

JULY 8, 2024
Dept. 9
Probate Tentative Rulings

1.	22PR0251	ESTATE OF WHEAT
Status of Administration		

An Order for Final Distribution was filed on January 29, 2024.

Receipts of Distribution have been filed by all four beneficiaries.

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

TENTATIVE RULING #1:

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON JANUARY 29, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, JULY 7, 2025, IN DEPARTMENT NINE, BY WHICH TIME THE COURT EXPECTS 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.

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2.	23PR0053	ESTATE OF SEARLES
First Status Report and Petition		

A final Inventory and Appraisal was filed on June 7, 2024, showing an estate value of \$0.00. Letters of Administration are necessary in order to assert and maintain a mass tort lawsuit and potentially enter into a settlement agreement. A civil law action is pending and the estate is not in a condition to be closed at this time.

Petitioner requests:

1. The report be approved;
2. All acts and proceedings performed by the Administrator be confirmed and approved; and,
3. Authorization to extend the estate administration for an extra twenty-four months, until May 13, 2026.

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, JULY 7, 2025, IN DEPARTMENT NINE. THE MAY 12, 2025 HEARING IS DROPPED FROM CALENDAR.

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3.	24PR0126	ESTATE OF WILLIAMSON
Petition for Letters Testamentary		

K. Williamson was appointed Special Administrator at the hearing on May 9, 2024, with the Letters expiring on July 8, 2024.

Decedent died testate on May 10, 2023, survived by his wife and four adult children. Petitioner is decedent's wife. The Petition requests full authority under the Independent Administration of Estates Act. Petitioner was named as Executors in the Will. The Will was lodged with the court on May 7, 2024, and is admitted to probate. The Will waives bond.

A Duties/Liabilities Statement (DE 147) was filed on May 24, 2024, but there is no DE-147S form on file with the court, as required by Local Rules of El Dorado County Superior Court, Rule 10.02.10.

Proof of service of notice of the hearing on the Petition was filed on May 15, 2024.

Proof of publication was filed on June 6, 2024.

TENTATIVE RULING #3:

ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED, CONTINGENT UPON PETITIONER FILING THE DE-147S FORM WITH THE COURT. 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, JULY 9, 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.

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4.	22PR0017	ESTATE OF OLSON
Status of Administration		

A Petition for Final Distribution was filed on May 26, 2023. An Order for Final Distribution was filed on July 11, 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 #4:

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON JULY 11, 2023, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, JULY 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.

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5.	24PR0121	ESTATE OF JONES III
Letters Testamentary		

Decedent died testate on April 5, 2024, survived by three adult children. One adult child is disinherited, leaving the two remaining children to receive equal shares of the estate.

Petitioner is decedent's daughter. The Petition requests full authority under the Independent Administration of Estates Act. Petitioner was named as Executors in the Will.

The Will was lodged with the court on May 2, 2024 as an attachment to the Petition, and is admitted to probate. The Will waives bond and both beneficiaries have waived bond.

There is no Duties/Liabilities statement (DE 147/DE 147s) on file with the court, as required by Probate Code § 8404.

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

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

TENTATIVE RULING #5:

MATTER IS CONTINUED TO MONDAY, AUGUST 12, 2024, AT 8:30 AM 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.

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6.	23PR0074	IN THE MATTER OF DRYDEN
Status of Administration		

The Petition relates to \$501,387.86 in insurance settlement proceeds from Integon National Insurance Company.

The funds represent insurance proceeds received when the decedent's home was damaged in a fire. The mortgage to the home was held by U.S. Bank, which had insured the home against fire loss. The insurance proceeds were issued on May 25, 2023, and were sent to U.S. Bank Loss Department. By the time US Bank received the insurance settlement it had sold the mortgage to Select Portfolio Servicing ("SPS"), and so U.S. Bank returned the check to Integon. (Petition Exhibit A)

Petitioner, as the personal representative of decedent, requested Integon to stop payment and re-issue a check. Petitioner is informed that Integon has stopped payment on the check and is waiting for instructions from SPS or the court as to how to proceed. Other than issuing a notice of default to the estate for non-payment of the mortgage, SPS has been unresponsive to Petitioner's repeated inquiries beyond acknowledging receipt of Petitioner's correspondence.

