

1. 23PR0023 ESTATE OF CAVANA

Status of Administration

Letters Testamentary were issued on June 20, 2023.

TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 20, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MAY 19, 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. 23PR0111 ESTATE OF LITTLE

Petition for Final Distribution

Letters testamentary were issued on August 7, 2023, granting Petitioner full authority under the Independent Administration of Estates Act. The Executor filed a Petition for Final Distribution and First and Final Account and Report on March 13, 2024.

Proof of Service of Notice of the hearing on the Petition was filed on May 1, 2024.

The proposed distribution of the estate includes the following specific gifts of cash to individuals pursuant to the terms of the Will:

\$5,000 to Michael John Little

\$5,000 to Jeffrey Tabol

\$1,000 to Steve Runyon

The Will devises decedent's personal residence "all to my descendants who survive me," but Petitioner is the only child of decedent who was not adopted. Pursuant to Probate Code § 6431(a), Mary Anna Tabol, decedent's biological daughter who was adopted and raised by adoptive parents at birth, is not treated as a child of decedent for the purposes of inheritance. Accordingly, distribution of the proceeds of sale of the decedent's personal residence is to Petitioner as decedent's only child entitled to distribution under the Probate Code.

Mary Anna Tabol was specifically named in the provision of the Will governing distribution of tangible property, and so the Petition proposes distribution of decedent's vehicle, the only item of tangible personal property, to Mary Anna Tabol.

Mary Anna Tabol has signed a consent to the distribution proposed in the Petition.

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 Petitioner be ratified, confirmed and approved;
4. Petitioner be authorized to pay statutory attorney fees in the amount of \$11,521.00;
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;

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6. Upon filing of receipts that Petition may apply to be discharged and released from all liability that may be incurred hereafter.

TENTATIVE RULING #2: 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, MAY 19, 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

Petition for Final Distribution

Decedent died intestate on February 3, 2023. Her father Robert Rife was the only intestate heir at the time of her death, but he died on December 29, 2022. Pursuant to Probate Code § 11801, Robert Rife's entitlement to distribution from decedent's estate became part of his estate and should be distributed to the personal representative of his estate, according to Probate Code § 11802(a). However, no person has claimed any entitlement to Robert Rife's estate, nor has anyone applied to administer the estate of Robert Rife.

Accordingly, Petitioner requests that decedent's net estate be handled in accordance with Probate Code §§ 11850-11854.

Probate Code § 11850:

Subject to Section 11851, the personal representative may deposit property to be distributed with the county treasurer of the county in which the proceedings are pending in the name of the distributee in any of the following cases:

- (a) The property remains in the possession of the personal representative unclaimed or the whereabouts of the distributee is unknown.
- (b) The distributee refuses to give a receipt for the property.
- (c) The distributee is a minor or incompetent person who has no guardian, conservator, or other fiduciary to receive the property or person authorized to give a receipt for the property.
- (d) For any other reason the property cannot be distributed, and the personal representative desires discharge. Notwithstanding Section 11851, deposit may not be made under this subdivision except on court order.

Probate Code § 11851:

- (a) If property authorized by Section 11850 to be deposited with the county treasurer consists of money, the personal representative may deposit the money.
- (b) If property authorized by Section 11850 to be deposited with the county treasurer consists of personal property other than money, the personal representative may not deposit the personal property except on court order. If it appears to the court that sale is for the benefit of interested persons, the court shall order the personal property sold, and the proceeds of sale, less expenses of sale allowed by the court, shall be deposited in the county treasury. If it appears to the court that sale is not for the benefit of interested persons, the court shall order the personal property deposited with the Controller, to be held subject to the provisions of Chapter 6 (commencing with Section 11900).

Probate Code § 11852:

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The county treasurer shall give a receipt for a deposit made under this chapter and is liable on the official bond of the county treasurer for the money deposited. The receipt has the same effect as if executed by the distributee.

Probate Code § 11853:

If money is deposited or is already on deposit with the county treasurer, the personal representative shall deliver to the county treasurer a certified copy of the order for distribution.

