

April 14, 2025
Dept. 9
Probate Tentative Rulings

1.	24PR0038	ESTATE OF MORZOV
Status		

Letters issued on April 15, 2024.

A Final Inventory and Appraisal was filed on October 30, 2024. There are waivers of accounting signed by Laura Morzov and Amanda Morzov, filed on November 4, 2024.

There is no Petition for Final Distribution.

TENTATIVE RULING #1:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 14, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 13, 2026, 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.	22PR0184	ESTATE OF AKABA
Status		

The Order for Final Distribution was signed on April 18, 2024. There is a receipt from the County of Sacramento, Revenue Recovery, but not from any beneficiary.

There is no Ex Parte Petition for Discharge.

TENTATIVE RULING #2:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 14, 2025, IN DEPARTMENT NINE.

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3.	25PR0029	ESTATE OF NYBERG
Letters of Administration		

Decedent died intestate on January 29, 2024, survived by two adult daughters and a partner. Petitioner is decedent's daughter.

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

The Petition states that the heirs have waived bond, but there is no waiver on file signed by Annie Erret.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on February 11, 2025.

Proof of service of notice of the hearing on the Petition was filed on February 13, 2025.

Proof of publication was filed on March 11, 2025.

TENTATIVE RULING #3:

ABSENT OBJECTION THE PETITION IS GRANTED, WITH PETITIONER TO POST BOND. 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, APRIL 13, 2026, IN DEPARTMENT NINE.

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4.	24PR0030	ESTATE OF SHIPMAN
Status		

Letters of Administration issued on August 30, 2024. In violation of Probate Code §8800, there is no Inventory and Appraisal on file.

TENTATIVE RULING #4:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 14, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 13, 2026, IN DEPARTMENT NINE.

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5.	PP20200196	ESTATE OF GILMET
Status		

An Order for Final Distributed was signed on December 4, 2023. There are no receipts of distribution and no Ex Parte Petition for Final Discharge on file.

Petitioner is represented by counsel, but there were no appearances at the status conference on April 15, 2024.

TENTATIVE RULING #5:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 14, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 13, 2026, IN DEPARTMENT NINE.

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6.	PP20210179	ESTATE OF STURGESS
Petition for Final Distribution		

Letters of Administration were issued on October 13, 2021, granting Petitioner full authority under the Independent Administration of Estates Act. A partial Inventory and Appraisal was filed on April 6, 2022, and was later reported to be the final Inventory and Appraisal.

Proof of Service of Notice of the hearing on the Petition was filed on March 12, 2025. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes distribution to the Robert A. Sturgess Revocable Trust, which will then be distributed as follows: 54.59% of the net balance to Shauna Sturgess; 40.41% of the net balance to Linda Sturgess reduced by \$7,000.00; and 5\$ of the net balance to Frederick Lee.

The Petition requests:

1. Notice of the Petition has been given as required by law;
2. The First and Final Account filed with the Petition be allowed and approved;
3. All acts and proceedings of the Personal Representative be ratified, confirmed and approved;
4. The Petitioner be authorized to pay herself \$29,977.47 in statutory compensation plus \$1,238.44 for costs advanced to the estate;
5. The Petitioner be authorized to pay statutory attorney fees in the amount of \$29,977.47 plus \$923.40 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. The Petitioner 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.

TENTATIVE RULING #6:

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON APRIL 14, 2025, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, APRIL 13, 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.

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.	24PR0316	ESTATE OF SIMON
Petition to Terminate		

Letters issued on January 13, 2025. The estate consisted of a home and a vehicle. The home was subject to a Simple Revocable Transfer on Death Deed (“TOD Deed”), recorded on October 20, 2020. The vehicle is valued at less than \$184,500.00 and no probate will be required.

California Probate Code §12251 provides, in full, as follows:

(a) At any time after appointment of a personal representative and whether or not letters have been issued, if it appears there is no property of any kind belonging to the estate and subject to administration, the personal representative may petition for the termination of further proceedings and for discharge of the personal representative. The petition shall state the facts required by this subdivision.

(b) Notice of the hearing on the petition shall be given as provided in Section 1220 to all interested persons.

(c) If it appears to the satisfaction of the court on the hearing that the facts stated in the petition are true, the court shall make an order terminating the proceeding and discharging the personal representative.

Notice of hearing was filed on March 12, 2025.

TENTATIVE RULING #7:

PENDING RECEIPT OF THE TOD DEED, AND 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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8.	PP20200121	ESTATE OF KNOLL
Status		

Letters of Administration issued on December 17, 2020.

The Final Inventory and Appraisal was filed on June 14, 2021.

No Petition for Final Distribution has been filed with the Court. Petitioner did appear at the April 15, 2024, hearing and indicated that the Petition was forthcoming.

TENTATIVE RULING #8:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 14, 2025, IN DEPARTMENT NINE.

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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.	24PR0243	MATTER OF WILLIAMS
Petition for Final Distribution		

Letters Testamentary were issued on October 7, 2024, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on December 12, 2024.

Waiver of Account was executed by the heir entitled to distributions under the estate.

Proof of Service of Notice of the hearing on the Petition was filed on February 19, 2025. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes complete distribution to Petitioner, Lynda Angell Williams.

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 \$7,651.00;
4. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
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 #9:

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON APRIL 14, 2025, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, APRIL 13, 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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10.	PP20190250	GRUBER TRUST
Status Conference		

TENTATIVE RULING #10:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 14, 2025, IN DEPARTMENT NINE.