Petitioner seeks to fulfill her duty to marshal the assets of the estate by having the insurance proceeds declared to be part of the estate of the decedent so she can pay off the mortgage and clean up and sell the property. Allowing SPS to proceed with foreclosure is likely to prejudice the estate. The homeowners' association and neighbors would like the debris removed from the property.

Proof of service of notice of the hearing in the Petition was filed with the court on February 21 and February 26, 2024. US Bank, SPS and Integon were all provided with notice of the hearing on the Petition.

Probate Code § 850 provides:

(a) The following persons may file a petition requesting that the court make an order under this part:

(2) The personal representative or any interested person in any of the following cases:

(D) Where the decedent died having a claim to real or personal property, title to or possession of which is held by another.

The Petition requests the court to:

(1) Find that all proper notice has been provided;

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- (2) Find that the facts set forth in the Petition are true and correct;
- (3) Order Integon National Insurance Company to issue an insurance settlement payment in the amount of \$501,387.86 to Petitioner as personal representative of decedent's estate within 14 days of service of the court's order;
- (4) Find that US Bank, in failing to object to this Petition, has waived its rights and interests in and to the fire insurance settlement for damage to decedent's real property;
- (5) Find that SPS, in failing to object to this Petition, has waived its rights and interests in and to the fire insurance settlement for damage to decedent's real property.

At the hearing on April 22, 2024, counsel for Petitioner indicated that the matter was resolved and requested a continuance. At the hearing on June 10, 2024, and counsel requested a continuance.

TENTATIVE RULING #6:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JULY 8, 2024, IN DEPARTMENT NINE.

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7.	23PR0154	DEL VECCHINO FAMILY REVOCABLE TRUST
Trial Setting		

At the hearing on June 10, 2024, the parties indicated that they were not ready to proceed to trial on June 12, 2024, and the trial was vacated. The hearing was continued to July 8, 2024.

TENTATIVE RULING #7:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JULY 8, 2024, IN DEPARTMENT NINE.

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8.	24PR0081	NORDMAN FAMILY TRUST
Petitions		

Billingsley Petition

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 (Billingsley) alleges Respondent (Nordman) withdrew several sums of money from trust account at El Dorado Bank, totaling \$251,007.00. Petition, ¶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.

Respondent generally denies and objects to the allegations in the Petition and further objects as follows. Respondent argues he is not liable for conversion to Petitioner because she did not own or have rightful possession of the items of personal property described in the Petition. Objection, ¶11. In response to Petitioner’s claim for quantum meruit, Respondent claims it is improper because she is trying to claim compensation for services rendered as co-trustee of a trust. Objection, ¶12. Respondent argues that the claim for declaratory relief cannot be maintained because there is no actual controversy involving the legal rights or obligations of the parties. Objection, ¶14.

Nordman Petition

Petitioner (Nordman) alleges Respondent (Billingsley) changed title of ownership to decedent’s bank account to add her name and remove Petitioner’s, used financial resources of decedents’ for her own benefit including taking money from the accounts, opened a joint checking account with decedents, changed decedents’ mailing address to her home address,

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sold decedents' residence without their understanding, placed decedents in a memory care home, and hid funds. Petition, ¶18-16.

Petitioner requests a finding that Respondent committed financial elder abuse with malice and intent to defraud and for a wrongful use, that Respondent predeceased the settlors pursuant to Probate Code §259, for double damages and punitive damages due to Petitioner, and for attorney's fees and costs.

No notice of hearing for this Petition was filed.

TENTATIVE RULING #8:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JULY 8, 2024, IN DEPARTMENT NINE.

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