

Tentative Rulings
August 13, 2018
Department 7
2:30 p.m.

CONSERVATORSHIPS
CONS OF KJIRSTEN ANDERSEN
Case Number: 29572

This matter is on calendar to confirm filing of the Conservatorship Care Plan, Determination of Level of Care form, and Inventory and Appraisal. The Conservatorship Care Plan and Determination of Level of Care form have been filed, but the Determination of Level of Care form is incomplete at paragraph 4, and therefore fails to contain the information required by Probate Code section 2352.5(b)(1). An amended Determination of Level of Care form or a supplemental declaration addressing the omitted information should be filed. No Inventory and Appraisal has been filed. The matter is continued to **Monday, September 10, 2018 at 2:30 p.m. in Department 7** regarding confirmation of filing of Inventory and Appraisal and amended/supplemental Determination of Level of Care form. The Court confirms the future date of May 13, 2019, for Annual Review. **No appearance is necessary on today's calendar.**

CONS OF BRADLEY BELL
Case Number: 29500

This matter is on calendar to confirm filing of the Determination of Level of Care form, having been previously continued from July 2, 2018. The document has been filed and is accepted by the Court. The Court confirms the future date of March 25, 2019, for Annual Review. **No appearance is necessary on today's calendar.**

CONS OF IRA BLALOCK
Case Number: 29105

This matter is on calendar for Annual Review. The Court Investigator's report has not been filed. Additionally, the Court notes that a Petition for Appointment of Successor Conservator of the Person and Estate is set for hearing on August 27, 2018. This matter is therefore continued to **Monday, August 27, 2018, at 2:30 p.m. in Department 7** for further proceedings regarding Annual Review. **No appearance is necessary on today's calendar.**

CONS OF RUTH CONWAY
Case Number: 21524

This matter is on calendar to confirm filing of the First Account and Report relating to the Special Needs Trust, having been previously continued from June 25, 2018. The First Account and Report has still not been filed. A Status Report was filed, indicating additional time is needed to finalize the Account and Report. The matter is continued to **Monday, October**

15, 2018, at 2:30 p.m. in Department 7 for confirmation of filing of the First Account and Report. If the documents cannot be filed prior to that date, then the Conservator is ordered to file and serve a Status Report no later than three court days prior to the hearing date to advise what must be accomplished before the documents can be filed. Failure to do so may result in the issuance of an Order to Show Cause as to why monetary sanctions should not be imposed for failing to timely file the required documents. The Court confirms the future date of October 7, 2019, for Annual Review. **No appearance is necessary on today's calendar.**

CONS OF RONALD DENNIS

Case Number: 26788

This matter is on calendar to confirm filing of the First and Final Account and Report of Conservator, having been previously continued from June 25, 2018. On July 13, 2018, the Court entered an Order Granting Ex Parte Petition for Termination of Conservatorship following the death of the Conservatee. The July 13, 2018 order waives the requirement of accounting and discharges the Conservator *upon filing of mandatory form GC-395*. Form GC-395 has not been filed. This matter is continued to **Monday, September 10, 2018 at 2:30 p.m. in Department 7** regarding confirmation of filing of mandatory form GC-395. **No appearance is necessary on today's calendar.**

CONS OF GALEA

Case Number: 26811

This matter is on calendar for hearing on a Petition to Transfer Venue to Trinity County. The matter has been properly noticed, with proof of service on file. No objections have been raised. The Petitioner is **GRANTED**. A proposed order was submitted and will be executed. Transfer fees are waived for Shasta County. Petitioner will be required to submit a filing fee or fee waiver application for Trinity County before the file can be transferred. The matter is set for **Monday, September 17, 2018, at 2:30 p.m. in Department 7** to confirm transfer. **No appearance is necessary on today's calendar.**

