

03-18-24  
Dept. 9  
Probate Tentative Rulings

1. **PCL20200086 DIGIACOMO & ASSOCIATES v. EVERHART**  
**Case Management Conference**

**TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 18, 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.**

**2. 24PR0005 ESTATE OF BELL**

**Petition for Letters Testamentary**

A Petition to administer decedent's estate was filed on January 10, 2024.

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

Decedent died testate on October 21, 2023, survived by his mother and two adult siblings. Petitioner is decedent's mother. The Will is holographic and is accompanied by a Proof of Holographic Instrument indicating that the writing of the Will was witnessed by Petitioner.

The Will was lodged with the court on January 10, 2024, as an exhibit to the Petition, and is admitted to probate.

Waivers of bond have been filed by all beneficiaries.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on January 10, 2024.

Proof of Service of Notice of the hearing on the Petition was filed on February 7, 2024.

Proof of publication was filed on February 23, 2024.

No Executor is named in the Will, but the two beneficiaries of the Will, decedent's siblings, have executed nominations of Petitioner as Executor.

**TENTATIVE RULING #2: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 10, 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.**

**3. 22PR0270 ESTATE OF RIFE**

**Status of Administration**

Letters of Administration were issued on March 28, 2023. The Administrator is decedent's parent and sole heir, and the sole asset identified in the estate was a parcel of real property. A Final Inventory and Appraisal was filed on January 5, 2024, which states that the real property, which was not appraised by the Probate Referee, passed to Petitioner through a change in title.

A bond was filed for \$350,000, which was the estimated value of the real property.

**TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 18, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 10, 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. 22PR0184 ESTATE OF AKABA**

**Final Distribution on Waiver of Account**

Letters Testamentary were issued on May 10, 2023, granting Petitioner full authority under the Independent Administration of Estates Act. Petitioner is decedent's sister.

A Final Inventory and Appraisal was filed on August 17, 2023.

A waiver of account was executed by Petitioner as the sole heirs entitled to distributions under the estate.

Proof of Service of Notice of the hearing on the Petition was filed on December 28, 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. All acts, transactions of the Administrator be ratified, confirmed and approved;
3. The Administrator be authorized to pay statutory attorney fees in the amount of \$11,264.39 and \$14,195.50 for compensation for extraordinary services (which included avoiding foreclosure on the real property and filing an amended petition for probate and supporting documents following the discovery of the holographic will as detailed in the billing records attached to the Petition) plus \$1,736.29.00 for costs advanced to the estate;
4. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
5. The Administrator is authorized to pay \$350.08 to satisfy the creditor claim from the County of Sacramento, Revenue Recovery;
6. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed to the beneficiaries as set forth in the Petition.
7. The Administrator be authorized to retain \$2,500 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;
8. Upon filing of receipts that Petition may apply to be discharged and released from all liability that may be incurred hereafter.

**TENTATIVE RULING #4: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED.**

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**A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE, BY WHICH TIME THE COURT EXPECTS RECEIPTS AND AN EX PARTE PETITION FOR FINAL DISCHARGE 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.**

**5. 23PR0318 ESTATE OF GILBERT**

**Petition for Letters Testamentary**

A Petition to administer decedent's estate was filed on December 21, 2023.

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

Decedent died testate on August 10, 2023, survived by two adult children. Petitioner is decedent's daughter.

The Will was lodged with the court on December 21, 2023, and is admitted to probate.

The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on December 21, 2023.

Proof of Service of Notice of the hearing on the Petition was filed on January 10, 2024.

Proof of publication was filed on February 6, 2024.

Petitioner was named as Executor in the Will.

**TENTATIVE RULING #5: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 10, 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.**

**6. 22PR0093 ESTATE OF GALLOWAY**

**Status of Administration**

At the previous hearing on September 11, 2023, Petitioner's counsel requested a continuance to allow time to accomplish the sale of the real property that is the principal asset of the estate.

**TENTATIVE RULING #6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 18, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 10, 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. 22PR0292 ESTATE OF WILKINSON**

**Status of Administration**

A Petition for Final Distribution was approved at the hearing held on September 18, 2023.

To date there are no receipts of distribution or ex parte Petition for Final Discharge on file with the court.

**TENTATIVE RULING #7: A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE, BY WHICH TIME THE COURT EXPECTS RECEIPTS OF DISTRIBUTION 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.**



**8. 22PR0073 ESTATE OF HELWIG**

**Status of Administration**

A Petition for Final Distribution was approved at the hearing held on March 20, 2023.

