

10-14-24
Dept. 9
Probate Tentative Rulings

1.	22PR0175	ESTATE OF VANSICKLE
Petition for Final Discharge		

An Order for Final Distribution was filed on October 16, 2023.

There are no Receipts of Distribution on file with the court. There are no receipts of distribution regarding distributions to Bruce David Vansickle, Lee Vansickle, and Paige Sally Vansickle. However, there is a request for dismissal of the creditor's claim by Department of Health Care Services, indicating that they were paid.

An ex parte Petition for Final Discharge (Judicial Council Form DE-295) was filed with the court on April 8, 2024.

TENTATIVE RULING #1:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 14, 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.

2.	24PR0071	ESTATE OF LaHARGOUE
Final Distribution		

Letters of Administration were issued on April 29, 2024, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on June 17, 2024.

The sole heir and beneficiary of decedent's estate is Petitioner, so he waives the requirement of an accounting. No proof of service of notice of the hearing is required and no one has filed a request for special notice in this proceeding.

The Petition complies with Local Rule 10.07.12.

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 Executor be authorized to pay statutory attorney fees in the amount of \$18,776.83, plus \$378.25 for costs advanced to the estate;
4. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution; and,
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.

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)

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON OCTOBER 14, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, OCTOBER 13, 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.	24PR0246	ESTATE OF McALLISTER
Spousal Property Petition		

Petitioner is the surviving spouse of decedent, who died intestate February 1, 2024, survived by Petitioner and six 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.

The Petition in this case identifies residential real property 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 September 6, 2024.

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)

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.	22PR0182	ESTATE OF BLUME
Status		

TENTATIVE RULING #4:

AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT ON OCTOBER 24, 2023, THE MATTER IS DROPPED FROM 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.

5.	24PR0239	ESTATE OF BACHMANN
Letters of Special Administration		

Decedent died testate on December 26, 2023, survived by two adult sons. Petitioner is one of decedent's sons. The Petition requests full authority under the Independent Administration of Estates Act to act as special administrator with general powers.

Probate Code Section 8540 states: "(a) If the circumstances of the estate requires the immediate appointment of a personal representative, the court may appoint a special administrator to exercise any powers that may be appropriate under the circumstances for the preservation of the estate. (b) The appointment may be for a specified term, to perform particular acts, or on any other terms specified in the court order."

Petitioner is requesting Letters of Special Administration because the only asset outside of decedent's Trust is a foreign bank account, which requires Letters and an Order, in order for Petitioner to receive the funds.

The will waives bond and nominates decedent's two sons to serve together as Co-Executors. Eric Bachmann signed a declination to serve, filed on August 28, 2024.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on August 28, 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 20, 2024.

TENTATIVE RULING #5:

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 13, 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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6.	22PR0147	ESTATE OF ECHEVERRI
Status		

Order for Final Distribution was signed on September 28, 2023.

There are no receipts of distribution on file and no ex parte Petition for Final Discharge.

TENTATIVE RULING #6:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 14, 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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7.	22PR0225	ESTATE OF MORA
Status		

Order for Final Distribution was signed on June 24, 2024.

Receipt of Distribution and ex parte Petition for Final Discharge was approved on August 21, 2024.

TENTATIVE RULING #7:

MATTER IS DROPPED FROM CALENDAR AS THE EX PARTE DISCHARGE HAS ALREADY BEEN APPROVED BY 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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8.	24PR0236	ESTATE OF EVANS III
Letters of Administration		

Decedent died intestate on July 18, 2024, survived by his mother, two siblings, two minor children and their mother. Petitioner is decedent's cousin.

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

The Petition states that all heirs at law are adult and have waived bond, but there are no waivers on file with the court. Additionally, per intestate succession, decedent's two minor children are heirs and cannot waive bond. Bond will be required.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on August 22, 2024.

Proof of service of notice of the hearing on the Petition was filed on September 4, 2024.

Proof of publication was filed on September 23, 2024.

TENTATIVE RULING #8:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 14, 2024, IN DEPARTMENT NINE TO DISCUSS BOND REQUIREMENT.

