

Tentative Rulings
May 21, 2018
Department 7
2:30 p.m.

CONSERVATORSHIPS
CONS OF EUGENIA ADAM
Case Number: 28759

This matter is on calendar for Annual Review. The Court Investigator has not received a reciprocal review from Los Angeles County, where the Conservatee resides. This matter is continued to **Monday, July 2, 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 ERNEST ANDREWS
Case Number: 27528

This matter is on calendar for further proceedings on the First and Final Account and Report of Conservator. The matter was continued to today's date to address time entries relating to a New Mexico piece of property that is not included in the Inventory and Appraisal. Counsel has submitted a status report, indicating that issue is the subject of a pending declaration from the conservator. The report also indicates that there are issues to be addressed regarding the disposition of some annuities. In addition, further discussion is necessary regarding the distribution of the estate assets. The court notes that the conservator would have priority for appointment under Probate Code 8461(o). If there are no family members willing to administer the estate, and the conservator does not wish to do so (although it appears there are assets from which a personal representative's fees could be paid), then it will be appropriate to consider bringing in the Public Administrator, pursuant to Probate Code section 7620. Of course, the appropriate procedure to follow will also be determined by the value of the estate, which it does not appear can be determined until the issue of the annuities is addressed. This matter is continued to **Monday, June 25, 2018, at 2:30 p.m. in Department 7** for further proceedings on the First and Final Account and Report of Conservator to allow the above issues to be addressed. **No appearance is necessary on today's calendar.**

CONS OF RICHARD BETTELL
Case Number: 27782

This matter is on calendar for further proceedings to confirm filing of the Fifth Account and Report of Conservator. The accounting is not on file. A Status Report was filed May 16, 2018, indicating that the conservator will be filing a Petition to waive accountings. This matter is continued to **Monday, July 23, 2018, at 2:30 p.m. in Department 7** for further proceedings regarding the Fifth Account and Report. **No appearance is necessary on today's calendar.**

CONS OF WILLIAM BRUCE

Case Number: 26979

This matter is on calendar for further proceedings on (1) the First Periodic Account and Report; (2) the Second Biennial Account and Report; and (3) the Third Biennial Account and Report. The hearing was continued to today's date to permit for the filing of an additional Supplemental Declaration explaining a discrepancy regarding the dates represented in the accountings. A Supplemental Declaration was filed on May 2, 2018, and is accepted by the Court. The Supplemental Declaration confirms that a typographic error appears in the accountings, and that the accountings each follow their respective calendar years, starting on January 1 and concluding on December 31. The Petitions are **GRANTED**. Proposed orders have been submitted and will be executed by the Court. The Court confirms the future date of March 18, 2019 for Biennial Review. **No appearance is necessary on today's calendar.**

CONS OF CHARLES "RONNY" FREENY

Case Number: 21941

This matter is on calendar for Biennial Review. The Court notes that this matter was ordered transferred to Tehama County. An Acknowledgement of Receipt is on file, indicating the matter was received on March 29, 2017. Today's hearing is **VACATED**. The clerk is **directed** to close the file. **No appearance is necessary on today's calendar.**

CONS OF HELGA FRITZ

Case Number: 26306

This matter is on calendar to confirm filing of the Seventh Account and Report of Conservator. The accounting has been filed, and is noticed for hearing on June 4, 2018. That date is confirmed. The future date of June 18, 2018 for Biennial Review is also confirmed. **No appearance is necessary on today's calendar.**

CONS OF DENNIS MULVIHILL

Case Number: 26832

This matter is on calendar for Annual Review. The Court Investigator has not received a reciprocal review from Los Angeles County, where the Conservatee resides. This matter is continued to **Monday, July 2, 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 MICAELA PAPPAS

Case Number: 27771

This matter is on calendar for Biennial Review. The Court has read and considered the report filed by the Court Investigator on May 11, 2018, which recommends that the Conservatorship continue. The Court **FINDS** that continued Conservatorship is in the best interest of the Conservatee. The Court **ORDERS** that the Conservatorship shall continue.

The Court Investigator's report signifies that the Conservator and Conservatee may be planning a move to North Dakota in the near future. The Court notes that before the Conservatee

moves, a Petition to Transfer Conservatorship pursuant to Probate Code section 2001 et seq. should be filed.