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11.	25PR0050	MATTER OF DAYRON REVOCABLE TRUST
Petition Confirming Ownership		

Amber Peters, Petitioner and Trustee of the Norman Dayron Revocable Trust (“Trust”) dated December 7, 2012, petitions the Court to confirm ownership and grant possession of trust assets. The Trust was established by Norman Dayron (“trustor” or “Norman Dayron”). This Petition concerns the Trust’s purported interest in two bank accounts – one at Bank of America (#3026) and one at Charles Schwab (#4642).

A trustee may file a petition requesting that the court make an order under Part 19 of Division 2 of the Probate Code where the trustee has a claim to personal property, title to or possession of which is held by another. (Prob. Code, § 850, subd. (b)(3)(B).) The trustor died on December 14, 2023. Both of the named successor trustees declined to act, and they unanimously appointed Petitioner, who is a licensed professional fiduciary.

The Trust estate consists of all property described in the Schedule of Trust Assets, which expressly includes all personal property belonging to Norman Dayron. On December 7, 2012, the trustor also signed a Last Will of Norman Dayron (“Pour-Over Will”). The Pour-Over Will names the Trust as the sole beneficiary of Norman Dayron’s estate. Upon information and belief, Petitioner alleges that the two bank accounts were personal property assets of Norman Dayron at the time the Trust was established or directly traceable to a personal property asset of Norman Dayron at the time the Trust was established.

What is more, a general assignment of “all personal property, wherever situated” is effective to transfer the settlor’s personal property to a trust, especially when coupled with a pour-over will. (*Kucker v. Kucker* (2011) 192 Cal.App.4th 90, 94 [probate court erred by not ruling that general assignment was effective to transfer company shares to trust because general assignment and pour-over will show the settlor’s intent that all personal property be transferred to the trust].) Based on review of the Pour-Over Will and Trust, which included a general transfer and assignment of all personal property, the Court finds sufficient evidence that the two bank accounts should be Trust assets.

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.	24PR0325	ESTATE OF MITCHELL
Petition for Letters		

Decedent died testate on October 21, 2024, survived by his father, his fiancé, his brother, and one adult nephew. Petitioner is decedent's fiancé.

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

The Will was lodged with the Court as part of the Petition on March 11, 2025. Jennifer Hoff was named as Executors in the Will. The Will is not self-proving, but was witnessed by Tom Salata and Robin Kistler, who both executed Proofs of Subscribing Witnesses, signed under penalty of perjury, and filed with the Court on March 12, 2025.

Bond will be fixed and furnished by an admitted surety insurer.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on March 11, 2025.

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

There is a competing Petition, which was filed first, by Decedent's father, on November 25, 2024.

TENTATIVE RULING #12:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 14, 2025, IN DEPARTMENT NINE.

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13.	25PR0030	MATTER OF SHETTERLY REVOCABLE TRUST
Petition to Confirm Trust Assets		

Petitioner Colleen Shetterly (“Petitioner”) brings this Petition before the Court as Trustee of the Betty L. Shetterly Revocable Living Trust Of 2021 (“Trust”)¹, dated July 5, 2021, pursuant to Probate Code §§ 850(a)(2)(C) and 850(a)(3)(B). On July 5, 2021, the Trust was established by Betty L. Shetterly (“decedent” or “trustor”). Decedent also executed a Pour-Over Will (“Will”) on July 5, 2021.

A trustee may file a petition requesting that the court make an order under Part 19 of Division 2 of the Probate Code where the trustee has a claim to personal property, title to or possession of which is held by another. (Prob. Code, § 850, subd. (b)(3)(B).) The trustor died on June 21, 2023. Petitioner was the named successor Trustee, and she accepted the appointment.

The Trust estate consists of all property described in the Schedule A, which expressly includes all personal property belonging to decedent. The Will names the Trust as the sole beneficiary of decedent’s estate. There are two pieces of real property subject to this Petition – 15871 7th Street and 4684 Wilderness Way. These pieces of real property were not legally transferred to the Trust and remain assets of decedent’s prior Trust.

Probate Code § 850 provides the Court with authority to make an order transferring the Properties into the name of the Trust. Section 850 subsection (3)(B) states that the trustee may file a petition for a Court order where the trustee has a claim to real or personal property, title or possession of which is held by another. Also, § 850 subsection (2)(C) states that any interested person may petition the Court for an order where the decedent died in possession of, or holding title to, real or personal property, and the property or some interest is claimed to belong to another.

In the *Estate of Heggstad*, the Court held that a transfer of title is not necessary when the settlor declares themselves trustee in their own property. *Estate of Heggstad* (1993) 16 Cal.App.4th 943, 950. A trust always requires transfer of legal title to the trustee or, if a settlor is also trustee, a declaration by the settlor that they hold legal title in trust for another. (*Id.*) A declaration of trust is sufficient to create a trust, without the need of a conveyance of title to the settlor as trustee. (*Id.* at 950-951.) In *Estate of Heggstad*, the decedent failed to transfer title of his real property into his trust during his lifetime, but identified the property on a schedule which was attached to the trust document. The Court ordered that the real property was an asset of the trust and not part of the decedent’s estate.

¹ Betty Shetterly previously executed the Betty L. Shetterly Revocable Living Trust of 2008 (“prior Trust”), dated July 2, 2008. However, that trust was successfully revoked with the assistance of counsel.

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Based on review of the Will and Trust, the Court finds sufficient evidence that the two pieces of real property should be Trust assets.

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)

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