

10-07-24
Dept. 9
Probate Tentative Rulings

1.	23PR0021	CONSERVATORSHIP OF BAY
Review and First Accounting		

See related matter, No. 11 (23PR0281 Estate of Bay)

TENTATIVE RULING #1:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 7, 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.

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2.	24PR0235	ESTATE OF CRISS
Letters Testamentary		

Decedent died testate on November 13, 2020. The Petition does not indicate the relation between the Petitioner and the decedent, nor does it state the relationship of the other party served with Notice.

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

The Will has not been filed so it is unclear who, if anyone, was nominated as Executor.

The Petition states that the Will waives bond, and that the heirs wave bond. However, the Will was not filed and there are no bond waivers on file. There is also no estimate as to the value of the estate on the Petition.

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

Proof of service of notice of the hearing on the Petition was filed on August 28, 2024.

Proof of publication was filed on September 23, 2024.

TENTATIVE RULING #2:

MATTER IS CONTINUED TO MONDAY, NOVEMBER 18, 2024, AT 8:30 AM IN DEPARTMENT NINE TO ALLOW THE DEFICIENCIES TO BE CURED.

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3.	PP20210180	ESTATE OF TANIS
Status of Administration		

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 #3:

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT JUNE 10, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, JUNE 9, 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.

4.	23PR0313	ESTATE OF HARPER
Final Distribution		

Letters Testamentary were issued on January 29, 2024, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on May 30, 2024. Waivers of Account were executed by all the heirs entitled to distributions under the estate.

Proof of Service of Notice of the hearing on the Petition was not filed. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes equal distribution to her two surviving, adult children.

The Petition complies with Local Rule 10.07.12 regarding estate tax returns.

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 confirmed and approved;
3. The Administrator be authorized to pay statutory attorney fees in the amount of \$9,600.00;
4. That waiver of statutory compensation to the Executor be approved;
5. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution; and,
6. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed to the beneficiaries as set forth in the Petition.

TENTATIVE RULING #4:

UPON RECEIPT OF THE NOTICE OF HEARING SHOWING SERVICE ON THE APPROPRIATE PARTIES, 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, OCTOBER 6, 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.	22PR0124	ESTATE OF COLOMBO
Final Distribution		

Letters of Administration were issued on August 24, 2022, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on September 3, 2024.

Proof of Service of Notice of the hearing on the Petition was not filed. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes distribution in equal shares to decedent's wife and his adult daughter.

The Petition complies with Local Rule 10.07.12 regarding estate taxes.

The Petition requests:

1. The First and Final Account filed with the Petition be settled, allowed and approved;
2. All acts and proceedings of the Personal Representative be confirmed and approved;
3. The Petitioner be authorized to pay statutory attorney fees in the amount of \$13,629.67;
4. The Petitioner be authorized to pay herself \$13,629.67 in statutory compensation and \$73,080.72 for costs advanced to the estate; and,
5. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution.

TENTATIVE RULING #5:

UPON RECEIPT OF THE NOTICE OF HEARING SHOWING SERVICE ON THE APPROPRIATE PARTIES, 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, OCTOBER 6, 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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6.	24PR0234	ESTATE OF RIORDAN
Letters Testamentary		

Decedent died testate on June 2, 2024, survived by one adult sibling. Petitioner is decedent's best friend.

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

The Will was lodged with the court on August 26, 2024, and is admitted to probate. Petitioner was named as Executor in the Will and the Will waives bond.

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

Pursuant to Probate Code § 1201, proof of service of notice of the hearing is not required because Petitioner is the only beneficiary of the estate.

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

TENTATIVE RULING #6:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 7, 2024, IN DEPARTMENT NINE.

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.

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7.	24PR0232	ESTATE OF GERNANDT
Letters of Administration		

Decedent died intestate on February 7, 2024, survived by a spouse and adult child. Petitioner is decedent's son.

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

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

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

Proof of service of notice of the hearing on the Petition was filed on September 10, 2024.

Proof of publication was filed on September 18, 2024, and September 23, 2024.

TENTATIVE RULING #7:

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, OCTOBER 6, 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.

8.	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.

The Trust has since been filed and shows that no trustee was nominated to act following John D. Baer.

TENTATIVE RULING #8:

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)

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9.	23PR0079	ESTATE OF DANIELSON
OSC Hearing		

Letters Testamentary were issued on September 11, 2023.

There is no Inventory and Appraisal on file.

There is no Petition for Final Distribution on file.

Appearances were ordered on September 9, 2024 and no appearances were made.

TENTATIVE RULING #9:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 7, 2024, IN DEPARTMENT NINE.

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10.	PP20170176	ESTATE OF FIELDS
Status re Settlement		

The Stipulation and Order was signed by Judge Slossberg on September 6, 2024. John Romero filed a notice of withdrawal of creditor's claim on September 24, 2024.

Appearances required to confirm that all remaining terms of the settlement have been completed and no other issues remain at this time.

TENTATIVE RULING #10:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 7, 2024, IN DEPARTMENT NINE.

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11.	23PR0281	ESTATE OF BAY
Final Distribution		

See related matter, No. 1 (23PR0021 Conservatorship of Bay)

TENTATIVE RULING #11:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 7, 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.	24PR0216	ESTATE OF PALOMBI
Petition to Determine Succession to Real 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 included with the Amended 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 #12:

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)

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13.	24PR0243	MATTER OF WILLIAMS
Letters Testamentary		

Decedent died testate on June 8, 2024, survived by a spouse, and four adult children. Petitioner is decedent's son.

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

Decedent's wife was named as Executor in the Will but filed a declination to serve as Executor on September 3, 2024. Petitioner is named as Successor Executor.

The Will was lodged with the court on August 26, 2024, and is admitted to probate.

The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on August 29, 2024.

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

Proof of publication was filed on September 23, 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)

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, OCTOBER 6, 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.