As for voting rights, the Conservatee was previously deemed incapable of completing an affidavit of voter registration, yet on this Biennial Review the Conservatee was shown to be able, with or without reasonable accommodations, to be capable of communicating a desire to participate in the voting process. In compliance with Elections Code section 2209, absent objection at today's hearing, the Court intends to restore the Conservatee's right to vote. **The clerk is directed to prepare an order for the Court's signature, restoring the Conservatee's right to vote, and to forward the order and determination to the Secretary of State and the county elections official in the format prescribed by the Secretary of State.**

This matter is set for Biennial Review on **Monday, June 1, 2020, at 2:30 p.m. in Department 7**. The Court Investigator's report shall be filed at least 30 days prior to hearing. **No appearance is necessary on today's calendar.**

ESTATES

EST OF ROBERT ADAMS

Case Number: 29023

This matter is on calendar for (1) further proceedings to confirm filing of the Inventory and Appraisal; and (2) hearing on an Order to Show Cause re Monetary Sanctions. The Inventory and Appraisal has not been filed. An Order to Show Cause re Monetary Sanctions issued on April 20, 2018 for failure to timely file an Inventory and Appraisal in accordance with Probate Code section 8800 et seq. No response to the Order to Show Cause has been filed. **Monetary sanctions in the sum of \$250.00 are imposed against the Personal Representative for failure to timely file an Inventory and Appraisal and failure to respond to the Court's previous Orders and the Order to Show Cause. This sum is payable to the Court within thirty days.**

The Court will issue an Order to Show Cause to the Personal Representative to appear and show why she should not be removed as the personal representative, for failure to properly carry out her duties as the personal representative of the estate. The clerk is **directed** to prepare a separate order to show cause. The Order to Show Cause shall also be mailed to the three children of the decedent (whose names and addresses appear in the original Petition). Additionally, these minutes constitute Notice to the Public Administrator that the Court may appoint the Public Administrator to complete this estate administration, if no other heirs come forward to be appointed successor. The hearing on the Order to Show Cause shall be **Monday, July 2, 2018, at 2:30 p.m. in Department 7**. This matter is continued to **Monday, July 2, 2018, at 2:30 p.m. in Department 7** for further proceedings regarding confirmation of filing of the Inventory and Appraisal. **An appearance is necessary on today's calendar by the personal representative to address the failure to respond to the present Order to Show Cause.**

EST OF DAVID ANDERSON

Case Number: 29154

This matter is on calendar for hearing on a First and Final Account and Report; and Petition for Final Distribution. The matter has been properly noticed, with proof of service on file. The paperwork is in order. No objections have been raised. The Petition is **GRANTED**. A proposed order was submitted and will be executed by the Court. The matter is set for **Monday, July 23, 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 WILBER BLANKENSHIP

Case Number: 29593

This matter is on calendar for hearing on an Amended Spousal Property Petition. The issues previously noted by the Court have been addressed in the Amended Petition. However, the matter has not been properly noticed, as there is no proof of service on Amanda Blankenship. Notice is required to be given to Amanda Blankenship, unless Petitioner submits a request supported by proper evidence and an order to dispense with notice to her. This matter is continued to **Monday, June 25, 2018, at 2:30 p.m. in Department 7** for further proceedings on the Amended Spousal Property Petition. Petitioner is **ORDERED** to file and serve a new Notice

of Hearing with the continued hearing date. **No appearance is necessary on today's calendar.**

EST OF GEORGE BROUILLARD

Case Number: 29224

This matter is on calendar for (1) further proceedings to confirm filing of the Inventory and Appraisal; and (2) hearing on an Order to Show Cause re Monetary Sanctions. The Final Inventory and Appraisal has now been filed, and is accepted by the Court. The Court will not impose sanctions, and the Order to Show Cause is **VACATED**. The future date of July 30, 2018 is confirmed for Status of Administration. **No appearance is necessary on today's calendar.**

EST OF KITTRICK CHESBRO

Case Number: 29003

This matter is on calendar for hearing on a Petition for Final Distribution on Waiver of Accounting. The matter has been properly noticed, with proof of service on file. The paperwork is in order. Waivers of Accounting are on file. No objections have been raised. The Petition is **GRANTED**. A proposed order was submitted and will be executed by the Court. The matter is set for Monday, July 23, 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 CURTIS COATS

Case Number: 29539

This matter is on calendar for further proceedings on a Petition for Probate of Will and for Letters of Administration with Will Annexed. The matter was continued to today's date to give Petitioner time to address defects in the original Petition. No new documents have been filed with the Court since the previous hearing date. **Absent an appearance on today's calendar, the Court intends to DENY the Petition.**

EST OF CARL COMPAGNONE

Case Number: 29207

This matter is on calendar for further proceedings to confirm filing of the Inventory and Appraisal. The Inventory and Appraisal was filed on May 17, 2018, and is accepted by the Court. The future date of August 6, 2018, for Status of Administration is confirmed. **No appearance is necessary on today's calendar.**

