1.	23PR0060	CONSERVATORSHIP OF DOLE
Petition	Petition to Confirm Sale of Real Property	

Letters of Conservatorship of the Person and Estate issued on August 1, 2023, and granted powers to sell the personal residence of the conservatee with confirmation from the court of the sale, including authority to contract for the sale and fulfill the terms and conditions of the contract as well as convey the property.

On July 31, 2024, Petitioner filed a Petition to Confirm Sale of Real Property. An appraisal or reappraisal by the probate referee will be filed.

The Petition requests approval of a 6% commission for the sale of 9063 Bristol Plaza Way. The Petition states that the sale is necessary to pay debts, is to the advantage of the estate, and is in the best interest of the interested persons.

The bid amount is \$422,000.00 in cash. After the property was listed for sale, multiple offers were received. The offer submitted to the court was the best and highest offer received and exceeds the listing price by \$22,000. As part of the sale, Petitioner is to pay \$21,600.89 to True Roofing and Construction for roofing services completed at the property.

TENTATIVE RULING #1:

ABSENT OBJECTION AND UPON THE FILING OF A (RE)APPRAISAL BY THE PROBATE REFEREE, 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)

2.	24PR0220	ESTATE OF GILLESPIE
Spousal Property Petition		

Petitioner filed a Spousal Property Petition requesting a determination of property passing to the surviving spouse without administration, pursuant to Probate Code §13500. Petitioner is the surviving spouse of decedent, who died intestate on June 13, 2024, survived by Petitioner and two adult 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.

Notice of the hearing on the Petition was served on decedent's children and proof of service was filed with the court on September 3, 2024.

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).

3.	22PR0276	ESTATE OF COTE
Waiver of Probate Referee		

Petitioner is the personal representative of the estate. He has listed and caused to be appraised the assets of the estate, as set forth in the attached Inventory and Appraisal. No probate referee has been appointed by the Court.

Probate Code §8903 provides:

- (a) The court may, for good cause, waive appraisal by a probate referee in the manner provided in this section.
- (b) The personal representative may apply for a waiver together with the petition for appointment of the personal representative or together with another petition, or may apply for a waiver in a separate petition filed in the administration proceedings, but the application shall not be made later than the time the personal representative delivers the inventory to the probate referee, if a probate referee has been designated. A copy of the proposed inventory and appraisal and a statement that sets forth the good cause that justifies the waiver shall be attached to the petition.

There are two heirs, who are both in agreement with the Petition, have received notice of the hearing. Pursuant to Probate Code §8903(c), hearing on all necessary parties has been accomplished.

The total cash assets amount to \$2,104.59, there are two vehicles, and one single family residence. The Petition argues that good cause exists for waiver of appointment of a probate referee because all heirs are in agreement to proceed without a probate referee, and the sole creditor and loan servicer for the primary property asset, has no objection as long as payments on the loan remain current.

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).

4.	23PR0112	ESTATE OF MACKAY
Final Dis	Final Distribution	

Letters of Administration were issued on August 17, 2023, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on May 31, 2024. Waivers of Account 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 September 4, 2024. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes 1/6 to Meliah MacKay, 1/6 to Christina MacKay, 1/3 to Barbara Sumpter, 1/15 to Darrin MacKay, 1/15 to Darrell MacKay, 1/15 to Dennis MacKay, 1/15 to David MacKay and 1/15 to Carla Christensen.

The Petition complies with Local Rule 10.07.12 in stating that all income tax returns have been filed or will be filed, and that no estate taxes were required.

The Petition requests:

- 1. The administration of the estate be brought to a close without the requirement of an accounting;
- 2. The account of Petitioner as Administrator be waived;
- 3. The report of Petitioner be settled, allowed and approved;
- 4. All acts and proceedings of the Administrator be confirmed and approved;
- 5. The Administrator be authorized to pay statutory attorney fees in the amount of \$5,783.26, plus \$2,314.58 for costs advanced to the estate;
- 6. The Administrator be authorized to pay himself \$5,783.26 in statutory compensation;
- 7. The Administrator be authorized to retain \$3,000.00 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; and,
- 8. The Administrator be authorized and directed to distribute the property of the estate in Petitioner's hands, and any other property of the Decedent or the estate not now known or discovered, as set forth in the Petition.

TENTATIVE RULING #4:

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).

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON SEPTEMBER 23, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, SEPTEMBER 22, 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.

5.	23PR0143	ESTATE OF BROWN
Letters		

Decedent died testate on December 13, 2022. A Petition to administer decedent's estate was filed on July 6, 2023. Petitioners are decedent's daughters. The Petition requests Petitioner Ivy Goessens-Long be appointed Executor and granted full authority under the Independent Administration of Estates Act.

