

1. 24PR0053 ESTATE OF YOU-FONG LEE

Letters of Administration

Decedent died intestate on September 10, 2022, survived by one adult daughter, grandmother, sister, and former spouse. Petitioner is decedent's daughter and sole issue.

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

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

A Duties/Liabilities statement (DE 147/DE 147s) was filed on February 28, 2024.

Proof of service of notice of the hearing on the Petition was filed on April 29, 2024. Proof of publication was filed on April 12, 2024.

TENTATIVE RULING # 1:

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, JUNE 2, 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. PP20210139 ESTATE OF KELLER

Status of Administration

An Order for Final Distribution was filed on **November 13, 2023**.

There are no Receipts of Distribution on file with the court.

There is no ex parte Petition for Final Discharge (Judicial Council Form DE-295) on file with the court.

TENTATIVE RULING #2:

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON NOVEMBER 13, 2023 THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, JUNE 2, 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.

3. 23PR0062 ESTATE OF BROYLES

Status of Administration

Letters of Administration with Will Annexed were issued on June 14, 2023.

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

Allowance for Payment of Creditor filed February 8, 2024. Petitioner has full authority.

TENTATIVE RULING #3:

A FINAL INVENTORY AND APPRAISAL HAVING BEEN FILED ON FEBRUARY 8, 2024, THIS MATTER IS CONTINUED TO A STATUS OF ADMINISTRATION HEARING AT 8:30 A.M. ON MONDAY, JUNE 2, 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. PP20200217 ESTATE OF VINE

Status of Administration

An Order for Final Distribution was filed on **June 12, 2023**. Estate tax return is in the process of being prepared and filed. There is one outstanding estate asset to be collected – an account from Merrill Lynch – and there is still a \$5,000 retainer withheld for miscellaneous expenses. All other distributions have been made.

There are no Receipts of Distribution on file with the court.

There is no ex parte Petition for Final Discharge (Judicial Council Form DE-295) on file with the court.

TENTATIVE RULING #4:

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON JUNE 12, 2023 THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, JUNE 2, 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. 22PR0278 ESTATE OF VALLOT

Status of Administration

Letters of Administration with full authority were issued on June 5, 2023.

A Final Inventory and Appraisal was filed on May 2, 2024

Notices of Proposed Action regarding sale of real property were filed on May 14, 2024.
No objections have been filed with the Court.

TENTATIVE RULING #5:

A FINAL INVENTORY AND APPRAISAL HAVING BEEN FILED ON MAY 2, 2024, THIS MATTER IS CONTINUED TO A STATUS OF ADMINISTRATION HEARING AT 8:30 A.M. ON MONDAY, JUNE 2, 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. 24PR0080 ESTATE OF HASAN

Spousal Property Petition

Petitioner is the surviving spouse of decedent, who died intestate July 22, 2022, survived by Petitioner and two minor children. No petition to administer the estate has been filed.

Probate Code § 100(a) provides that “[u]pon the death of a person who is married or in a registered domestic partnership, one-half of the community property belongs to the surviving spouse and the other one-half belongs to the decedent.”

Probate Code § 6401(a) states: “As to community property, the intestate share of the surviving spouse is the one-half of the community property that belongs to the decedent under Section 100.”

Probate Code § 13500 provides that “when a spouse dies intestate leaving property that passes to the surviving spouse under Section 6401, . . . the property passes to the survivor . . . , and no administration is necessary.”

Probate Code 13650 authorizes a surviving spouse to file a petition requesting an order that administration of all or part of an estate is not necessary because all or part of the estate is property passing to the surviving spouse.

The Petition in this case identifies an E*Trade account that is the subject of the Petition.

Notice of the hearing on the Petition was served on decedent’s children and proof of service was filed with the court on May 8, 2024.

TENTATIVE RULING #6:

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). 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. PP20210129 ESTATE OF VAN NESS

Status of Administration

An Order for Final Distribution was filed on **November 20, 2023**.

There are no Receipts of Distribution on file with the court.

There is no ex parte Petition for Final Discharge (Judicial Council Form DE-295) on file with the court.

TENTATIVE RULING #7:

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON NOVEMBER 20, 2023 THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, JUNE 2, 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.

8. 23PR0042 ESTATE OF GOOD

**Status of Administration
Letters of Administration
Removal Hearing**

Decedent died intestate on July 7, 2022. Letters of Administration were issued to Kevin Good on July 31, 2023.

On March 15, 2023, Diane DeGray and Stephen Good filed a request for special notice.

On February 13, 2024, Diane DeGray and Stephen Good, the Administrator's siblings, filed a Petition to Remove the Administrator.

On February 21, 2024, Diane DeGray filed a Petition to Administer the estate.