CONS OF KELLY JACKSON

Case Number: 29605

This matter is on calendar to confirm filing of the Conservatorship Care Plan and the Determination of Level of Care form. The documents have not been filed. This matter is continued to **Monday, October 15, 2018, at 2:30 p.m. in Department 7** for further proceedings to confirm filing of the Conservatorship Care Plan and Determination of Level of Care form. If the documents cannot be filed prior to that date, then the Conservator is ordered to file and serve a Status Report no later than three court days prior to the hearing date to advise what must be accomplished before the documents can be filed. Failure to do so may result in the issuance of an Order to Show Cause as to why monetary sanctions should not be imposed for failing to timely file the required documents. The Court confirms the future date of June 24, 2019, for Annual Review. **No appearance is necessary on today's calendar.**

CONS OF DANIEL KEITH

Case Number: 26257

This matter is on calendar for confirmation of counsel, attorney Margaret Burton having been appointed by minute order dated July 18, 2018. **An appearance is necessary on today's calendar to discuss confirmation of counsel and whether transfer of the case to Alameda County is appropriate.**

CONS OF AHA-BLEZA KELUCHIE

Case Number: 29545

This matter is on calendar for further proceedings regarding Petition for Appointment of Limited Conservator of the Person. The matter as continued from July 30, 2018 to permit counsel for the Conservatee to discuss the situation with the Conservatee's criminal counsel. **An appearance is necessary to address the status of the Petition.**

CONS OF DUANE LOWE

Case Number: 29518

This matter is on calendar to confirm filing of the Conservatorship Care Plan, the Determination of Appropriate Level of Care form and Inventory and Appraisal. The Conservatorship Care Plan and Determination of Appropriate Level of Care form has been filed. The Inventory and Appraisal has not been filed. This matter is continued to **Monday, September 24, 2018, at 2:30 p.m. in Department 7** for further proceedings to confirm filing of the Inventory and Appraisal. If the documents cannot be filed prior to that date, then the Conservator is ordered to file and serve a Status Report no later than three court days prior to the hearing date to advise what must be accomplished before the documents can be filed. Failure to do so may result in the issuance of an Order to Show Cause as to why monetary sanctions should not be imposed for failing to timely file the required documents. The Court confirms the future date of May 13, 2019, for Annual Review. **No appearance is necessary on today's calendar.**

CONS OF DAVID THOMAS

Case Number: 29481

This matter is on calendar for further proceedings on a Petition for Appointment of Conservator of the Person and Estate, and Petition for Appointment of Temporary Conservator. Upon ex parte application for good cause exception to notice of hearing on the Petition for Appointment of Temporary Conservator, the Court at the hearing on July 23, 2018 found good cause to waive service on the proposed conservatee's mother and daughter on the Temporary Petition. However, defects remain.

The Petition for Appointment of Temporary Conservator fails to provide reasons why a bond should not be required (see box 1.c.(2) of petition). It also requests authority to change the proposed conservatee's residence, but does not provide the necessary information regarding the request (see box 6.a-b of petition). Additionally, the petition attaches a request for special orders regarding dementia that are not available for temporary conservatorships. Lastly, there is no attached affidavit or certificate of a practitioner regarding the proposed conservatee's inability to attend the hearing (see box 9.c. of petition), however the Court notes a capacity declaration has

been separately submitted by a licensed physician and indicates the proposed conservatee is not able to attend court hearings for the foreseeable future.

The Petition for Appointment of Conservator of the Person and Estate is also deficient regarding the reasons a bond should not be required (see box 1.b.c.). There is no attachment 1.d. setting forth the specific orders, powers and reasons that Probate Code section 2590 orders should be granted (see box 1.d.). Orders related to dementia treatment or placement are requested, but form GC-313 is not attached as required. Box 3.f. is not complete regarding due diligence. Section 11 of the petition requires identification of known relatives, but it is blank, in contradiction to subsequent documents acknowledging a mother and sister of the proposed conservatee. Lastly, there is still no valid proof of service of the Citation on the proposed conservatee. The proof of service filed July 24, 2018 only indicates Attorney Brear served himself various documents, including the citation.

Aside from the procedural deficiencies, the issue of whether Petitioner or the Public Guardian should be appointed conservator remains outstanding. As of the hearing on June 25, 2018, Adult Protective Services was conducting an investigation to ascertain whether a conservatorship case is warranted. No further update has been provided to the Court regarding the investigation.