The Petition indicates that the Will of decedent is lost, and that no Executor was named in the Will.

The Petition requests bond be set at \$5,000.

There is no Duties/Liabilities statement (DE 147/DE 147s) on file with the court. There is no proof of service of Notice of the Petition on file with the court. There is no proof of publication on file with the court.

Probate Code § 8223 provides: The petition for probate of a lost or destroyed will <u>shall</u> <u>include a written statement of the testamentary words or their substance</u>. If the will is proved, the provisions of the will shall be set forth in the order admitting the will to probate.

The matter was continued after no parties appeared at the hearing on the Petition held on August 7, 2023. The matter was again continued at the hearing of January 22, 2024, to allow the Petitioner to file the required documents. No new documents have been filed since the prior hearing. There were no appearances at the March 25, 2024 hearing.

TENTATIVE RULING #5:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 23, 2024, IN DEPARTMENT NINE.

6.	22PR0238	ESTATE OF CALUNDAN
Final Distribution		

Letters of Administration were issued on March 15, 2023, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on April 15, 2024. No party has requested special notice, and because Petitioner is the sole beneficiary, no notice is required. The proposed distribution of the estate includes complete distribution to her son.

The Petition complies with Local Rule 10.07.12 in stating that no estate taxes have been required, and that all income taxes have been paid or are adequately secured.

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 Executor be settled, allowed, and approved;
- 3. The Petitioner be directed to pay the closing costs of the Probate administration and any other costs, fees or obligations that may arise;
- 4. The Petitioner be authorized to pay statutory attorney fees in the amount of \$12,943.66, plus \$603.03 for costs advanced to the estate;
- 5. Distribution of the estate in Petitioner's hands and any other property of the Decedent or estate not now known or discovered be distributed to the beneficiaries as set forth in the Petition; and,
- 6. Upon filing of receipts that Petition may apply to be discharged and released from all liability that may be incurred hereafter.

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).

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON SEPTEMBER 23, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, SEPTEMBER 22, 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.

7.	24PR0215	ESTATE OF BAER
Petition to Substitute Trustee		

Martin C. Baer established a trust and at some point, he died. His son, John D. Baer was acting as successor trustee, but he passed away on August 5, 2023. The Petition does not indicate if there is a successor trustee named in the trust, who is to serve after John. However, it requests that Petitioner (Martin's daughter) be appointed as trustee, followed by Rebecca Baer (John's wife), then professional fiduciary Maren Miller, and lastly, Miles D. Scully (friend of Petitioner).

The trust assets consist of cash and related property and have been in the custody of Wells Fargo Bank. They are currently estimated to be between \$600,000 - \$700,000. Although the trust was not filed, the Petition indicates that since Martin's wife and son are now deceased, Petitioner is the sole beneficiary entitled to the income of the trust res.

This Court previously had jurisdiction, and pursuant to Probate Code §17300, this Court retains jurisdiction.

Probate Code § 17200 provides, in pertinent part:

- (a) Except as provided in Section 15800, a trustee or beneficiary of a trust may petition the court under this chapter concerning the internal affairs of the trust or to determine the existence of the trust.
- (b) Proceedings concerning the internal affairs of a trust include, but are not limited to, proceedings for any of the following purposes:

* * *

(10) Appointing or removing a trustee.

TENTATIVE RULING #7:

THE COURT IS REQUESTING THAT A COPY OF THE TRUST BE FILED, PRIOR TO RULING ON THE PETITION. MATTER IS CONTINUED TO MONDAY, OCTOBER 7, 2024, AT 8:30 AM IN DEPARTMENT NINE.

8.	24PR0216	ESTATE OF PALOMBI
Petition to Determine Succession to Real and Personal Property		

Decedent died on March 13, 2023, as a resident of El Dorado County. He died intestate.

The gross value of decedent's interest in real and personal property in California, excluding the property described in Probate Code §13050 did not exceed \$184,500. An Inventory and Appraisal was completed by a probate referee and shows the value of property subject to this Petition to be \$112,200.00.

Probate Code § 13152(e) requires that Form DE-300 also be attached to the Petition, see Petition paragraph 8(b). That form is not included with the Petition.

Decedent is survived by no spouse, and one minor child. Petitioner is the legal guardian of the minor child.

Attachment 11 contains the legal description and APN of the real property.

It also contains a description of the personal property, decedent's interest in the property and if the petitioner's claim to the property is based on succession under Probate Code §6401 and 6402, facts that show the character of the property as community, separate, or quasi-community property.