Probate Code § 11854:

(a) A person may claim money on deposit in the county treasury by filing a petition with the court that made the order for distribution. The petition shall show the person's claim or right to the property. Unless the petition is filed by the person named in the decree for distribution of a decedent's estate, or the legal representative of the person or the person's estate, the petition shall state the facts required to be stated in a petition for escheated property filed under Section 1355 of the Code of Civil Procedure. On the filing of the petition, the same proceedings shall be had as are required by that section, except that the hearing shall be ex parte unless the court orders otherwise.

(b) If so ordered by the court, a copy of the petition shall be served on the Attorney General. The Attorney General may answer the petition, at the Attorney General's discretion.

(c) If the court is satisfied that the claimant has a right to the property claimed, the court shall make an order establishing the right. On presentation of a certified copy of the order, the county auditor shall draw a warrant on the county treasurer for the amount of money covered by the order.

(d) A claim for money distributed in the estate of a deceased person made after the deposit of the property in the State Treasury is governed by the provisions of Chapter 3 (commencing with Section 1335) of Title 10 of Part 3 of the Code of Civil Procedure.

The Petition requests:

1. The administration of the estate be brought to a close;
2. All acts and proceedings of the Petitioner be confirmed and approved;
3. The Administrator be authorized to pay statutory attorney fees in the amount of \$10,740.00;
4. The Administrator be authorized to pay himself \$10,740.00 in statutory compensation;
5. Approval of distribution of the estate to the County Treasurer.

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TENTATIVE RULING #3: 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, MAY 19, 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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4. PP20210078 ESTATE OF SCHOTT

Status of Administration

On April 16, 2021, Letters of Administration were issued under Case No. PP20210078; however, the Petition for general administration of the estate was filed under Case No. PP20210134. Letters Testamentary were filed in Case No. PP20210134 on August 25, 2021.

On March 11, 2022, Special Administrator/Executor Matthew Schott moved to consolidate both cases under Case No. PP20210078 because Notices to Creditors were sent out with that case number, and one creditor filed a claim under that case number. Following a hearing on May 18, 2022, the cases were consolidated under Case number PP20210078 by order of the court, filed on June 22, 2022.

At the hearing on August 24, 2022, the court noted that there was no Final Account and Report in the court's file. There have been no additional filings by the Special Administrator since that hearing.

TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 20, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MAY 19, 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. PP20200228 ESTATE OF KAMINE

Petition for Instruction – Attorney’s Fees

The former counsel for the Administrator, who was relieved as counsel on January 22, 2024, has filed a Petition for Instructions to authorize payment of attorney’s fees from the estate.

Estate funds in the amount of \$231,667.37 are currently held in the attorney/client trust account. Notice to creditors was sent in July 2021. Of two creditor claims, one was allowed and the other was denied, and the time for the creditor to act on the denial has expired.

Several assignments of beneficial interests were executed by heirs, totaling \$52,800.

The statutory amount of attorney’s fees is \$8,701.91. Petitioner requests:

1. Payment of fifty percent of statutory amount of attorney’s fees, or \$4,350.96. Petitioner has submitted billing detail of actual hours of attorney (\$325/hour), paralegal (\$200/hour) and legal assistant (\$75/hour) time, which, at full billing rates would total \$17,110.
2. Funds advanced to the estate in the amount of \$4,728.49, detailed in Exhibit E to the Petition;
3. Fees for extraordinary services in the amount of \$11,767.50 relating to the sale of the estate’s real property, as detailed in Exhibit F to the Petition, principally for the filing of a Probate Code § 850 Petition and follow up to accomplish unlawful detainer and eviction, preparing, and listing the real property for sale and supervising the purchase and sale process, correspondence regarding the heirs’ assignment of their beneficial interests, and setting up a blocked account.
4. Authority to pay Pakpour Banks, LLP \$2,296.90 for services rendered to the estate associated with an unlawful detainer action and eviction from the estate’s real property.
5. Authority to pay the creditor claim filed by the El Dorado County Tax Collector’s Office in the amount of \$2,716.66.

There are no objections to the Petition, however, Inheritance Cash, which has requested special notice of the proceedings, has filed a Petition for Preliminary Distribution as an assignee of several heirs’ beneficially interests that will be heard on June 17, 2024 and has filed its intention to appear remotely in this hearing.

