

04-08-24  
Dept. 9  
Probate Tentative Rulings

**1. PP20200066 CONSERVATORSHIP OF NANCY GRISHAM**

**Status Conference – Trial Setting**

**TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 8, 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. PP20210150 ESTATE OF CAROLYN SCOTT**

**OSC Hearing - Dismiss**

This Petition was filed on July 1, 2021. This matter was continued from September 22, 2021, January 5, 2022, February 2, 2022, and March 9, 2022.

At the hearing on September 22, 2021, petitioners Steven R. Scott and Vicki Lynette Reese stated that the original Will was in a safe deposit box that could not be accessed until letters were issued. In a related matter, Estate of Robert Scott, PP20210149, an Order for Special Administration was entered on July 12, 2022, to allow the same petitioners access to the safe deposit box.

Decedent's Will has not been lodged with the court.

On January 30, 2023, Petitioner appeared and requested additional time to lodge the Will and the matter was continued to May 15, 2023. There were no appearances on May 15, 2023, and the matter was continued to July 3, 2023. On July 3, 2023, there were no appearances and the matter was continued to October 9, 2023. At that hearing the court set a hearing date on an Order to Show Cause as to why the matter should not be dismissed without prejudice for delay in prosecution pursuant to Code of Civil Procedure § 583.410, 583.420(A)(2)(b) and California Rules of Court, Rule 3.1340.

The decedent was the spouse of Robert Scott (Case No. PP20210149) and she predeceased her husband. Although decedent's Will was never lodged with the court, her spouse's Will poured over all assets into the Robert H. Scott and Carolyn J. Scott Living Trust. Letters of Administration were issued to Robert and Carolyn Scott's children for the estate of Robert Scott on January 3, 2024. It would be reasonable to assume that decedent's estate passed to her husband following her death, and will be distributed in accordance with her intentions through the probate of his estate.

Nothing new has been filed in this case since December, 2023.

**TENTATIVE RULING #2: THIS MATTER IS DISMISSED FOR DELAY IN PROSECUTION PURSUANT TO CODE OF CIVIL PROCEDURE § 583.410, 583.420(A)(2)(B) AND CALIFORNIA RULES OF COURT, RULE 3.1340.**

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**3. 22PR0033 ESTATE OF KISSINGER**

**Status of Administration**

Letters of Administration were issued on April 3, 2022. A partial Inventory and Appraisal was filed on October 2, 2023.

**TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 8, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 7, 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. 23PR0033 ESTATE OF QUIGLEY**

**Final Distribution On Waiver of Account**

Letters Testamentary were issued on July 10, 2023, granting Petitioner full authority under the Independent Administration of Estates Act. The Will was admitted to probate on July 10, 2023.

A Final Inventory and Appraisal was filed on February 16, 2023. The court waived an appraisal by the probate referee for good cause under Probate Code § 8903.

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

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 confirmed and approved;
3. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
4. 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.

**TENTATIVE RULING #4: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 7, 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.**

**5. 22PR0087 ESTATE OF MCCOMB**

**Status of Administration**

**TENTATIVE RULING #5: AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED ON NOVEMBER 7, 2023, AND AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED ON MARCH 5 2024, THE MATTER IS DROPPED FROM CALENDAR AND THE CASE 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.**

**6. PP20200194 ESTATE OF MATTHEWS**

**Status of Administration**

**TENTATIVE RULING #6: AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED ON APRIL 3, 2023, AND AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED ON JUNE 5, 2023, THE MATTER IS DROPPED FROM CALENDAR AND THE CASE 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.**

**7. PP20210080 ESTATE OF PEARCE**

**Final Distribution and Account**

Letters of Administration were issued on November 3, 2022, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on December 4, 2023.

Proof of Service of Notice of the hearing on the Petition was filed on January 26, 2024.

The proposed distribution of the estate is to divide the assets into 18 shares of \$8,909.60 each, to be distributed to first cousins and their issue, as detailed in Exhibit B to the Supplement to the Petition (filed February 29, 2024).

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 reported 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 \$7,447.25, as well as \$2,624.33 in costs advanced to the estate;
5. The Administrator be authorized to pay himself \$7,447.25 in statutory compensation;
6. The Administrator be authorized to retain \$1,000 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;
7. 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.

**TENTATIVE RULING #7: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 7, 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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**8. 22PR0327 ESTATE OF WEST**

**Status of Administration**

Letters of Administration were issued on April 10, 2023, granting Petitioner full authority under the Independent Administration of Estates Act. Final Inventory and Appraisal was filed on June 16, 2023.

**TENTATIVE RULING #8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 8, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 7, 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. PP20190015 ESTATE OF MCKINNEY**

**Status of Administration**

An Order for Final Distribution was entered on July 13, 2022. To date, there are no receipts for distribution and no ex parte petition for final discharge (Judicial Council Form DE-295) in the court's file.

This matter was continued on November 9, 2022, and again on April 3, 2023.

