain why she has not complied with the court’s May 9, 2023, Ruling. Petitioner additionally

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requests the court to schedule a second Order to Show Cause hearing to ensure that the trustee has made payment in full of all fees and costs awarded by the court.

**TENTATIVE RULING #14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, FEBRUARY 5, 2024, IN DEPARTMENT NINE.**

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**15. 23PR0145 THE ZAROW TRUST**

**(1) Petition for Settlement and Approval and for Trustee Fees**

**(2) Hearing on Objection to Petition**

**(3) Review Hearing**

Decedent, settlor of the Zarow Trust (“Trust”), dated October 17, 1985, and restated on April 4, 2017 (Petition, Exhibit A), died on May 18, 2021. Petitioner Angela Christensen was appointed co-trustee on June 27, 2018, which is the date that the settlor executed a First Amendment to the Trust. Petition, Exhibit B. While the Trust is not subject to continuing court supervision, Petitioner requests court approval of the final account and distribution proposed by the Petition. There are eight Trust beneficiaries, including Petitioner, who are the surviving children of the settlor.

Exhibits D, E and F to the Petition are the accounts of the administration of the Trust for the years 2021, 2022 and 2023, respectively.

Notice of the hearing on the Petition was filed on July 14, 2023.

The proposed distribution of the estate includes:

1. Reimbursement to Petitioner/Trustee

Petitioner has submitted a Declaration, dated July 3, 2023 (“Christensen Declaration”), in which she details the need for her expenditure of \$51,041.83 for which she claims reimbursement from the Trust between 2019 and 2021. See Christensen Declaration, Exhibit A. A catalogue of travel and the reasons required for travel and other expenses is detailed in Christensen Declaration, Exhibit B. Payment of attorney’s fees for legal services to the estate are also included in these amounts. Essentially, Petitioner served as her mother’s caregiver since 2019 and managed the estate assets after her mother’s death in 2021, all of which required frequent travel between her home in El Dorado County to her mother’s home in Southern California. Petitioner has already reimbursed herself partially from the Trust in the amount of \$31,667.00 and requests the court’s authorization to reimburse herself the additional \$19,403.48.

2. Payment of Trustee

Petitioner seeks the court’s approval of a payment to her of \$22,500 on November 5, 2021, an amount that is not included in the reimbursement calculation above. This amount is authorized by the Trust ¶ 4.03:

In lieu of Trustee compensation, the Trustee shall distribute the sum of Twenty-Two Thousand Five Hundred Dollars (\$22,500) to the person who shall then be serving as the Trustee of this Trust.

The Trust (Petition Exhibits A and B) provides for payment of “as much of the principal of the trust property as is necessary in the Trustee’s discretion for the Trustor’s proper health, support, maintenance comfort and welfare.” Article 3, ¶13.01.

3. Disbursement to Heirs

The Petition proposes dividing the remainder of the estate, after deductions for reimbursement detailed above, equally between the eight children of the settlor, which amounts to a payment of \$36,899.75 to each surviving child, including Petitioner. The Petition requests the court for:

1. Settlement and allowance of the First and Final Account and Report and approval and confirmation of the acts of Petitioner as Trustee
2. Approval and confirmation of all reported acts and transactions of Petitioner as Trustee
3. Authorization for Petitioner to pay herself the sum of \$19,403.48 and for reimbursement of additional expenses
4. Authorization for Petition to distribute \$35,899.75 to each of the eight beneficiaries.

Objection to First and Final Account/Report of Trustee and Petition for Approval & Trustee Fees

Three trust beneficiaries, Chris Zarow, Diana Gazzolo and Mary Southern, have filed an Objection to the trustee’s Account and Petition for Settlement. The Objection lists a general objection that there is no purpose specified for each of the disbursements. The Objection lists the following specific objections:

1. Objectors request an inventory of all assets on hand from the decedent’s date of death.
2. Objectors request a copy of each bank statement, credit card statement and all cancelled checks from all trust accounts.
3. Objectors request that all reimbursement requests for caregiving of the decedent prior to decedent’s death be denied.
4. Objectors request receipts for all reimbursement requests and an explanation for each request.
5. Objectors request an explanation for the reimbursement of \$25,667.05 as detailed in Petition Exhibit D, Schedule C, page 12.

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6. Objectors request a statement from PNA Life Insurance, which they believe amounted to \$5,000, and not the \$4,145.23 as stated in the accounting.

7. Objectors request a final closing statement for the sale of the real property.

8. Objectors request receipts for distributions made, including receipts for carpet cleaning, Target purchases and other purchases made on behalf of the Trust.

9. Objectors request a detailed description of the airline travel and restaurant purchases throughout the accounting period, including restaurant charges and those made after the decedent's death.

10. Objectors request clarification for charges for Legacy Box.

11. Objectors request clarification as to why trustee is requesting reimbursement for dates prior to the decedent's death which should have been covered by the \$22,500 payment made to the trustee.

With respect to Specific Objection #3, the court notes that the trust expressly provides that during the lifetime of the Trustor, "[i]f at any time, the Trustor has become physically or mentally incapacitated, . . . the, Trustee shall . . . apply for the Trustor's benefit, the net income of the trust property . . . or . . . as much of the principal of the trust property as is necessary in the Trustee's discretion for the Trustor's proper health, support, maintenance, comfort and welfare." Petition, Exhibit A, Trust Section 3.01.