TENTATIVE RULING #5: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 20, 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. 24PR0074 ESTATE OF JONES

Spousal Property Petition

Petitioner May Jones is the surviving spouse of decedent and the primary/sole beneficiary of his Will, with the exception of a specific gift of a share of two financial accounts to an adult child. All other assets of Decedent were held jointly with Petitioner and have passed to her without probate. The financial accounts referenced in the Will were distributed according to decedent's wishes without the necessity of probate.

The two properties at issue in this matter are located in Sandoval County, New Mexico. According to the Petition, this court has jurisdiction in this matter because the decedent was domiciled in El Dorado County. The State of New Mexico provides for a method of exerting control of in-state real estate by an out-of-state decedent's personal representative by using what is known as a "Proof of Authority," executed by the Petitioner under penalty of perjury pursuant to New Mexico code, section 45-2-204 NMSA 1978. A proposed form of Proof of Authority is attached hereto. Using this procedure will allow Petitioner to avoid filing a probate petition in New Mexico solely for the purpose of obtaining title to the two properties at issue in this matter.

TENTATIVE RULING #6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 20, 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.

7. 24PR0065 ESTATE OF HAYNES

Letters Testamentary

Decedent died testate on January 2, 2024, survived by two adult children and three adult grandchildren. Petitioner is decedent's son.

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

The Will has not yet been lodged with the court.

Waivers of bond have been filed with the court by the beneficiaries.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on March 13, 2024.

There is no proof of service of notice of the Petition on file with the court, as required by Probate Code § 8110.

Proof of publication was filed on April 12, 2024.

TENTATIVE RULING #7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 20, 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.

8. 23PR0035 ESTATE OF STUART

Status of Administration

Petitioner is the Administrator of his father's intestate estate, and was issued letters of administration with full authority under the Independent Administration of Estates Act on June 5, 2023. On July 27, 2023, Petitioner filed this Petition seeking to invalidate a trust that was allegedly executed by the decedent, the existence of which Petitioner has never been formally notified and which he has never seen. Petitioner cites Probate Code § 17200(b)(3) as the court's authority to determine the validity of the provisions of a trust.

The Petition alleges that decedent's step-daughter, Shannon Velasquez, moved in with decedent and Sharon Stuart, his wife, who was also her mother. Velasquez acted as caregiver to her mother before her death in August, 2019. Velasquez remained on the property after her mother's death and, during COVID pandemic, the decedent was prevented from seeing his two sons. During this time, decedent allegedly executed a revocable trust into which his residential property was transferred by trust transfer deed on January 11, 2021. Petition, Exhibit A. Subsequently, the property was sold to third parties on June 30, 2022. Petition, Exhibit B. Decedent then purchased other real property and resided there until his death three months later, on October 5, 2022. A few days after purchasing this real property as trustee of his living trust, decedent transferred title to himself and Sharon Velasquez and her husband as joint tenants.

Petitioner alleges that this transfer of title occurred as a result of decedent's isolation and through the exercise of fraud and undue influence. Petitioner argues that because of his advanced age and infirmities, the decedent lacked testamentary capacity as of January 1, 2020, pursuant to the standards set forth in Probate Code § 811.

Petitioner further challenges the failure of the successor trustee of decedent's trust to issue a notice pursuant to Probate Code § 16061.7, which Petitioner has never received. That statute, in pertinent part, sets forth the following requirements:

(a) A trustee shall serve a notification by the trustee as described in this section in the following events:

- (1) When a revocable trust or any portion thereof becomes irrevocable because of the death of one or more of the settlors of the trust, or because, by the express terms of the trust, the trust becomes irrevocable within one year of the death of a settlor because of a contingency related to the death of one or more of the settlors of the trust.
- (2) Whenever there is a change of trustee of an irrevocable trust.

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(3) Whenever a power of appointment retained by a settlor is effective or lapses upon death of the settlor with respect to an inter vivos trust which was, or was purported to be, irrevocable upon its creation. This paragraph shall not apply to a charitable remainder trust. For purposes of this paragraph, "charitable remainder trust" means a charitable remainder annuity trust or charitable remainder unitrust as defined in Section 664(d) of the Internal Revenue Code.