**TENTATIVE RULING #9: A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 7, 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.**

**10. 23PR0181 ESTATE OF MADEIRA**

**Petition for Final Distribution on Waiver of Account**

Letters of Administration were issued on September 25, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on January 8, 2024.

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

Proof of Service of Notice of the hearing on the Petition is not required pursuant to Probate Code § 1201 because Petitioner is the sole heir entitled to distributions under 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 and proceedings of the Administrator be ratified, confirmed and approved;
3. The Administrator be authorized to pay statutory attorney fees in the amount of \$6,346;
5. 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.

**TENTATIVE RULING #10: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED.**

**A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 7, 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.**

**11. PP20210067 ESTATE OF DOLCINI**

**Status of Administration**

Letters of Administration were issued on May 19, 2021. A Final Inventory and Appraisal was filed on November 16, 2021.

At the last hearing held on April 10, 2023, the Administrator was advised of the need to file a Petition for Final Distribution and the matter was continued for one year.

**TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 8, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 7, 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.**

**12. 22PR0256 ESTATE OF BENAL**

**Status of Administration**

**TENTATIVE RULING #12: A HEARING ON THE PETITION FOR FINAL DISTRIBUTION HAVING BEEN SET FOR 8:30 A.M. ON MONDAY, MAY 6, 2024, THIS MATTER IS DROPPED FROM CALENDAR. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 7, 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.**

**13. PP20200044 ESTATE OF SNOW**

**Petition for Final Distribution on Waiver of Account**

Letters of Administration were issued on June 17, 2020, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on October 8, 2020.

Waivers of Account were executed by both heirs entitled to distributions under the estate.

Proof of Service of Notice of the hearing on the Petition was filed on February 26, 2024.

The proposed distribution of the estate includes distribution in two equal shares to the two intestate heirs of the decedent.

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 filed with the Petition be approved;
3. All acts, transactions and proceedings of the Administrator be ratified, confirmed and approved;
4. The Administrator be authorized to pay statutory attorney fees in the amount of \$10,110.00;
5. The waiver of statutory compensation to the personal representative be approved
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.

**TENTATIVE RULING #13: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED.**

**A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 7, 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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**14. 24PR0031 ESTATE OF TALBOT AKA CARTER**

**Letters of Administration**

Decedent died intestate on January 5, 2017. Petitioner is decedent's daughter.

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

Waiver of bond has been filed with the court by the Petitioner, but there is no waiver of bond on filed from the other beneficiary listed in the Petition.

Duties/Liabilities statements (DE 147/DE 147s) were filed on February 5, 2024, and March 23, 2024.

Proof of Service of Notice of the hearing on the Petition was filed on March 12, 2024.

Proof of publication was filed on March 11, 2024.

**TENTATIVE RULING #14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 8, 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.**

**15. PP20210149 ESTATE OF ROBERT SCOTT**

**Status of Administration**

See related Case No. PP20210150 (Estate of Carolyn Scott), Item 2 above.

Letters of Administration were issued on January 3, 2024, after prolonged delay in attempting to locate a Will of decedent. Letters of Special Administration were issued on October 30, 2023, to allow access to a safety deposit box for that purpose.

**TENTATIVE RULING #15: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 8, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 7, 2025, IN DEPARTMENT NINE.**

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**16. 22PR0000 ESTATE OF ALTER**

**Status of Administration**

**TENTATIVE RULING #16: AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED ON AUGUST 21, 2023, THE MATTER IS DROPPED FROM CALENDAR. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 7, 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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**17. PP20210107 ESTATE OF DORMISHEV**

**Status of Administration**

Letters of Administration were issued on April 4, 2023.

**TENTATIVE RULING #17: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 8, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 7, 2025, IN DEPARTMENT NINE.**

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**18. 24PR0024 IN RE THE MATTER OF THE MORGAN FAMILY TRUST**

**Trust Petition**

This Petition filed by James Morgan, the son of decedent, alleges that Richard and Deborah Morgan, the decedent's other two children committed elder abuse when they caused their father (decedent) to sign deeds to two real properties transferring his interest in the properties out of the Morgan Family Trust, dated July 22, 1992 ("Trust") and granting them to Richard and Deborah individually.

The Petition alleges that the decedent lacked capacity and resided in hospice at the time of the transfers.

Petitioner does not have a copy of the Trust, which was initially executed by decedent and his spouse and held title to decedent's fifty percent interest in a commercial building located at 2878 Cold Springs Road, Placerville, California (grant deed dated August 20, 1992), and one hundred percent interest in the residential property located at 3740 Butterfly Lane, Placerville, California grant deed dated March 13, 2012). Decedent's spouse died on July 17, 2022. A Certification/Declaration of Trust is attached to the Petition as Exhibit B.