Diane DeGray has filed a Petition for removal of the Administrator under Probate Code § 8502, which provides:

A personal representative may be removed from office for any of the following causes:

- (a) The personal representative has wasted, embezzled, mismanaged, or committed a fraud on the estate, or is about to do so.
- (b) The personal representative is incapable of properly executing the duties of the office or is otherwise not qualified for appointment as personal representative.
- (c) The personal representative has wrongfully neglected the estate or has long neglected to perform any act as personal representative.
- (d) Removal is otherwise necessary for protection of the estate or interested persons.
- (e) Any other cause provided by statute.

In support of the Petition for Removal the Petitioner alleges that:

1. The parties were involved in a past trust estate matter as co-trustees. This matter is not before the court.
2. The Administrator included sensitive information, such as account numbers, in the public filing. The Administrator responds that all accounts have been collected and placed into an account for the estate.
3. The Administrator failed to provide special notice to a party who had requested special notice of the proceedings in this estate. It is not clear what information was not provided to the parties requesting special notice, as there was a proof of service to them of the Inventory and Appraisal and other than the issuance of the Letters of Administration and Order for Probate no other documents were filed until Petitioner filed a competing application to be appointed administrator and a Petition for Removal of the current Administrator.

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4. No inventory and appraisal was filed within four months after letters were issued, as required by Probate Code § 8800(b); however, that section allows the court to allow further time for filing the inventory and appraisal, which was in fact filed on April 9, 2024, and to which Petitioner has filed no objection.
5. No change of ownership statement has been filed with the county in accordance with California Revenue and Taxation Code §480(b). (Petition, ¶12) The Administrator represents that this change of ownership statement has already been filed.

The Administrator represents that the estate should be in a condition to be closed within the next few months.

TENTATIVE RULING #8: THE PETITION FOR REMOVAL OF THE ADMINISTRATOR IS DENIED. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JUNE 2, 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. 24PR0054 ESTATE OF TARA

Letters of Administration

Decedent died intestate on August 27, 2023, survived by two adult children. Petitioner is decedent's grandchild. Both heirs assign all their interest in the estate to the Petitioner.

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

Waiver of bond has been filed with the court by one heir. Waiver of bond has not been filed with the court by the other heir.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on February 28, 2024.

Proof of service of notice of the hearing on the Petition was filed on May 9, 2024.

There is no proof of publication on file with the court, as required by Probate Code §§ 8120, 8121.

TENTATIVE RULING #9: HEARING IS CONTINUED TO 8:30 A.M. ON MONDAY, JULY 15, 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.

10. 24PR0055 ESTATE OF HALL

Succession to Real Property

The personal property at issue is a mobile home located in Folsom with a value less than \$184,500. The decedent died intestate on April 20, 2023, and is survived by three adult children. The Petition is brought by one of the decedent's children.

Probate Code § 6402(a) provides that any share not passing to a spouse would be divided equally among decedent's children. The Petition appears to request that only one of decedent's children should inherit the property. There is no assignment of interest by the other two children of decedent on file with the court.

No Inventory and Appraisal as required by Probate Code § 8902(b) has been filed with the court.

Probate Code § 13152(e) requires that Form DE300 also be attached to the Petition, *see* Petition paragraph 8(b). However, that form is not included with the Petition.

TENTATIVE RULING #10: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 3, 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.

11. 23PR0065 ESTATE OF ALLEN

Petition for Final Distribution on Waiver of Account

Letters of Administration were issued on **June 12, 2023**, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on **March 11, 2024**.

The decedent was survived by two adult children, one of whom is the Administrator. Waivers of Account **as well as Waivers of Notice** were executed by **all** of the heirs entitled to distributions under the estate.

Proof of Service of Notice of the hearing on the Petition was filed on **April 2, 2024**.

The proposed distribution of the estate includes **equal distribution between the two heirs**.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. At the close of this Report, the assets on hand consist of the following:
 - a. Cash in the amount of \$175,333.87 held at El Dorado Savings Bank (account ending in no. *3598); and
 - b. Miscellaneous clothing, household furniture and furnishings, and other tangible articles of a personal nature previously located at the decedent's personal residence. Most of the decedent's furnishings and belongings were donated to Goodwill prior to the decedent's death.
3. All reported acts and transactions of the Administrator be confirmed and approved;
4. The Administrator be authorized to pay statutory attorney's fees in the amount of \$9,100.00 to Buchalter, P.C.;
5. After payment of all outstanding expenses (including any costs associated with the petition for final distribution or advanced costs to the estate), Petitioner is authorized and directed to distribute the estate in the possession of the Administrator remaining for distribution as follows:
 - a. Remaining assets distributed one-half (1/2) to Melvin Allen and one-half (1/2) to Heidi Pepin.