(4) The duty to serve the notification by the trustee pursuant to this subdivision is the duty of the continuing or successor trustee, and any one cotrustee may serve the notification.

(b) The notification by the trustee required by subdivision (a) shall be served on each of the following:

(1) Each beneficiary of the irrevocable trust or irrevocable portion of the trust, subject to the limitations of Section 15804.

(2) Each heir of the deceased settlor, if the event that requires notification is the death of a settlor or irrevocability within one year of the death of the settlor of the trust by the express terms of the trust because of a contingency related to the death of a settlor.

* * *

(e) The notification by trustee shall be served by any of the methods described in Section 1215 to the last known address.

(f) The notification by trustee shall be served not later than 60 days following the occurrence of the event requiring service of the notification by trustee, or 60 days after the trustee became aware of the existence of a person entitled to receive notification by trustee, if that person was not known to the trustee on the occurrence of the event requiring service of the notification. If there is a vacancy in the office of the trustee on the date of the occurrence of the event requiring service of the notification by trustee, or if that event causes a vacancy, then the 60-day period for service of the notification by trustee commences on the date the new trustee commences to serve as trustee.

(g) The notification by trustee shall contain the following information:

(1) The identity of the settlor or settlors of the trust and the date of execution of the trust instrument.

(2) The name, address, and telephone number of each trustee of the trust.

(3) The address of the physical location where the principal place of administration of the trust is located, pursuant to Section 17002.

(4) Any additional information that may be expressly required by the terms of the trust instrument.

(5) A notification that the recipient is entitled, upon reasonable request to the trustee, to receive from the trustee a true and complete copy of the terms of the trust.

(h) If the notification by the trustee is served because a revocable trust or any portion of it has become irrevocable because of the death of one or more settlors of the trust, or

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because, by the express terms of the trust, the trust becomes irrevocable within one year of the death of a settlor because of a contingency related to the death of one or more of the settlors of the trust, the notification by the trustee shall also include a warning, set out in a separate paragraph in not less than 10-point boldface type, or a reasonable equivalent thereof, that states as follows:

“You may not bring an action to contest the trust more than 120 days from the date this notification by the trustee is served upon you or 60 days from the date on which a copy of the terms of the trust is delivered to you during that 120-day period, whichever is later.”

(i) Any waiver by a settlor of the requirement of serving the notification by trustee required by this section is against public policy and shall be void.

* * *

Petitioner further notes that no Will of decedent has been lodged with the court, which is a requirement of Probate Code § 8000 in order to initiate administration of the estate. A custodian of a Will who has knowledge of the death of the testator is required to deliver the Will to the appropriate superior court and to the person named as executor or beneficiary within 30 days. Probate Code § 8200(a). Failure to do so renders the custodian of the Will liable for damages to any person injured by that failure. Probate Code § 8200(b).

Petitioner alleges that as Administrator of decedent’s estate, he has standing pursuant to Probate Code § 9820 to contest the terms of the trust and of the Will, neither of which have been produced as required by law.

Petitioner seeks return of decedent’s property pursuant to Probate Code §§850 et seq.

At the hearing held on March 11, 2024, the court scheduled this Status Conference and Status of Administration and vacated the trial date.

Since the last hearing an Objection to the Petition was filed on April 3, 2024, by Christopher and Shannon Velasquez responding to specific factual allegations in the Petition and requesting that the Petition be denied.

TENTATIVE RULING #8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 20, 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.

9. PP20200026 ESTATE OF QUERIN

Status of Administration

TENTATIVE RULING #9: AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT ON JUNE 12, 2023, THE MATTER IS DROPPED FORM 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.

10. 24PR0072 ESTATE OF EGBERT

Letters of Administration

Decedent died intestate on December 26, 2023.

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

Waiver of bond has been filed with the court by the heirs and are attached to the Petition.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on March 20, 2024.

Proof of service of notice of the hearing on the Petition was filed on May 1, 2024.

Proof of publication was filed on April 12, 2024.

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). A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MAY 19, 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.

11. 24PR0134 ESTATE OF JOHNSON

Letters of Special Administration

Decedent died intestate on April 20, 2024, survived by her spouse and adult child. Petitioner is decedent's spouse.