An appearance is necessary on today's calendar to discuss the status of this matter.

CONS OF ZELDA THOMPSON

Case Number: 27181

This matter is on calendar for further proceedings regarding the Biennial Review and to address transfer to Placer County. At hearing on July 23, 2018, counsel for Conservator advised the Court that Conservatee resides in Placer County and is not returning to Shasta County, and requested the matter be continued to allow time to file a Petition to Transfer. A status report was filed, requesting additional time to file the Petition to Transfer. This matter is continued to **Monday, October 15, 2018, at 2:30 p.m. in Department 7** for further proceedings to confirm filing of a Petition to Transfer. If the Petition cannot be filed prior to that date, then the Conservator is ordered to file and serve a Status Report no later than three court days prior to the hearing date to advise what must be accomplished before the documents can be filed. Failure to do so may result in the issuance of an Order to Show Cause as to why monetary sanctions should not be imposed for failing to file the required documents. **No appearance is necessary on today's calendar.**

ESTATES

EST OF BISGOOD

Case Number: 29369

This matter is on calendar for a Petition for Return of Estate Property, Financial Elder Abuse and for Double Damages and Attorneys' Fees. While the hearing has been properly noticed, there is no indication of valid service of the summons and petition on Respondent Sondra Mumaw. Proof of service filed July 9, 2018 indicates the petition and notice of hearing (the summons is not identified) was mailed on July 6, 2018 with Notice and Acknowledgement of Receipt. There is nothing in the file to indicate Notice and Acknowledgement of Receipt was executed and returned to the sender pursuant to CCP section 415.30. Thus it appears that proper service of summons has not been made. In addition, the Petition indicates that Respondent has sued the personal representative in a civil action, case 188576. The validity of and parties to the promissory note appear to be related claims in both actions. This matter is continued to **Monday, September 10, 2018, at 2:30 p.m. in Department 7** for status of service on Petition for Return of Estate Property, Financial Elder Abuse and for Double Damages and Attorneys' Fees. At that time, the parties should be prepared to discuss whether the claim regarding the promissory note in this petition should be abated, or if the actions should be consolidated or coordinated. **No appearance is necessary on today's calendar.**

EST OF ROY BLAKE

Case Number: 26772

This matter is on calendar for Status of Administration. No Petition for Final Distribution has been filed. A Status Report has been filed and is noticed for hearing on August 20, 2018. That date is confirmed. **No appearance is necessary on today's calendar.**

EST OF THOMAS BONHAM

Case Number: 29422

This matter is on calendar to confirm filing of the Inventory and Appraisal. A Partial Inventory and Appraisal was filed July 5, 2018 is accepted by the Court. The matter is continued to **Monday, November 5, 2018, at 2:30 p.m. in Department 7** for confirmation of filing of the Final Inventory and Appraisal. If the Final Inventory and Appraisal cannot be filed prior to the continued date, then the Personal Representative is **ORDERED** to file a Status Report no later than three court days prior to the continued hearing date advising what must be accomplished before the document can be filed. The future date of January 7, 2019, is confirmed for Status of Administration. **No appearance is necessary on today's calendar.**

EST OF NICOLAAS BORSJE

Case Number: 29620

This matter is on calendar for hearing on the Amended Spousal Property Petition. This matter has been properly noticed with proof of service on file. No objections have been raised.

The paperwork appears in order. The Petition is **GRANTED**. An order was submitted and will be executed by the Court. The clerk is instructed to close the file upon the processing of the order. **No appearance is necessary on today's calendar.**

EST OF MARGARET BRODIE

Case Number: 28514

This matter is on calendar for hearing of Final Report on Waiver of Accounting, Petition for Final Distribution, for Allowance of Compensation for Ordinary Services of Executor and for Allowance of Compensation for Ordinary and Extraordinary Services of Attorney. The matter has been properly noticed with proof of service on file. No objections have been raised. The Report erroneously states that no creditor's claims have been filed with the Court. This is incorrect. A creditor's claim was filed by Margaret M. Brodie on September 7, 2017, in the sum of \$30,925.68. This is required to be addressed in the report. Additionally, before the Petition can be granted, the court requires confirmation in the form of a supplemental declaration of the ages of the two beneficiary adult grandchildren, as decedent's Will requires distributions to a beneficiary under the age of 25 be held in trust, rather than distributed outright. The matter is continued to **Monday, September 17, 2018, at 2:30 p.m. in Department 7** for further proceedings, to allow amended or supplemental information to be filed to address the above. **No appearance is necessary on today's calendar.**

