

December 2, 2024
Dept. 9
Probate Tentative Rulings

1.	23PR0294	ESTATE OF FOTH
Final Distribution		

Letters of Administration were issued on February 14, 2024, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on October 15, 2024. The decedent owned no real property in California at the time of death.

Proof of Service of Notice of the hearing on the Petition was filed on October 21, 2024. No one has filed a request for special notice in this proceeding. The proposed distribution of the estate includes full distribution to Petitioner, decedent's surviving spouse. Waiver of Account was executed by Petitioner. 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. The First and Final Account filed with the Petition be settled, allowed and approved;
3. All reported acts and proceedings of the Administrator be confirmed and approved;
4. The Administrator be authorized to pay statutory attorney fees in the amount of \$10,340.08, plus \$343.30 for costs advanced to the estate;
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; 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 #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)

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON DECEMBER 2, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, DECEMBER 1, 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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2.	PP20210211	ESTATE OF DEISENROTH
Status		

Letters of Administration were issued on December 8, 2021. The Final Inventory and Appraisal was filed on May 3, 2022. To date, there is no final or Petition for Final Distribution. The Court expects counsel to update the Court regarding the delay in closing probate.

TENTATIVE RULING #2:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 2, 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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3.	23PR0258	ESTATE OF STEWART
Final Distribution		

Letters of Administration were issued on December 4, 2023, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on October 30, 2024, and states that Petitioner complied with section 480 of the California Revenue and Taxation Code.

Waiver of Account was executed by Petitioner, who is the sole heir entitled to distribution under the estate. The proposed distribution of the estate includes complete distribution to Petitioner. The Petition complies with Local Rule 10.07.12.

Proof of Service of Notice of the hearing on the Petition was filed on November 15, 2024. Department of Health Care Services previously requested special notice, but upon dismissal of its creditor's claim on September 6, 2024, the Department withdrew the request.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. The First and Final Report of Administrator be confirmed and approved;
3. All reported acts and proceedings of the Administrator be confirmed and approved;
4. The Yee Law Group be authorized and directed to disperse their statutory attorney fees from their client trust account, in the amount of \$10,240.00, plus \$912.25 for costs advanced to the estate;
5. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
6. All creditor claims not properly filed with the court and served on the estate be barred;
7. 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 #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)

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON DECEMBER 2, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, DECEMBER 1, 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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4.	23PR0301	ESTATE OF TRUJILLO
Final Distribution		

Letters of Administration were issued on January 24, 2024, granting Petitioners full authority under the Independent Administration of Estates Act as Co-Executors.

A Final Inventory and Appraisal was filed on October 7, 2024. Petitioners state they complied with section 480 of the California Revenue and Taxation Code.

Waivers of Account were executed by all the heirs entitled to distributions under the estate. The Petition complies with Local Rule 10.07.12.

Proof of Service of Notice of the hearing on the Petition was filed on October 11, 2024. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate is as follows:

1. Katelyn N. Trujillo: 252 shares of DST Systems, Inc. stock, and \$150,998.57 cash;
2. Timothy N. Trujillo: CDs, DVDs, comic books, manga books, and \$150,998.57 cash;
3. Donald Trujillo: model railroad equipment;
4. Sharon Trujillo: furniture, kitchenware, and home appliances.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. The First and Final Account filed with the Petition be settled, allowed and approved;
3. All reported acts and proceedings of the Co-Executors be confirmed and approved;
4. The Co-Executors be authorized to pay themselves \$10,801.83 in statutory compensation;
5. The Petitioners be authorized to pay statutory attorney fees in the amount of \$10,801.83;
6. The Petitioners be authorized to retain \$4,000.00 in closing expenses and to pay liabilities, and to deliver the unused part equally to Katelyn N. Trujillo and Timothy N. Trujillo without further court order after closing expenses have been paid;
7. Each beneficiary of the estate shall be responsible to pay their pro rata share of any valid claim levied against the estate by any taxing authority, or any other entity, subsequent to the final distribution of the decedent's estate. Any such payment by each beneficiary shall first be made to the Co-Executors from the above-described reserved, and if that is not sufficient, that the payments be made by the beneficiaries themselves on a pro rata basis;

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8. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed equally to Katelyn N. Trujillo and Timothy N. Trujillo.

Paragraph 29 of the Petition states "Petitioner has waived all rights to ordinary compensation as Executor" however, paragraph 4 of the prayer requests compensation for services as Co-Executors. The Court needs clarification.

TENTATIVE RULING #4:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 2, 2024, IN DEPARTMENT NINE.

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5.	23PR0300	ESTATE OF MCDONALD
Final Distribution		

Letters of Administration were issued on February 26, 2024, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on September 9, 2024. Petitioner states she complied with section 480 of the California Revenue and Taxation Code. The Petition complies with Local Rule 10.07.12.

Proof of Service of Notice of the hearing on the Petition was filed on October 18, 2024. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes equal distribution between Petitioner and David McDonald. Waiver of Account was executed by Petitioner but not by David McDonald.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. The First and Final Account filed with the Petition be settled, allowed and approved;
3. All reported acts and proceedings of the Petitioner be confirmed and approved;
4. The Petitioner be authorized to pay statutory attorney fees in the amount of \$7,700.00, plus \$386.74 for costs advanced to the estate;
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; and,
6. Upon filing of receipts that Petitioner may apply to be discharged and released from all liability that may be incurred hereafter.