To date there are no receipts or ex parte Petition for Final Discharge on file with the court.

**TENTATIVE RULING #8: A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE, BY WHICH TIME THE COURT EXPECTS RECEIPTS OF DISTRIBUTION 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.**

**9. 22PR0014 ESTATE OF STURGESS**

**Status of Administration**

A Petition for Final Distribution was approved at the hearing held on October 2, 2023.

To date there are no receipts or ex parte Petition for Final Discharge on file with the court.

**TENTATIVE RULING #9: A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE, BY WHICH TIME THE COURT EXPECTS RECEIPTS OF DISTRIBUTION 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.**

**10. 22PR0005 ESTATE OF SANTELIO**

**Status of Administration**

A Petition for Final Distribution was approved on March 24, 2023.

Receipts and an ex parte Petition for Final Discharge is on file with the court.

**TENTATIVE RULING #10: RECEIPTS OF DISTRIBUTIONS AND A PETITION FOR FINAL DISCHARGE HAVING BEEN FILED WITH THE COURT, THIS MATTER IS DROPPED 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.**

**11. 23PR0310 ESTATE OF DiGIURCO**

**Letters Testamentary**

At the hearing held on March 4, 2024, the court noted the lack of a DE-147/DE-147s form on file with the court. Petitioner indicated the intention to drop the Petition and the court continued the matter to allow Petitioner an opportunity to file a Request for Dismissal. Nothing new has been filed with the court since that hearing.

**TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 18, 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. 24PR0039 ESTATE OF DEZORDO**

**Petition to Determine Trust Assets**

Petitioner is the trustee of the Rino V. Dezordo and Oliva G. Dezordo Family Trust (“Trust”) and the son of the settlors. The last of the two original settlors passed away on August 8, 2022 and Petitioner was named as first successor trustee.

Exhibit C to the Petition is the Declaration of Intent executed by the settlors, and Exhibit D to the Petition in Schedule A of the Trust, listing assets that were intended to be included within the Trust assets at the time of its execution on December 11, 2003. The settlors failed to list several financial accounts and vehicles in Schedule A (Petition, Exhibit D) that were intended to be held as Trust property.

The assets at issue consist of one bank account, four investment accounts, and seven vehicles. If the Petition is not approved, the heirs to the estate will have to open probate to provide for their distribution.

Petitioner argues that the settlors intent to include these omitted assets is evidenced as follows:

1. Article Two, Section 2.1 of the Trust (“Definition of Trust Estate”) states: “All property subject to this instrument from time to time is referred to as the ‘trust estate’ and shall be held, administered and distributed as provided in this instrument. The trustee shall hold, administer and distribute the property described in the Schedule of Community Property Assets, Schedule of Separate Property Assets of [the settlors], any other property that may be hereafter subject to this trust, and the income and proceeds attributable to all such property, in accordance with the provisions of this instrument.”
2. Both of the Wills of the settlors name the Trust as the sole beneficiary of any assets not formally held in the Trust at the time of their death. See Petition, Exhibit E.
3. The Declaration of Intent executed by the settlors concurrently with the execution of the Trust states that the settlors “declare that, as Trustees of the [Trust] they are acquiring and will hold in the names of Rino V. Dezordo and Oliva G. Dezordo, but without further reference to their fiduciary capacity, all items listed on Schedule A attached hereto . . . as well as household furnishings, automobiles, jewelry, bank accounts, securities, bonds, clothing and other personal property of any kind in their name and henceforth such assets shall and will belong to said Trust and not to them individually. They further declare that, except to the extent of the interest provided to them under the terms and provisions of said Trust, they have no personal interest in any of the above itemized personal properties, it being intended that this Declaration constitutes an affirmation of Trust ownership which shall be binding on their heirs, administrators, executors and assigns.” See Petition, Exhibit C.

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Proof of service of notice of the hearing on the Petition to all individuals named a beneficiaries of the Trust was filed with the court on February 15, 2024. Waivers of Notice in support of the ex parte application were also filed by all beneficiaries. Without utilizing the ex parte procedures, Probate Code § 851 would require 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.