EST OF ELIZABETH CANNY

Case Number: 29180

This matter is on calendar to confirm filing of Petition for Discharge. While the Administrator filed a Petition for Termination on May 24, 2018, mandatory Judicial Council form DE-295 is required to discharge the personal representative. Form DE-295 has not been filed. This matter is continued to **Monday, September 10, 2018 at 2:30 p.m. in Department 7** regarding confirmation of filing of mandatory form DE-295. The clerk is directed to mail a copy of today's minutes to counsel for the personal representative. **No appearance is necessary on today's calendar.**

EST OF LOIS CHAMBERLAIN

Case Number: 29445

This matter is on calendar for further proceedings regarding the Petition for Final Distribution. A Petition for Final Distribution and Waiver of Accounting was filed on June 20, 2018. At the previous hearing on July 2, 2018, the Court issued a ruling detailing numerous issues with the Petition and noted that an Amended Petition would need to be filed. The matter was continued to today's date to allow the personal representative to file an Amended Petition and properly notice the same. No Amended Petition has been filed. **An appearance is required by the personal representative to provide the Court with a status of the Amended Petition.**

EST OF JACQUELYN CHAUFY

Case Number: 29095

This matter is on calendar for further proceedings on the Petition for Final Distribution. The matter has been properly noticed, with proof of service on file. Waivers of Accounting are on file. No objections have been raised. The hearing on the Petition was originally heard on June 25, 2018 but was continued to today's date to permit the expiration of the four month period in which to file a claim against the estate. That timeframe has now expired and no claims have been filed with the Court. The Petition is **GRANTED**. An order was submitted and will be executed by the Court. The matter is set for **Monday, December 3, 2018, at 2:30 p.m. in Department 7** for confirmation of filing of final Receipts and a Petition for Discharge. **No appearance is necessary on today's calendar.**

EST OF FRANKLIN CIBULA

Case Number: 25945

This matter is on calendar for status of settlement. A Petition for Order Approving Settlement Agreement was filed on August 6, 2018 and timely noticed a hearing for today, August 13, 2018. The matter has been properly noticed, with proof of service on file. No objections have been made. Page 2 of the Petition has been omitted from the document filed with the Court. Due to that omission the Court has concerns as to whether the copy served with the Notice of Haring was incomplete as well. Today's hearing is continued to **Monday, September 17, 2018, at 2:30 p.m. in Department 7** for further proceedings. Petitioner is ordered to file an Amended Petition with the missing page and to file a Notice of Hearing for the continued hearing date. **No appearance is necessary on today's calendar.**

EST OF YVONNE GEORGE

Case Number: 28855

This matter is on calendar for further proceedings regarding the Petition for Final Distribution. The matter was continued to today's date to allow the personal representative to file an Amended Petition and a full accounting and properly notice the same. No Amended Petition has been filed. Counsel has submitted a Report of Status of Administration which requests additional time to prepare the accounting. This matter is continued to **Monday, December 3, 2018, at 2:30 p.m. in Department 7** for further proceedings on the Petition for Final Distribution. **No appearance is necessary on today's calendar.**

EST OF FREDERICK HUNTER

Case Number: 29714

This matter is on calendar for hearing on a Spousal Property Petition. This matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears in order. The Petition is **GRANTED**. An order was submitted and will be executed by the Court. The clerk is instructed to close the file upon the processing of the order. **No appearance is necessary on today's calendar.**