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- b. Any other property of the Estate not now known or discovered that may belong to the estate or in which Decedent or the Estate may have any interest should be distributed equally to Melvin Allen and Heidi Pepin.
6. On the filing of receipts, Petitioner shall be discharged from all liability related to the administration to be incurred hereafter.

TENTATIVE RULING #11:

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). 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. 24PR0081 ESTATE OF BILLINGSLY

**Petition to Remove Trustee
Petition for Instructions**

Petitioner and Respondent are siblings and the co-trustees and sole beneficiaries of the Nordman Family Trust (“Trust”), entitled to equal shares of Trust assets.

Petitioner alleges Respondent withdrew several sums of money from trust account at El Dorado Bank, totaling \$251,007.00. Petitioner, ¶15. Further, Petitioner alleges that Respondent sold personal property items from the Trust estate for \$600 without accounting for \$400 of proceeds, and that he stole some silver coins from decedent prior to decedent’s death.

Petitioner brings the Petition under the authority of Probate Code § 850(a)(3) requesting the court to make an Order based on the trustee’s possession of property to which another is entitled; as well as requesting Respondent’s removal as co-trustee pursuant to Probate Code § 17200(b)(10), the grounds for removal pursuant to Probate Code §§ 15642(b)(1) and 16420(a)(5) (breach of trust) and 15642(b)(4) (failure to act). Petitioner further alleges financial abuse of an elder, conversion, quantum meruit, and constructive trust. Petitioner seeks declaratory relief, compensatory and punitive damages, and surcharge against Respondent. Finally, Petitioner requests that Respondent be deemed to have predeceased the decedent and not be entitled to any share of Trust assets under Probate Code § 259.

Notice of hearing for Petition and Supplemental Petition was filed with the court on April 26, 2024. No response from Respondent has been filed with the court.

TENTATIVE RULING #12:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 3, 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. 24PR0090 ESTATE OF ALEXANDER

Trust Validity

Order Confirming Trust Assets

There was a prior Trust established on November 19, 2007 by decedent and her husband. Pursuant to that Trust, husband's 50% of the estate was to be given to Heifer International, and decedent's 50% was to be divided 50% to Eric McElwain and Jeanine McElwain in equal parts, 25% to Catalina McElwain and Judy Stewart in equal parts, and 25% to Franca Gaudenzi Bocalone, Annamaria Suppa Aquaro and Luciana Petronzi Palmieri in equal shares. Petitioner is nominated as successor trustee.

Decedent signed a revocation of the November 19, 2007 Trust on March 10, 2008, which is attached as an exhibit. There is no revocation signed by decedent's husband, who according to the Petition did not die until 2012.

Decedent wrote a holographic Will signed June 16, 2017, which is also attached as exhibit to the Petition. She nominates Petitioner as executor. The distribution is of real property to Jeanine McElwain and Judy Stewart, 1/3 of remaining possessions to Francesca (illegible), and the remaining 2/3 to be divided equally between: Cati McElwain, Annamaria Suppa, Luciana Petronzi Palmieri, Jeanine McElwain, and Judy Stewart.

The Trust at issue in this Petition was established November 2, 2021, and a copy of the Trust is attached as exhibit to the Petition. It is unknown whether decedent had the assistance of counsel in executing the Trust and no pour over Will has been located. However, the Trust is notarized. The settlor died on February 3, 2024. The Petition does not state what issue survive Petitioner. It is unknown what relation, if any, Petitioner has to decedent. However, Petitioner is named as trustee upon the death of the settlor. The Trust provides that the holographic Will is revoked.

Trust assets are to be divided: 1) the house located at 149 Inner Circle or the net proceeds from the sale to Jeanine McElwain and Judy Stewart; 2) all the gold coins and gold jewelry located in safe deposit box at Banner Bank to William Eric McElwain and Catalina McElwain; and the remainder of assets to Franca Gaudenzi (1/3), Annamaria Suppa (1/5 of 2/3), Luciana Petronzi Palmieri (1/5 of 2/3), Jeanine McElwain (1/5 of 2/3), Judy Stewart (1/5 of 2/3), and Catalina McElwain (1/5 of 2/3). The assets listed are: house at 149 Inner Circle, "several accounts" at Edward Jones, savings/money market and checking at Banner Bank, savings/money market and checking at Capital One Bank, savings/money market at Chase Bank, automobile, household furniture and furnishings, personal effects and belongings, safe deposit box and contents thereof at Banner Bank.

There are checking at savings accounts at Banner Bank, held in decedent's name. There is a CD at Banner Bank in the name of the 2007 Trust. Held in the name of decedent, there are a

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checking and savings account at Banner Bank, savings account at Capital One Bank, and checking and savings accounts at Chase Bank. The house at 149 Inner Circle was sold prior to decedent's death and it is alleged that the proceeds were placed into one or more of the accounts at Banner Bank. Petitioner believes there is still a safe deposit box at Banner Bank and if it does exist, assumes it is held in decedent's name or the name of the 2007 Trust.