With respect to Specific Objection #11, the court notes that the \$22,500 that is to be distributed to the Trustee is "in lieu of compensation." Petition, Exhibit A, Trust Section 4.03(A). Section 5.01(m) separately authorizes the trustee to advance funds to the Trust for any purpose, and that such advances are to be paid out of the principal or income of the Trust. Further, Probate Code § 15680 states that "if the trust instrument provides for the trustee's compensation, the trustee is entitled to be compensated in accordance with the trust instrument." The Probate Code distinguishes trustee compensation from reimbursement to the trustee of "expenditures that were properly incurred in the administration of the trust." Probate Code § 15684.

This matter was heard on October 9, 2023, and was continued at the request of the parties.

**TENTATIVE RULING #15: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, FEBRUARY 5, 2024, IN DEPARTMENT NINE.**

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**16. 22PR0112 ESTATE OF WILLIAMS**

**First and Final Account and Report**

Letters of Administration were issued on November 30, 2022, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on March 14, 2023.

Proof of Service of Notice of the hearing on the Petition was filed on October 30, 2023.

The proposed distribution of the estate includes distribution in equal shares to each of the four surviving adult children. From these shares Petitioner proposes to deduct amounts from two of the heirs who remained resident on decedent's property for the fair market value of back rent since decedent's death in 2015, utilities, legal fees for eviction and the cost of removal of junk cars after one of the heirs was evicted. Allison Williams share will be reduced by \$22,971.37 and Terry Williams share will be reduced by \$38,481.79 to cover these outstanding debts and expenses to the estate.

Petitioner requests reimbursement of \$5,851.00 for costs of work performed for the estate to prepare the real property for sale. This is in addition to \$26,131.34 in costs for such work that has already been reimbursed to Petitioner from estate assets. Much of this work was required to restore the property to a saleable condition after two of the beneficiaries moved out nearly eight years after decedent's death. Because the principal asset of the estate was the real property, there were no estate funds available to cover these costs.

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;
3. All acts, transactions and proceedings of the Personal Representative be confirmed and approved;
4. The Personal Representative be authorized to pay statutory attorney fees in the amount of \$9,810.42;
5. The Personal Representative be authorized to pay himself \$9,810.42 in statutory compensation;
6. The Personal Representative be authorized and directed to reimburse himself \$5,851.00 for costs advanced to and work performed on behalf of the estate.

At the hearing on December 11, 2023, Terry Williams objected to the Petition being granted. The court ordered that any objection to the Petition be filed by December 22, 2023 and continued the matter to January 8, 2024.

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On January 3, 2024, Terry Williams filed a proof of service, dated December 22, 2023, of an Objection to the Petition and Final Account with the court; however, the attachment was not included with the filing and it is not possible to determine upon whom the objection was served.

The Objection raises the following issues:

1. Requests receipts for any funds that James Williams has reimbursed to himself for funds advanced to the estate.
2. Given that the personal representative proposes to charge Terry Williams for rent for living on the property, rent should also be charged to Chrys Gwinn, who also lived on the property for four months.
3. Terry Williams should be credited with improvements that he made to the property, as detailed in the Objection (\$18,840)
4. The combined rental income for three tenants who lived on the property after the decedent's death was \$1,200 per month, \$500 more than the monthly mortgage, which income is not reflected in the accounting.
5. Chrys Gwinn was not charged storage fees for items stored on the property, and the trailer, labor and dump fees between January and March 2023 were for disposal of Chris Gwinn's property and should not be paid out of estate funds.

The Objection further alleges breach of fiduciary duty for increasing rent to two of the heirs without notifying them of a rent increase, while not charging rent to another heir who also lived there; and reimbursing himself from estate funds without court approval and then charging the estate interest.

Objector requests the court to deny the Petition require receipts for all amounts reimbursed to the personal administrator, deny the Petition's request to deduct rent from Terry and Allison Williams' share of the estate, and approve reimbursement to Terry Williams for costs and labor associated with maintaining decedent's property.

At the hearing on January 8, 2024, the parties requested a continuance to pursue a potential settlement agreement.

**TENTATIVE RULING #16: APPEARANCES ARE REQUIRED AT 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.**

**17. PP20170176 ESTATE OF FIELDS**

**Review Hearing**

At the hearing held on December 11, 2023, the court set the matter for Settlement Conference on March 6, 2024, and ordered the parties to meet and confer to review expenses to narrow down the expenses that are in dispute.

- The court also identified the following issues for trial:
- What expenses were validly reimbursed to Amy Ward through the estate funds, which includes gas and travel expenses along with ink and scanning expenses.
- The Toyota 4Runner.
- The pending creditors claim in the amount of \$16,000.
- All legible and missing bank statements to be provided to the beneficiaries

**TENTATIVE RULING #17: APPEARANCES ARE REQUIRED AT 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.**



18. **23PR0274 IN THE MATTER OF THE DAREH HAGHVIRDI SPECIAL NEEDS TRUST**

**OSC Hearing – Contempt/Failure to Comply**

On December 11, 2023, the court issued an Order authorizing various measures to be taken by the trust for the benefit of the beneficiary. At the same hearing, an Order to Show Cause hearing was scheduled for February 5, 2024.

**TENTATIVE RULING #17: APPEARANCES ARE REQUIRED AT 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.**