Decedent transferred title to these properties out of the trust on October 24, 2023, in a series of documents, starting with an Affidavit of Death of Trustee attesting to the death of his spouse as co-trustee of the Trust, then transferring each property to himself as surviving trustee, and finally transferring title to himself and Respondents co-owners. In the case of the Butterfly Lane property, title was transferred to himself and Deborah Morgan and joint tenants, and in the case of the Cold Springs Road property, title was transferred to himself and Richard Morgan as tenants in common. Decedent died less than a week after the documents were executed and recorded.

The Petition alleges Elder Abuse under Welfare & Institutions Code § 15610.30. The Petition seeks:

1. A finding of the court that decedent lacked the capacity to execute the deeds;
2. A finding of the court that decedent was unduly influenced by Respondents to sign the transfer documents;
3. Return of the property to the estate by rescission of the two deeds and an equitable or constructive lien on the Trust property;
4. Instructions from the court pursuant to Probate Code § 17200 appointing a trustee, confirming the beneficiaries and the assets of the Trust, including a finding that Respondents are deemed to have predeceased the decedent and are no longer beneficiaries of the Trust;
5. An award of general, special and punitive damages, attorneys' fees and costs.

Notice of the hearing on the Petition was filed on February 6, 2024.

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**TENTATIVE RULING #18: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 8, 2024, IN DEPARTMENT NINE.**

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**19. PP20210122 MATTER OF THE ALOHA JUNE SAUNDERS TRUST**

**Review Hearing – Status of Compliance re: Request for Production of Documents**

At a hearing held on October 20, 2023, the court considered various motions to compel Teri Stevens and Andrea Stevens (Petitioners) to respond to discovery. The court set a hearing on the issue of whether to award sanctions against Petitioners on November 13, 2023.

At the hearing held on November 13, 2023, Petitioners did not appear. The Tentative Ruling for that hearing did not reach any conclusion regarding the imposition of sanctions and ordered the parties to appear. At that hearing the court advised that it was taking the matter of sanctions under submission and would issue a decision by December 1, 2023.

On November 27, 2023, the court issued an ex parte minute order imposing sanctions against Petitioners for misuse of discovery.

On January 22, 2024, the court ordered the parties to meet and confer on pending discovery issues, reserved the issue of further sanctions, and continued the matter to March 25, 2024.

On March 18, 2024, the trustee/Respondent filed a report stating that Petitioners had complied with some but not all of the court's discovery Orders, with a specific list of items that remained, including:

1. Payment of \$2,249.70 as monetary sanction ordered on November 27, 2023 for failure to cancel the trustee's deposition, which payment was ordered to be made within 30 days (December 27, 2023), and which was again the subject of an Order by the court at the hearing on January 22, 2024;
2. Payment of \$1045.00 from each Petitioner (total \$2090) for monetary sanctions ordered on January 31, 2024, which were due within 30 days of the Order, on March 3, 2024.
3. Production of Documents for categories 26 and 27 that are not redacted, which the court had ordered to be produced within 14 days of the October 20, 2023, hearing. A partial response was provided on November 21, 2023, not including categories 26 and 27, which seek text messages and emails between the Petitioners. During the January 22, 2024 hearing counsel for Petitioners represented that he had sent these responses, but those responses contained objections and redactions of non-privileged material, as well as omissions that Petitioners represent are "irrelevant."
4. Objection-free responses to Request for Production of Documents, Sets Two and Three, which the court ordered be produced at the hearing on October 20, 2023;
5. Supplemental document production of responsive documents to Request for Production of Documents, Sets Two and Three, that Petitioners acknowledge are in their

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possession but have not yet provided. Responsive documents were provided on November 6, 2023, and on January 24, 2024, but on January 24, 2024 Petitioner's counsel informed Respondent that additional documents would be forthcoming and they have not yet been produced. These were to be produced within 14 days of the court's October 20, 2023 Order.

Respondent's Status Report requested the court to:

1. Order Petitioners to pay an additional \$5,775 as further sanctions to reimburse Respondent for his legal fees for seeking compliance to date, with \$500 of that amount to be paid by Petitioner's counsel;
2. Order Petitioners to pay all outstanding sanction amounts no later than April 25, 2024;
3. Order Petitioners to provide their cell phones to a qualified data extraction service to extract all text and email messages between Petitioners for the requested period;
4. Order Petitioners to provide objection-free responses to Request for Production of Documents, Sets Two and Three and serve all responsive documents by April 25, 2024;
5. Order terminating sanctions if Petitioners do not comply with the above-listed Orders and set a hearing date for those sanctions;
6. Authorize Respondent to depose Petitioners for up to an additional seven hours each with any remaining deposition time from the first depositions to be relaced and superseded by this Order, and such depositions not required to occur prior to the compliance hearing on terminating sanctions.

At the hearing on March 25, 2024, Petitioners represented that they would pay the sanctions that week. The court continued the matter to April 8, 2024, for a hearing on status of compliance and ordered the parties to meet and confer.

**TENTATIVE RULING #19: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 8, 2024, IN DEPARTMENT NINE.**

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