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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9.	23PR0042	ESTATE OF GOOD
Status/Petition for Final Distribution		

Letters of Administration were issued on July 31, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

Final Accounting was filed on October 7, 2024. A Final Inventory and Appraisal was filed on April 9, 2024.

Proof of Service of Notice of the hearing on the Petition was filed on September 23, 2024. Diane DeGray and Stephen Good filed a request for special notice in this proceeding and were electronically served through their counsel.

The proposed distribution of the estate includes equal distribution between Petitioner, Diane DeGray and Stephen Good, who are decedent's three children.

The Petition does not comply with Local Rule 10.07.12, which requires that Petitions for final distribution must include a report of the following:

1. That no federal or California estate taxes are payable or that they have been paid;
2. That income taxes and all other taxes (e.g. supplemental real property taxes or personal property taxes, if any, have been paid or otherwise provided for.

If estate taxes are payable or paid: 1) the petition shall set forth whether said taxes were prorated pursuant to Probate Code section 20100, et seq., or the provisions of the will; and 2) the petition must reflect whether or not there are non-probate assets includable in the gross estate for estate tax purposes.

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 and proceedings of the Administrator confirmed and approved;
4. The Administrator be authorized to pay statutory attorney fees in the amount of \$9,143.00;
5. The Administrator be authorized to pay himself \$5,000.00 in statutory compensation, along with reimbursement of \$1,847.00 for automobile usage for estate business, \$9,508.00 for expenses advanced on behalf of the estate, and \$3,055 for labor costs in painting the interior of the home, for a total of \$19,410.00;

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6. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
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. 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 #9:

APPEARANCES REQUIRED ON MONDAY, OCTOBER 14, 2024, AT 8:30 AM TO ADDRESS THE DEFICIENCY ABOVE BEFORE THE PETITION IS APPROVED.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, OCTOBER 13, 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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10.	22PR0277	ESTATE OF MORGAN
Status		

Letter of Administration with Will Annexed were issued on June 20, 2023. The related Trust matter is set for hearing on October 21, 2024.

TENTATIVE RULING #10:

MATTER CONTINUED TO MONDAY, OCTOBER 21, 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.

11.	24PR0259	PANE REVOCABLE LIVING TRUST
Petition to Modify Trust		

Petitioner is the current Trustee of the Curtis Pane Special Needs Trust (“SNT”), created under the Rose Marie Pane 2001 Revocable Living Trust. Petitioner seeks to modify the irrevocable special needs trust in order to include appointment of a Trust Protector, which would provide a mechanism for oversight and protection of the beneficiary by a family member when the acting Trustee is a professional fiduciary. The beneficiary of the SNT is Petitioner’s brother, who suffers from developmental disability.

On June 10, 2024, pursuant to her authority under the Trust, confirmed by order of this Court, Petitioner executed an Appointment of Successor Trustee of the SNT, to list Certified Licensed Professional Fiduciaries as second, third, and fourth Successor Trustees. The beneficiary’s mother is named as first Successor Trustee. Petitioner brings this Petition to request that the SNT be modified to appoint the beneficiary’s cousin, Anthony Pane, as Trust Protector, to advocate for and protect the beneficiary’s rights, in the event that a professional fiduciary is acting as trustee.

Probate Code Section §15403 authorizes a Court to modify an irrevocable trust where all beneficiaries consent. Here, the beneficiary of the SNT, the remainder beneficiary (Petitioner), and the contingent beneficiaries have all consented to the modification of the Trust. True and correct copies of the consents are attached hereto and incorporated by reference as Exhibit “D.”

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)

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12.	PP20210006	HOOD TRUST
Review – Status of Sale		

There have been no appearances at the hearings on June 8, 2022, November 9, 2022, April 10, 2023, October 16, 2023, or April 15, 2024.

Appearances are required at the hearing on October 14, 2024, or an Order to Show Cause hearing will be set to address sanctions against the trustee.

TENTATIVE RULING #12:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 14, 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.