The Declaration of Petitioner, dated February 12, 2024 explains that the ex parte application was necessary because the Trust requires access to the assets in the financial accounts in order to manage the real property assets of the Trust, and to access Trust assets to pay delinquent accounts without requiring financial contributions by the beneficiaries will avoid irreparable harm to the beneficiaries, who would otherwise have to liquidate their own investments in order to cover Trust expenses.

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.

No objection to the Petition has been filed with the court.

**TENTATIVE RULING #12: 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.**

**13. PP20210179 ESTATE OF STURGESS**

**Status of Administration**

Letters of Administration were issued on October 13, 2021. A Final Inventory and Appraisal was filed on April 25, 2022.

**TENTATIVE RULING #13: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 18, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.**

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**14. PP20110054 ESTATE OF WALZ**

**Status of Administration**

Letters of Administration were issued on July 29, 2011, and Letters of Administration were issued to a successor Administrator on July 27, 2016. This matter has been continued since October 13, 2021, and at the hearing on February 9, 2022 the Administrator's counsel indicated he would be filing a motion to withdraw. The matter was continued between March, 23, 2022, and July 27, 2022. At the hearing on July 27, 2022, counsel represented that a final accounting would be filed.

There is no motion to withdraw as counsel, no final Inventory and Appraisal, and no Petition for Final Distribution on file with the court.

**TENTATIVE RULING #14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 18, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.**

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**15. 23PR0056 ESTATE OF BENETTI**

**Final Distribution and Account**

Letters of Administration were issued on June 5, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on August 16, 2023.

Proof of Service of Notice of the hearing on the Petition is not on file with the court.

The proposed distribution of the estate includes a number of personal effects, the receipts for which have been filed with the court, as well as the cash remaining in the Petitioner's hands, which is to be divided between Deanna Smith-Johnson (40%), Cynthia Vernon Young (40%) and Goldee Madrigal (20%), which has not yet been distributed.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The Account filed with the Petition be allowed and approved as filed;
3. All reported acts and proceedings of Petitioner be ratified, confirmed and approved;
4. The Administrator be authorized to pay statutory attorney fees in the amount of \$19,540.66 and \$4,885.00 for compensation for extraordinary services (see supporting Declaration of Miranda Fernandez, dated February 5, 2024 with billing records), plus \$1,226.12 for costs advanced to the estate;
5. The Administrator be authorized to pay himself \$19,540.66 in statutory compensation, plus \$6,807.28 for costs advanced to the estate;
6. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
7. Preliminary distribution of the specific gifts already made be confirmed and approved;
8. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed to the beneficiaries as set forth in the Petition.
9. The Administrator be authorized to retain \$25,000 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 #15: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 18, 2024, IN DEPARTMENT NINE.**

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**16. 23PR0321 IN THE MATTER OF GREG CHING**

**Petition to Appoint Successor Trustee**

Due to the death of all individuals who are named as successor trustees to the Vkl Ching Trust ("Trust"), the Petition requests the court to appoint Greg Ching as successor trustee without the requirement of a bond, pursuant to the authority of Probate Code §§ 17200(b)(10)<sup>1</sup> and 15640(c)<sup>2</sup>. This appointment is supported by nominations executed by all beneficiaries to the Trust. See Petition, Exhibit C. Greg Ching is the last surviving child of the settlor. His siblings were named as successor trustees in the Trust, but both are deceased.

The Trust is administered pursuant to Nevada law, but Greg Ching is a resident of El Dorado County.

Notice of the hearing on the Petition was filed on December 29, 2023.

**TENTATIVE RULING #16: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED.**

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<sup>1</sup> (a) Except as 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:

\* \* \*

(10) Appointing or removing a trustee.  
Probate Code § 17200(b)(10)

<sup>2</sup> A trustee who has accepted the trust may resign only by one of the following methods:

(a) As provided in the trust instrument.

(b) In the case of a revocable trust, with the consent of the person holding the power to revoke the trust.

(c) In the case of a trust that is not revocable, with the consent of all adult beneficiaries who are receiving or are entitled to receive income under the trust or to receive a distribution of principal if the trust were terminated at the time consent is sought. If a beneficiary has a conservator, the conservator may consent to the trustee's resignation on behalf of the conservatee without obtaining court approval. Without limiting the power of the beneficiary to consent to the trustee's resignation, if the beneficiary has designated an attorney in fact who has the power under the power of attorney to consent to the trustee's resignation, the attorney in fact may consent to the resignation.

Probate Code § 15640