EST OF STEVEN KERCHER

Case Number: 29381

This matter is on calendar for further proceedings to confirm filing of the Inventory and Appraisal. The Inventory and Appraisal has not been filed. The matter is continued to **Monday, October 15, 2018, at 2:30 p.m. in Department 7** for further proceedings to confirm filing of the Inventory and Appraisal. . If the Final Inventory and Appraisal cannot be filed prior to the continued date, then the Personal Representative is **ORDERED** to file a Status Report no later than three court days prior to the continued hearing date advising what must be accomplished before the document can be filed. The future date of January 7, 2019, is confirmed for Status of Administration. **No appearance is necessary on today's calendar.**

EST OF MARK MOREHEAD

Case Number: 29454

This matter is on calendar for further proceedings to confirm filing of the Inventory and Appraisal. Inventory and Appraisal Partial No. 1 was filed on June 22, 2018. No Final Inventory and Appraisal has been filed. A Status Report was filed on August 6, 2018 which requests an additional three months to file the Final Inventory and Appraisal. Today's hearing is continued to **Monday, December 3, 2018, at 2:30 p.m. in Department 7.** If the Final Inventory and Appraisal cannot be filed prior to the continued date, then the Personal Representative is **ORDERED** to file a Status Report no later than three court days prior to the continued hearing date advising what must be accomplished before the document can be filed. The future date of February 25, 2019, for Status of Administration is confirmed. Counsel can renew the request for further time to conclude estate administration based on the status at that time. **No appearance is necessary on today's calendar.**

EST OF SHERRY NACHREINER

Case Number: 28773

This matter is on calendar for further proceedings on Status of Administration. No Petition for Final Distribution has been filed. A Status Report was filed on July 19, 2018, which requests an additional six months to close the estate. This matter is continued to **Monday, February 11, 2019, at 2:30 p.m. in Department 7** for further proceedings on Status of Administration. If a Petition for Final Distribution cannot be filed prior to that date, the Personal Representative is ordered to file a Status Report, properly noticed for hearing on that date pursuant to Probate Code Section 12201. Failure to do so may result in the issuance of an Order to Show Cause as to why monetary sanctions in the amount of \$250.00 should not be imposed for failure to timely comply with Probate Code sections 12200 and 12201. **No appearance is necessary on today's calendar.**

EST OF HOWARD RICHARDSON

Case Number: 29155

This matter is on calendar for hearing on the First and Final Account and Report and Petition for Distribution. The matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears in order. The Petition for Final Distribution

is **GRANTED**. A proposed order has been submitted and will be executed by the Court. This matter is set for **Monday, December 3, 2018, at 2:30 p.m. in Department 7** for confirmation of filing of receipts and a Petition for Discharge. **No appearance is necessary on today's calendar.**

EST OF JOSEPH SICKMAN

Case Number: 29308

EST OF JOSEPH SICKMAN

Case Number: 29491

These matters are on calendar for further proceedings regarding Status of Third Party Administrator Orders and Letters, and to set hearing on the Contested Will. The Letters and Order have issued. **An appearance is required by the parties to set this matter for a contested hearing.**

EST OF GEORGE SINNER

Case Number: 29659

This matter is on calendar for hearing on the Amended Petition for Probate of Will and for Letters Testamentary, with authority under the IAEA. No objections have been raised. The matter does not appear to have been properly noticed. The proof of service on the Notice of Hearing is invalid, as item 2 is not completed. Otherwise the paperwork appears in order. This matter is continued to **Monday, September 17, 2018, at 2:30 p.m. in Department 7**. Petitioner is ordered to submit a Second Amended Notice of Hearing with a complete proof of service for the continued hearing date. **No appearance is necessary on today's calendar.**

EST OF DOUGLAS SMITH

Case Number: 28919

This matter is on calendar for confirmation of filing of Final Receipts and Petition for Discharge. A Petition for Discharge has been filed and executed. Today's hearing is **VACATED**. The file shall be closed. **No appearance is necessary on today's calendar.**

EST OF ROWENA SOBER

Case Number: 29203

This matter is on calendar for hearing on the First and Final Account and Report and Petition for Distribution. The matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears in order. The Petition for Final Distribution is **GRANTED**. A proposed order has been submitted and will be executed by the Court. This matter is set for **Monday, December 3, 2018, at 2:30 p.m. in Department 7** for confirmation of filing of receipts and a Petition for Discharge. **No appearance is necessary on today's calendar.**