The interest claimed by petitioner in each specific piece of real property and personal property is: 100%, on behalf of the minor child.

Attachment 14 contains the names, relationships to decedent, ages, and residence/mailing addresses, as far as known to or reasonably ascertainable by petitioner, of all persons named or checked in items 1, 9, and 10, all other persons who may be entitled to inherit decedent's property in the absence of a will, and all persons designated in the will to receive any property.

TENTATIVE RULING #8:

PETITIONER TO FILE AN AMENDED PETITION WITH FORM DE-300 ATTACHED. UPON FILING, THE COURT INTENDS TO GRANT THE PETITION. MATTER IS CONTINUED TO MONDAY, OCTOBER 7, 2024, AT 8:30 AM IN DEPARTMENT NINE.

9.	24PR0144	PLANJE LIVING TRUST
Petition to Confirm Assets		

At the hearing on July 22, 2024, the court continued the <u>second Petition</u>. The Petition was brought to confirm that the proceeds of a life insurance policy are assets of the Trust. The Schedule A of the Trust as well as the Bill of Transfer and Notice of Assignment list the proceeds of the Voya Life Insurance policy as assets of the Trust. Petitioner believed that she was the sole beneficiary listed on all of decedent's accounts, policies and assets; however, Voya indicated that someone else is listed as the beneficiary but cannot provide that information without a subpoena. Petitioner seeks to open this case so that she may subpoena records from Voya to ascertain the beneficiary of the policy.

Petitioner to update the Court regarding information obtained from Voya and whether it should be transferred to Petitioner or an alternate beneficiary.

TENTATIVE RULING #9:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 23, 2024, IN DEPARTMENT NINE.

10.	PP20190250	MATTER OF GRUBER TRUST
Motion	Motion to Compel	

The Motion was withdrawn on September 11, 2024. However, the review hearing regarding mediation remains on calendar.

TENTATIVE RULING #10:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 23, 2024, IN DEPARTMENT NINE.

11.	23PR0113	ESTATE OF KING
First Rep	First Report and Request for Approval	

Lilian Frances King died intestate on February 2, 2010, in Placerville. Petitioner was issued Letters of Administration with limited powers on September 5, 2023. No bond is required. A civil case is currently pending and the estate is not in a condition to be closed.

The Petition requests an order:

- 1. Approving Petitioner's report;
- 2. Approving and confirming all acts and proceedings performed by the Administrator as set out in the Petition;
- 3. Authorizing the estate administration for an extra twenty-four (24) months, until August 5, 2026.

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).

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 22, 2025, IN DEPARTMENT NINE.

12.	23PR0145	ZAROW TRUST
First Amendment to First & Final Account, Objection Hearing		

Decedent, settlor of the Zarow Trust ("Trust"), dated October 17, 1985, and restated on April 4, 2017 (Petition, Exhibit A), died on May 18, 2021. Petitioner Angela Christensen was appointed co-trustee on June 27, 2018, which is the date that the settlor executed a First Amendment to the Trust. Petition, Exhibit B. While the Trust is not subject to continuing court supervision, Petitioner requests court approval of the final account and distribution proposed by the Petition. There are eight Trust beneficiaries, including Petitioner, who are the surviving children of the settlor.

Exhibits D, E and F to the Petition are the accounts of the administration of the Trust for the years 2021, 2022 and 2023, respectively.

Notice of the hearing on the Petition was filed on July 14, 2023.

The proposed distribution of the estate includes:

1. Reimbursement to Petitioner/Trustee

Petitioner has submitted a Declaration, dated July 3, 2023 ("Christensen Declaration"), in which she details the need for her expenditure of \$51,041.83 for which she claims reimbursement from the Trust between 2019 and 2021. See Christensen Declaration, Exhibit A. A catalogue of travel and the reasons required for travel and other expenses is detailed in Christensen Declaration, Exhibit B. Payment of attorney's fees for legal services to the estate are also included in these amounts. Essentially, Petitioner served as her mother's caregiver since 2019 and managed the estate assets after her mother's death in 2021, all of which required frequent travel between her home in El Dorado County to her mother's home in Southern California. Petitioner has already reimbursed herself partially from the Trust in the amount of \$31,667.00 and requests the court's authorization to reimburse herself the additional \$19,403.48.

2. Payment of Trustee

Petitioner seeks the court's approval of a payment to her of \$22,500 on November 5, 2021, an amount that is not included in the reimbursement calculation above. This amount is authorized by the Trust \P 4.03:

In lieu of Trustee compensation, the Trustee shall distribute the sum of Twenty-Two Thousand Five Hundred Dollars (\$22,500) to the person who shall then be serving as the Trustee of this Trust.

