

March 24, 2025  
Dept. 9  
Probate Tentative Rulings

1.	25PR0019	ESTATE OF HUSAK
Spousal Property Petition		

Petitioner is the surviving spouse of decedent, who died testate on January 2, 2025, survived by Petitioner, one adult daughter, and one adult stepdaughter. Decedent's Will was lodged with the court on January 21, 2025. The Will grants decedent's entire estate to Petitioner, and appoints Petitioner executor of the estate. No petition to administer the estate has been filed.

Probate Code § 13500 provides that "when a spouse dies . . . testate and by his or her will devises all or a part of his or her property to the surviving spouse, 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.

Attachment 7a identifies residential real property and personal property.

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.

**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)**

**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.	24PR0043	ESTATE OF MCCLURG
Final Petition		

Letters of Administration were issued on May 9, 2024, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on October 7, 2024, and a supplemental was filed November 6, 2024.

Proof of Service of Notice of the hearing on the Petition was filed on March 5, 2025.

The proposed distribution of the estate includes equal distribution amongst decedent's two adult children, Michael Raymond McClurg, Jr. and Caitlin Elizabeth McClurg (aka Caitlin Elizabeth Jones).

The Petition requests:

1. Notice of the Petition has been given as required by law;
2. All acts of the Executor be ratified, confirmed and approved;
3. The administration of the estate be closed without the requirement of an accounting;
4. The Executor be authorized to pay statutory attorney fees in the amount of \$18,862.74, plus \$1,583.43 for costs advanced to the estate;
5. The Executor be authorized to pay himself \$18,862.74 in statutory compensation, plus \$12,309.90 for costs advanced to the estate;
6. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
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;
8. Upon filing of receipts and the Ex Parte Petition and Order for Final Discharge that Petitioner may be discharged.

**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 MARCH 24, 2025, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, MARCH 23, 2026, 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.**

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<b>3.</b>	<b>23PR0031</b>	<b>ESTATE OF GYORGY</b>
<b>Final Petition</b>		

Letters of Administration were issued on May 22, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on March 14, 2024.

The proposed distribution of the estate includes 1/3 to William Joseph Gyorgy, Sr. and the remaining 2/3 divided equally amongst Gregory William Gyorgy, Joseph Samuel Gyorgy, and William Joseph Gyorgy, Jr. Waivers of Account were executed by some of the heirs entitled to distributions under the estate. No Waiver of Account was filed by William Joseph Gyorgy, Sr.

Proof of Service of Notice of the hearing on the Petition was not filed.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The First and Final Account be approved;
3. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
4. The Waivers of Accounting are allowed and approved;
5. The Administrator be authorized to pay herself \$20,849.00 in statutory compensation.

**TENTATIVE RULING #3:**

**APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 24, 2025, IN DEPARTMENT NINE.**

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4.	25PR0015	ESTATE OF VAN DE BOGART
Petition for Letters		

Decedent died intestate on December 9, 2024, survived by two adult daughters. Petitioner is decedent's daughter.

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 January 22, 2025, and January 24, 2025.

Proof of service of notice of the hearing on the Petition was filed on January 23, 2025.

Proof of publication was filed on February 12, 2025.

**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)**

**A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 23, 2026, IN DEPARTMENT NINE.**

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5.	24PR0338	ESTATE OF MACCONNELL
Petition for Letters		

Decedent died testate on September 8, 2024, survived by one adult brother. Petitioner is decedent's brother.

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

The Will was lodged with the court on December 18, 2024. The Will is not self-proving; no contests have been received. Petitioner was named as Executor in the Will. The Will waives bond.

Petitioner did not sign the Amended 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 January 7, 2025.

Proof of publication was filed on January 24, 2025.

**TENTATIVE RULING #5:**

**APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 24, 2025, IN DEPARTMENT NINE.**

**A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 23, 2026, IN DEPARTMENT NINE.**

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6.	25PR0012	MATTER OF DOVER
Petition for Letters		

Decedent died intestate on December 25, 2023, survived by one adult daughter, who is the Petitioner.

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

Waiver of bond has been filed with the court by the heir.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on January 16, 2025.

Proof of service of notice of the hearing on the Petition was filed on January 30, 2025.

Proof of publication was filed on February 21, 2025.

**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)**

**A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 23, 2026, IN DEPARTMENT NINE.**

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7.	25PR0027	MATTER OF CHAVERS
850 Petition, etc.		

Berta (“Settlor”) and her husband John (“John”) established the John and Berta Chavers Living Trust dated July 12, 2016 (“Trust”). Settlor died on September 2, 2024, as a resident of El Dorado County. The Petition does not state if or when John died. Assuming John is dead, Settlor retained the right to amend the Trust, without limitation. (V. C.)

Petitioner John W. Chavers Jr. (“Petitioner” or “Trustee”) is the son of Settlor and currently acting Trustee. This Petition involves Trustee’s sister Barbara Johnson (“Barbara”) and her daughter, Amanda Shelton (“Amanda”). Petitioner is alleging wrongful taking and possession of Trust assets, along with physical and financial elder abuse.

Petitioner makes several allegations, without any offer of proof.