EST OF HARMON TOMPKINS

Case Number: 29478

This matter is on calendar to confirm filing of the Inventory and Appraisal. A Status Report was submitted on August 8, 2018 which requests additional time to file the Final Inventory and Appraisal. This matter is continued to **Monday, November 19, 2018, at 2:30 p.m. in Department 7.** If the document cannot be filed prior to the continued date, then the Personal Representative is **ORDERED** to file a Status Report no later than three court days prior to the continued hearing date advising what must be accomplished before the document can be filed. The future date of February 25, 2019, for Status of Administration is confirmed. **No appearance is necessary on today's calendar.**

EST OF ARTHUR TONSAGER

Case Number: 28830

This matter is on calendar for confirmation of filing of Final Receipts and Petition for Discharge. Some receipts have been filed. Counsel has submitted a Status Report indicating that an additional 30 days is required to file all receipts. In light of the foregoing, this matter is continued to **Monday, September 17, 2018, at 2:30 p.m. in Department 7.** If the documentation cannot be filed prior to that date, the Personal Representative is ordered to file a Status Report, no later than three court days prior to the hearing, advising what must be accomplished before the documentation can be filed. Failure to do so may result in the issuance of an Order to Show Cause. **No appearance is necessary on today's calendar.**

EST OF CATHERINE WHEELER

Case Number: 29690

This matter is on calendar for hearing on a Petition for Probate of Will and for Letters of Administration with Will Annexed, with authority under the IAEA. The Petition suffers from the following defects:

- a) Item 6 of the Petition must be completed.
- b) As Item 6 is not completed, the Court cannot determine if proper notice has been given.
- c) Item 3f(2) states that the will is self-proving but the holographic will is not self-proving.
- d) Item 3d appears to have mathematical errors related to the value of the estate.
- e) The admission of the will to probate is conditioned by its own terms on the provision of a death certificate verifying decedent's death was not suspicious.

This matter is continued to **Monday, September 17, 2018, at 2:30 p.m. in Department 7** for further proceedings on the Petition. The Petitioner must file an Amended Petition that addresses the above issues, and file and timely serve Notice of hearing for the continued hearing date. **No appearance is necessary on today's calendar.**

EST OF JACK WILLIAMS

Case Number: 29139

This matter is on calendar for further proceedings regarding Status of Administration. No Petition for Final Distribution has been filed. A Status Report was filed on August 8, 2018, which indicates that the Petition for Final Distribution has been completed but additional time is needed to correct an error on the Inventory and Appraisal. The Personal Representative did not file a Notice of Hearing associated with the Report as ordered by the Court. This matter is continued to **Monday, September 24, 2018, at 2:30 p.m. in Department 7.** The Personal Representative is again ORDERED to file a Notice of Hearing for the continued hearing date. **No appearance is necessary on today's calendar.**

EST OF WINTERS

Case Number: 29168

This matter is on calendar for confirmation of filing of Final Receipts and Petition for Discharge. A Petition for Discharge has been filed and executed. Today's hearing is VACATED. The file shall be closed. **No appearance is necessary on today's calendar.**

TRUSTS

IN RE THE RICHARD VINCENT CLOYD REV. LIVING TRUST

Case Number: 29695

This matter is on calendar for hearing on the Petition for Order Determining Trust's Title to Real Property. This matter has been properly noticed, with proof of service on file. No objections have been raised. The evidence provided establishes Decedent's intent to have transferred the real property in Shingletown to his trust. The paperwork is in order. The Petition is **GRANTED**. An order was submitted and will be executed by the Court. The clerk is instructed to close the file upon the processing of the order. **No appearance is necessary on today's calendar.**

IN RE THE KAY J. LLOYD TRUST

Case Number: 29610

This matter is on calendar for resetting of the settlement conference. **An appearance is required by the parties to provide the Court with available dates for a settlement conference.**