TENTATIVE RULING #5:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 2, 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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6.	23PR0042	ESTATE OF GOOD
Status/Final Distribution		

This case was heard on October 14, 2024. Objections were to be filed and served by November 2, 2024. No such Objections were filed. An Amended Report and Petition for Final Distribution were timely filed.

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

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

Proof of Service of the Petition was filed on November 25, 2024. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes equal division amongst Kevin Good, Stephen D. Good, and Diane Degray.

The Petition does not comply with Local Rule 10.07.12 regarding estate taxes, and whether any federal or California estate taxes are payable or were paid.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The Petitioner be authorized to pay statutory attorney fees in an amount not to exceed \$8,725.00;
3. All acts and proceedings of the Administrator be confirmed and approved, and the Administrator be authorized to pay himself \$6,225.00 in statutory compensation (for a total of \$11,225.00 less \$5,000.00 previously paid);
4. Petitioner be reimbursed for automobile usage incurred for conducting estate duties and home renovations on the estate's real property for \$1,847.00;
5. Petitioner be authorized to reimburse himself \$9,508 for expenses incurred on behalf of the estate;
6. Petitioner be compensated \$3,055 for labor costs of painting the interior of the house;
7. Petitioner be authorized to withhold \$5,000.00 for any taxes that may become due, and to deliver the unused part to the beneficiaries of the estate without further court order after closing expenses have been paid; and,

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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 #6:

APPEARANCES REQUIRED ON MONDAY, DECEMBER 2, 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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7.	24PR0270	MATTER OF HOOVER
850 Petition		

Petitioner is the currently acting successor trustee of the Lynne Gaunt Living Trust, which was established on January 15, 2021. Lynne Gaunt died on November 29, 2021, and Petitioner has been the successor trustee ever since. The decedent was pre-deceased by her husband, who passed away on February 25, 2014. The estate is to be divided between decedent's two adult children – Petitioner and her brother.

Despite a clear intention to transfer all personal property to the trust, upon decedent's death, there was on Charles Schwab account and several Series I bonds outside of 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 and a copy of the Petition were mailed at least 30 days prior to the hearing, to each person claiming an interest in or having title to or possession of the property, as well as any heir or devisee whose interest may be affected by the Petition. The notice and Petition were mailed on October 11, 2024, and filed on November 12, 2024.

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Pursuant to Probate Code §850 and *Estate of Heggstad* (1993) 16 Cal.App. 4th 943, 947-950, the Court finds sufficient evidence that decedent intended the above-mentioned assets be part of the Trust.

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)

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.	24PR0280	MATTER OF BURNS
Letters Testamentary		

Decedent died testate on August 11, 2024, survived by two adult children, who are the Petitioners. The Will was lodged with the court on October 23, 2024, and is admitted to probate. Petitioners were named as Co-Executors in the Will. Roberta Lee Burns will not act because she pre-deceased decedent. The Petition requests full authority under the Independent Administration of Estates Act.

The Petition states that the heirs are all adults and have waived bond, and bond waivers are attached to the Petition. The Will also waives bond.

A Duties/Liabilities Statement (DE 147) was filed on October 29, 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 October 29, 2024. Additionally, pursuant to Probate Code § 1201, proof of service of notice of the hearing is not required because Petitioners are the only beneficiaries of the estate.

Proof of publication was filed on November 13, 2024.

TENTATIVE RULING #8:

HEARING CONTINUED TO MONDAY, DECEMBER 16, 2024, AT 8:30 AM IN DEPARTMENT NINE TO ALLOW THE ABOVE-MENTIONED DEFICIENCY TO BE CURED.

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.	24PR0161	BONSER REVOCABLE TRUST
Status of Settlement		

TENTATIVE RULING #9:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 2, 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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10.	24PR0274	MATTER OF CHIECHI
850 Petition		

Dianne Chiechi created the Dianne Chiechi Living Trust (“Trust”) on November 8, 2002. She executed a Second Restatement on October 9, 2006, an amendment on September 9, 2018, and an Amendment and Third Restatement on August 11, 2022. Dianne Chiechi (“decedent”) died on December 24, 2023. Upon her death, Petitioner (decedent’s brother) became the sole Successor Trustee. Petitioner discovered that a Wells Fargo account and a duplex were not properly transferred to the trust, as decedent intended.

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 and a copy of the Petition were mailed at least 30 days prior to the hearing, to each person claiming an interest in or having title to or possession of the property, as well as any heir or devisee whose interest may be affected by the Petition. The notice and Petition were mailed on October 29, 2024, and filed on October 30, 2024.

Pursuant to Probate Code §850 and *Estate of Heggstad* (1993) 16 Cal.App. 4th 943, 947-950, the Court finds sufficient evidence that decedent intended the above-mentioned assets be part of the Trust.

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Additionally, Petition seeks that the Court conform and accept decedent's handwritten changes to the Trust, pursuant to Probate Code §15402. Based on the evidence submitted, the declaration of decedent's sister-in-law and the absence of any objection, the Court finds that decedent intended to make those changes outlined in the Petition.

The Petition mentions signed consent forms, but no such consents were filed with the Court. However, the Court finds sufficient notice was given and any parties wishing to object may appear at the time of the hearing.

TENTATIVE RULING #10:

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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11.	24PR0210	MATTER OF RUSING
Petition to Determine Succession to Real Property		

This case was heard on October 28, 2024, and several deficiencies were identified. The hearing was continued to this date. By declaration, counsel included Attachment 14 to the Petition. However, all other deficiencies remain: No Inventory and Appraisal; no DE300 included; what ownership interest claimed and if claimed by individuals or on behalf of trust; no notice.

TENTATIVE RULING #11:

MATTER 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.