The Petition declares that the decedent believed that she had effectively transferred her interest in all of her assets to the new Trust by listing them in Exhibit C to the Trust, and that it was her intention that all of the assets be governed by and distributed under the terms of the Trust. The Petition requests that the court issue an Order transferring title of X listed in the Petition to the Trust.

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.

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.

* * *

Notice of the hearing on the Petition on was mailed on **April 19, 2024** and the proof of service was filed on **April 25, 2024**.

TENTATIVE RULING #13:

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). 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. 24PR0057 MATTER OF THE HAROLD G. KNIGHT 2000 REVOCABLE TRUST

Appointment of Trustee

The Trust was created on March 28, 2000, and named Carolyn Frances Carmichael as Trustee. The settlor passed away on May 15, 2007, and the Trustee acted until her death on August 17, 2023. The Trust provides that if the settlor or Successor Trustee are incapable of acting, any remaining beneficiary may apply to the court to be Successor Trustee, and no bond should be required of the Successor Trustee (Exhibit A, Article X, page 16). Petitioner is the sole surviving adult child of Carolyn Frances Carmichael and is therefore the granddaughter of the settlor. The beneficiaries all approve of the appointment of Petitioner and have all been noticed of the hearing.

Probate Code §15660(d) states: If the vacancy in the office of trustee is not filled as provided in subdivision (b) or (c), on petition of any interested person or any person named as trustee in the trust instrument, the court may, in its discretion, appoint a trustee to fill the vacancy. If the trust provides for more than one trustee, the court may, in its discretion, appoint the original number or any lesser number of trustees. In selecting a trustee, the court shall give consideration to any nomination by the beneficiaries who are 14 years of age or older.

TENTATIVE RULING #14:

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). 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. PP20210130 MATTER OF THE SADDLE ROAD TRUST

Status Conference

At the March 11, 2024, hearing counsel requested a 60-day continuance to serve via publication. No proof of publication has been filed with the court.

TENTATIVE RULING #15:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 3, 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. 24PR0079 THE MERRITT W. EARNSHAW AND JEAN E. EARNSHAW REVOCABLE TRUST

**Compelling Trustee to Account
Remove Trustee**

Petitioners seek an accounting and removal of the trustee of the Merritt W. Earnshaw and Jean E. Earnshaw Revocable Living Trust (“Trust”). Petition, Exhibit 1.

Respondent John Earnshaw is the trustee of the Trust and Petitioners and Respondent are his siblings. Merritt Earnshaw, the last surviving settlor and Respondent’s father, died on August 11, 2023. The Trust provides for distribution in equal shares to all of the children of the settlors.

On March 5, 2023, prior to his death, Merritt Earnshaw (“decendent”) executed a purchase agreement with his grandson and Respondent’s son, Bryan Earnshaw, conveying decendent’s residential property for \$500,000 in an “as-is” condition. Response, Exhibit A. Escrow closed on August 31, 2023. Petition, Exhibit 6-7. By that time decendent had passed and the final documents were signed by Respondent as trustee and/or pursuant to a power of attorney. Petitioners allege that decendent lacked the mental capacity to make a decision about selling his real property because of age and illness and assert that the sale was a result of elder abuse.

The real property at issue includes two parcels: one with the residence and a six-acre parcel. Petitioners obtained an appraisal valuing the residential property at \$566,000 and the six-acre parcel at an additional \$191,000. Petitioners allege that the \$500,000 transaction also included the six-acre parcel and thus was underpriced. Respondent alleges that the purchase transaction included only the residential property and that the six-acre parcel remains in the name of the Trust. In support of that assertion, the Response to the Petition attaches a 2022-2023 property tax statement. Response, Exhibit B. However, the accounting (Response, Exhibit D) does not appear to list the six-acre parcel among the non-cash trust assets on hand as of March 2, 2024.

Petition requests an Order compelling the trustee to Account. A formal accounting was requested in writing several times between September and November 2023, and was completed on May 10, 2024. See Petition, Exhibit 19; Response, Exhibit D. Although an accounting has been provided, Petitioners additionally seek information regarding the real property sale.

Further, Petitioners seek information from December 2022, a time prior to decendent’s death or Respondent’s appointment as trustee, when they allege Respondent took over management of decendent’s finances.

Petition requests removal of trustee pursuant to Probate Code §15642 because Trustee is otherwise substantially unable to execute properly the duties of the office and the trustee breached his fiduciary duty to reasonably inform beneficiaries or to account.

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Petitioners seek reimbursement of their attorney's fees under Code of Civil Procedure § 1026(b) and Probate Code 17200(b).

TENTATIVE RULING #16:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 3, 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.