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

Probate Code § 8540 authorizes the court to appoint a special administrator "to exercise any powers that may be appropriate under the circumstances for the preservation of the estate . . . for a specified term, to perform particular acts, or on any other terms specified in the court order." The appointment of a Special Administrator is governed by Probate Code §§ 8540-8547.

Probate Code § 8543(b) does not require a bond for a special administrator if "all beneficiaries waive in writing the requirement of a bond and the written waivers are attached to the petition for appointment of the special administrator." Waivers of bond are on file with the court.

There is no proof of service of notice of the Petition on file with the court. Probate Code § 8541(a) authorizes the appointment of a Special Administrator "at any time without notice or on such notice to interested persons as the court deems reasonable."

There is no proof of publication on file with the court. However, the court finds that notice by publication is not required for the issuance of Letters of Special Administration. Probate Code § 8120 generally requires publication of notice of the hearing on a petition for the administration of decedent's estate, such notice to be published as described in §§ 8120-8125. However, the appointment of a Special Administrator is governed by Probate Code §§ 8540-8547. Those sections support the award of Letters of Special Administration without prior publication.

First, Section 8545 provides that a court may grant the status of a general personal representative to someone who has already been appointed as a Special Administrator, but if the court does elect to do so, the notice requirements of Section 8003 must be met. It is Section 8003(b) that requires notice by publication prior to the hearing on a petition for the appointment of a personal representative. By inference, such notice is not necessarily required for the appointment of a Special Administrator.

Second, Section 8540(a) authorizes the appointment of a Special Administrator "[i]f the circumstances of the estate require the immediate appointment a personal representative. . . to exercise any powers that may be appropriate for the preservation of the estate." Section 8541(a) authorizes the appointment of a Special Administrator "at any time without notice or on such notice to interested persons as the court deems reasonable."

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TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 20, 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. 23PR0031 ESTATE OF SHIRLEY ANN GYORGY

Status of Administration

See related Case No. 23PR0032 (Item 15)

Decedent died intestate on May 12, 2017.

Letters of Administration were issued on May 22, 2024.

An Inventory and Appraisal was filed on March 14, 2024.

There is no Petition for Final Distribution on file with the court.

TENTATIVE RULING #12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 20, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MAY 19, 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. 23PR0056 ESTATE OF BENETTI

Status of Administration

TENTATIVE RULING #13: AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON MARCH 18, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, MAY 19, 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.

14. 23PR0037 ESTATE OF BUCKLEY

Status of Administration

Letters Testamentary were issued on May 22, 2023.

An Inventory and Appraisal was filed on February 26, 2024.

There is no Petition for Final Distribution on file with the court.

TENTATIVE RULING #14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 20, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MAY 19, 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.

15. 23PR0032 ESTATE OF WILLIAM JOSPEH GYORGY

Status of Administration

See Related Case No. 23PR0031 (Item 12)

Letters of Administration were issued on May 22, 2023.

There is no Inventory and Appraisal on file with the court.

TENTATIVE RULING #15: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 20, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MAY 19, 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.

16. 23PR0154 IN THE MATTER OF THE DEL VECCHINO FAMILY REVOCABLE TRUST

Petition for Removal of Co-Trustee

At the prior hearing on April 15, 2024, the tentative ruling of the court ordered the parties to either settle the matter, stipulate to the appointment of a designated professional fiduciary, or if the parties could not agree on a professional fiduciary, to file a nomination by each party of potential professional fiduciaries from which the court could select a professional fiduciary to administer the Trust.

There were no appearances at that hearing.

On May 14, 2024, Co-Trustee Kristen March filed a nomination of Shannon Downs, CLPF, to be appointed by the court as trustee of the Trust.

Co-Trustee Corey Rasmussen did not file any nomination of a professional trustee or any other document since the prior hearing.

TENTATIVE RULING #16: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 20, 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. 23PR0176 IN THE MATTER OF THE VANDER VEEN FAMILY TRUST

Petition for Instruction / Objection to Accountings

Petitioner is a beneficiary of the Vender Veen Family Revocable Living Trust (“Trust”), which was established by the settlor, Dean Albert Vander Veen on July 20, 2006. The Petition alleges that the Trust was funded with the settlor’s separate property, assets that were gifted to the settlor by his mother. The Respondent represents that the Trust was also funded by Respondent’s inheritance and employment income, and that the parties agreed to hold all of the Trust assets as community property. Settlor passed away on November 3, 2006, whereupon his spouse, Respondent, became sole trustee and the Trust was split into a family and survivor’s trust, pursuant to the terms of the Trust.