The Trust (Petition Exhibits A and B) provides for payment of "as much of the principal of the trust property as is necessary in the Trustee's discretion for the Trustor's proper health, support, maintenance comfort and welfare." Article 3, ¶3.01. 3.

3. Disbursement to Heirs

The Petition proposes dividing the remainder of the estate, after deductions for reimbursement detailed above, equally between the eight children of the settlor, which amounts to a payment of \$36,899.75 to each surviving child, including Petitioner. The Petition requests the court for:

- 1. Settlement and allowance of the First and Final Account and Report and approval and confirmation of the acts of Petitioner as Trustee
- 2. Approval and confirmation of all reported acts and transactions of Petitioner as Trustee
- 3. Authorization for Petitioner to pay herself the sum of \$19,403.48 and for reimbursement of additional expenses
 - 4. Authorization for Petition to distribute \$35,899.75 to each of the eight beneficiaries.

Objection to First and Final Account/Report of Trustee and Petition for Approval & Trustee Fees

Three trust beneficiaries, Chris Zarow, Diana Gazzolo and Mary Southern, have filed an Objection to the trustee's Account and Petition for Settlement. The Objection lists a general objection that there is no purpose specified for each of the disbursements. The Objection lists the following specific objections:

- 1. Objectors request an inventory of all assets on hand from the decedent's date of death.
- 2. Objectors request a copy of each bank statement, credit card statement and all cancelled checks from all trust accounts.
- 3. Objectors request that all reimbursement requests for caregiving of the decedent prior to decedent's death be denied.
- 4. Objectors request receipts for all reimbursement requests and an explanation for each request.
- 5. Objectors request an explanation for the reimbursement of \$25,667.05 as detailed in Petition Exhibit D, Schedule C, page 12.
- 6. Objectors request a statement from PNA Life Insurance, which they believe amounted to \$5,000, and not the \$4,145.23 as stated in the accounting.

- 7. Objectors request a final closing statement for the sale of the real property.
- 8. Objectors request receipts for distributions made, including receipts for carpet cleaning, Target purchases and other purchases made on behalf of the Trust.
- 9. Objectors request a detailed description of the airline travel and restaurant purchases throughout the accounting period, including restaurant charges and those made after the decedent's death.
 - 10. Objectors request clarification for charges for Legacy Box.
- 11. Objectors request clarification as to why trustee is requesting reimbursement for dates prior to the decedent's death which should have been covered by the \$22,500 payment made to the trustee.

With respect to Specific Objection #3, the court notes that the trust expressly provides that during the lifetime of the Trustor, "[i]f at any time, the Trustor has become physically or mentally incapacitated, . . . the, Trustee shall . . . apply for the Trustor's benefit, the net income of the trust property . . . or . . . as much of the principal of the trust property as is necessary in the Trustee's discretion for the Trustor's proper health, support, maintenance, comfort and welfare." Petition, Exhibit A, Trust Section 3.01. With respect to Specific Objection #11, the court notes that the \$22,500 that is to be distributed to the Trustee is "in lieu of compensation." Petition, Exhibit A, Trust Section 4.03(A). Section 5.01(m) separately authorizes the trustee to advance funds to the Trust for any purpose, and that such advances are to be paid out of the principal or income of the Trust. Further, Probate Code § 15680 states that "if the trust instrument provides for the trustee's compensation, the trustee is entitled to be compensated in accordance with the trust instrument." The Probate Code distinguishes trustee compensation from reimbursement to the trustee of "expenditures that were properly incurred in the administration of the trust." Probate Code § 15684.

This matter was heard on October 9, 2023, and was continued at the request of the parties. The matter was heard again on February 5, 2023, and was again continued after the court ordered the parties to meet and confer. At the hearing on April 29, 2024, the Court ordered the parties to mediation.

<u>Petitioner has since filed the First Amendment to First and Final Account and Report of Trustee and Petition for Settlement and Approval Thereof and Petition for Trustees' Fees.</u>

The only amendment is the addition of paragraph 26, which states:

Petitioner requests that any persons filing objections to the Petition and Accounting, without probable cause be ordered to pay the Trustee's Attorney's Fees for defending the Petition and Accounting out of the objector(s) share of the Trust Estate.

The prayer for relief was also amended, to authorize Petitioner to reduce the amount of each beneficiary's share who filed objections to the Petition and Accounting without probable cause, by a proportionate share of Trustee's Attorney's Fees in defending the same.

The hearing on July 22, 2024, was continued to September 23, 2024.

TENTATIVE RULING #12:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 23, 2024, IN DEPARTMENT NINE.