The Petition states that the Trust named Settlor’s two children as successor Trustees. For the sake of clarity, the Court notes that the Trust names Petitioner as first successor and Barbara as second successor. (III. B.) Petitioner was given durable power of attorney powers effective at the time of the Trust execution. However, Barbara was given health care power of attorney powers, effective once Settlor’s primary physician determined she was unable to make her own health care decisions. After Settlor’s death, the Trust provides for distribution of the estate in equal shares between Petitioner and Barbara. (VII. B. 3.)

The Settlor and John did partially fill out forms for their desired distribution of personal property – all of John’s firearms were to go to Petitioner (however, this page was unsigned), Settlor’s non-working grandfather clock was to be gifted to Amanda, and Settlor’s Christmas working clock was to go to Cindy and John. No other specific gifts were mentioned in the Trust paperwork.

Notice of hearing was personally served on Barbara on February 20, 2025, and served by mail on Barbara and Amanda on February 20, 2025.

**TENTATIVE RULING #7:**

**APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 24, 2025, IN DEPARTMENT NINE.**

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<b>8.</b>	<b>25PR0028</b>	<b>MATTER OF FARR</b>
<b>Minor's Compromise</b>		

This is a Petition to compromise a minor's claim. The Petition states the minor sustained bruises and a lump on the left side of her head, scratches on both thighs, and an abrasion on the right cheek, resulting from an accident in 2023. A copy of the accident investigation report was not filed with the Petition, as required by Local Rule 7.10.12A(4). Petitioner requests the court authorize a compromise of the minor's claim against defendant/respondent in the gross amount of \$28,000.00.

The Petition states the minor incurred \$573.21 in medical expenses that would be deducted from the settlement. Copies of invoices for the claimed medical expenses are attached to the Petition as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(6).

The Petition states that the minor has fully recovered and there are no permanent injuries. A doctor's report concerning the minor's condition and prognosis of recovery is attached, as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(3).

The minor's attorney requests attorney's fees in the amount of \$7,000.00, which represents 25% of the gross settlement amount. The court uses a reasonable fee standard when approving and allowing the amount of attorney's fees payable from money or property paid or to be paid for the benefit of a minor or a person with a disability. (Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(8); California Rules of Court, Rule 7.955(a)(1).) The Petition does include a Declaration by the attorney as required by California Rules of Court, Rule 7.955(c).

The minor's attorney also requests reimbursement for costs in the amount of \$584.78. There are no copies of bills substantiating the claimed costs attached to the Petition as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(6).

With respect to the \$19,842.01 due to the minor, the Petition requests that they be deposited into an insured account with Bank of America, subject to withdrawal with court authorization. See attachment 19(b)(2), which includes the name and address of the depository, as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A(7).

Due to the minor's age, the Court waives the minor's presence at the hearing but orders the appearance of Petitioner. Local Rules of the El Dorado County Superior Court, Rule 7.10.12.D.



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**TENTATIVE RULING #8:**

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<b>9.</b>	<b>25PR0024</b>	<b>XAVIER 1991 REVOCABLE TRUST</b>
<b>Objection</b>		

Petitioner Joseph Anthony Xavier (“Petitioner”) is a beneficiary of The Robert and Jean Xavier 1991 Revocable Trust (“Trust”). The Petition states that the Trust was amended on July 22, 2022, and Restated on December 16, 2014. Petitioner files his Objection to First Account and Petition for Order to Provide Trust Information and for Order to Remove Trustee.

Robert Xavier died on September 30, 2020, and Jean Xavier (“Settlor”) died on May 17, 2024, at which point the Petition states that the Trust became irrevocable. Petitioner alleges that the Respondent and currently acting Trustee Michael Francis Xavier (“Trustee”) is a resident of El Dorado County, which is where the Trust is being administered.

The First Account prepared by the Trustee covers the period of May 1, 2020, to May 17, 2024. Petitioner is objecting to the period provided, as well as numerous payments that occurred during the Settlor’s lifetime (i.e.: caregiver payments, Christmas gifts, automobile payments, credit card usage).

No copy of the Trust was provided. It is unclear why Petitioner thinks he has a right to object to withdrawals made during the Settlor’s lifetime, or why the Account should cover a period from before the Trustee was in power.

The Notice of Hearing was not served on anyone, and accompanying documents were not served on anyone.

**TENTATIVE RULING #9:**

**PETITION DENIED.**

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<b>10.</b>	<b>23PR0240</b>	<b>ESTATE OF COOK</b>
<b>Final Petition</b>		

Letters of Administration were issued on December 11, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on February 4, 2025.

Proof of Service of Notice of the hearing on the Petition was filed on February 21, 2025. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes equal distribution between Melissa Konweibel and Adam Cook.

The Petition requests:

1. The report be settled, allowed and approved;
2. All acts of the Administrator are confirmed and approved;
3. That waiver of statutory compensation to the Administrator is approved;
4. The Administrator be authorized to pay statutory attorney fees in the amount of \$9,190.45, plus \$1,542.30 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.

**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)**

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<b>11.</b>	<b>24PR0330</b>	<b>TRUST OF JESSIE DURAN PEREZ</b>
<b>Petition</b>		

**TENTATIVE RULING #11:**

**APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 24, 2025, IN DEPARTMENT NINE.**

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