The Petition states that accountings filed over the years show an annual payment of \$5,000 to the trustee, in addition to a \$120,000 payment purportedly to reimburse the trustee for expenses advanced to the Trust, as described in the May 24, 2022 account. In addition, the Petition states that the trustee transferred a real property to herself to repay funds she claims to have loaned to the Trust. After transferring the real property to herself, the Petition alleges that the trustee personally profited from that property by logging it. Respondent represents that the cost of tree removal through salvage logging is a necessary expense to clear the burned property, not a profitable enterprise.

Respondent states that informal accountings were initially provided, until she received legal advice to prepare more formal accountings and did so beginning in 2014. Respondent argues that Probate Code § 16460¹ bars any breach of trust claims by a beneficiary after three

¹ Probate Code § 16460(a) provides:

(a) Unless a claim is previously barred by adjudication, consent, limitation, or otherwise:

(1) If a beneficiary has received an interim or final account in writing, or other written report, that adequately discloses the existence of a claim against the trustee for breach of trust, the claim is barred as to that beneficiary unless a proceeding to assert the claim is commenced within three years after receipt of the account or report. An account or report adequately discloses existence of a claim if it provides sufficient information so that the beneficiary knows of the claim or reasonably should have inquired into the existence of the claim.

(2) If an interim or final account in writing or other written report does not adequately disclose the existence of a claim against the trustee for breach of trust or if a beneficiary does not receive any written account or report, the claim is barred as to that beneficiary unless a proceeding to assert the claim is commenced within three years after the beneficiary discovered, or reasonably should have discovered, the subject of the claim.

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years from the date that the accounting or report was received that provided notice of potential claims. To the extent that past accountings are still subject to challenge by beneficiaries, Respondent further states that she cannot respond to the allegations in the Petition without more specifics.

The Petition requests an accounting for claims of reimbursement for Trust expenses and alleges that the accountings that have been provided are inadequate because they do not sufficiently justify these reimbursements. For example, the Petition indicates there are expenses for well drilling, although the Trust's real property does not have a well but real property owned separately by the trustee does have a well. The Petition seeks explanation of work that the Trust paid for that was done by a friend of the trustee, Ted Hamel.

A residence on the real property was destroyed in the Caldor fire, and the Trust received insurance proceeds in the amount of \$253,072.70, which was split between the family trust and the survivor's trust. The trustee distributed \$50,000 of these insurance proceeds to herself as compensation for her personal effects that were burned in the fire. Petitioner seeks confirmation that none of this personal property constituted trust assets. Respondent states that all furnishings and personal belongings that were in the residence that burned belonged to Respondent and was assigned to the survivor's trust by a written assignment executed on December 31, 2008, 12 years before the Caldor Fire insurance settlement was received. See Opposition, Exhibit B.

While the Trust authorizes distributions to the trustee as surviving spouse and to settlor's child and grandchildren, the Petition alleges that most of those distributions were made to the trustee to the point of rendering the Trust insolvent. Respondent counters that such distributions were discretionary within the trustee's authority, not mandatory, that the settlors never intended to support the beneficiaries through payments from the Trust, that Petitioner was married and employed when Dean Vander Veen died, and did not require support from the Trust.

The Petition requests:

1. That the trustee be instructed to redress her actions with respect to Trust assets and distributions;
2. For an order of surcharge for damages to the Trust and its beneficiaries pursuant to Probate Code § 16440;
3. For a constructive trust in favor of the Trust on any property, including the real property transferred from the Trust to the trustee in her individual capacity.

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Respondent requests an Order:

1. denying Petitioner's objections to past accountings;
2. denying to the imposition of a constructive trust,
3. accepting the interim and final accountings of the trustee
4. for attorneys fees and costs.

At the prior hearing on January 29, 2024, the court continued the matter because discovery was still ongoing.

TENTATIVE RULING #17: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 20, 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.