EST OF RAYMOND COPPLE

Case Number: 29325

This matter is on calendar to confirm filing of the Inventory and Appraisal. The Final Inventory and Appraisal was filed on May 16, 2018, and is accepted by the Court. The future date of November 19, 2018 is confirmed for Status of Administration. **No appearance is necessary on today's calendar.**

EST OF LOURDES COVINGTON

Case Number: 27327

This matter is on calendar for (1) further proceedings regarding Status of Administration; and (2) hearing on an Order to Show Cause re Monetary Sanctions. A Response to the Order to Show Cause and Declaration of Counsel was filed on May 16, 2018, and is accepted by the Court. The Court will not impose sanctions and the Order to Show Cause is **VACATED**. A Petition for Final Distribution has been filed, and is noticed for hearing on June 25, 2018. That date is confirmed. **No appearance is necessary on today's calendar.**

EST OF AARON DOWLING

Case Number: 29334

This matter is on calendar for (1) further proceedings to confirm filing of the Inventory and Appraisal; and (2) hearing on an Order to Show Cause re Monetary Sanctions. The Inventory and Appraisal has not been filed. An Order to Show Cause re Monetary Sanctions issued on April 20, 2018, for failure to timely file an Inventory and Appraisal in accordance with Probate Code section 8800 et seq., and the failure to comply with the court's order of March 5, 2018, to file a Status report if the Inventory and Appraisal could not be filed. No response to the Order to Show Cause has been filed. Monetary sanctions in the sum of \$250.00 are imposed against the Personal Representative for failure to timely file an Inventory and Appraisal and failure to respond to the Court's previous Orders and the Order to Show Cause. This sum is payable to the Court within thirty days. **An appearance is necessary on today's calendar to address the Status of the Inventory and Appraisal.**

EST OF YVONNE GEORGE

Case Number: 28855

This matter is on calendar for further proceedings regarding Status of Administration. No Petition for Final Distribution has been filed. No Status Report has been filed. This matter is continued to **Monday, June 25, 2018, 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 AVERILL HAMPTON

Case Number: 27892

This matter is on calendar for hearing on a First and Final Account and Report; and Petition for Final Distribution. The matter has been properly noticed, with proof of service on file. The paperwork is in order. No objections have been raised. The Petition is **GRANTED**. A proposed order has been submitted, and will be executed by the Court. The matter is set for **Monday, July 23, 2018, at 2:30 p.m. in Department 7** for confirmation of filing of a Petition for Discharge. **No appearance is necessary on today's calendar.**

EST OF STEVEN HANSEN, SR.

Case Number: 28943

This matter is on calendar for Status of Administration. A Status Report has been filed and is noticed for hearing on June 4, 2018. That date is confirmed. **No appearance is necessary on today's calendar.**

EST OF RONALD KARNESKY

Case Number: 29436

This matter is on calendar to confirm filing of the Inventory and Appraisal. The Final Inventory and Appraisal was filed on April 3, 2018, and is accepted by the Court. The future date of January 28, 2019 is confirmed for Status of Administration. **No appearance is necessary on today's calendar.**

EST OF EDITH KATZ

Case Number: 27926

This matter is on calendar for further proceedings regarding Status of Administration. The matter was continued to today's date to give the parties the opportunity to continue meeting and conferring over the New York ancillary action and the issue of posting bond. A Status Report has been filed indicating that there has been no additional information provided regarding the property in New York, and that the parties were unable to reach an agreement on a revised order and letters regarding the personal representative's authority and bond. **An appearance is necessary on today's calendar to discuss the Estate's status, and the request for appointment of a professional fiduciary.**

EST OF JAMES LANGLO

Case Number: 29141

This matter is on calendar for Status of Administration. No Petition for Final Distribution has been filed. A Status Report was filed on May 17, 2018, which indicates additional time is needed to submit the Petition for Final Distribution. This matter is continued to **Monday, July 16, 2018, 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.

As the Final Inventory and Appraisal was filed on May 4, 2018, the confirmation hearing set for June 4, 2018, is **VACATED**. **No appearance is necessary on today's calendar.**

EST OF NAOMI MORA

Case Number: 29008

This matter is on calendar for further proceedings on two competing Amended Petitions for Probate of Will and for Letters Testamentary. The paperwork on Jeff Mora's Amended

Petition is in order. The matter was continued to today's date to give Robert Mora the opportunity to address defects in his Amended Petition. No new documents have been filed with the Court since the previous hearing date. As Jeffrey's paperwork is in order, Jeffrey was nominated as executor, and Robert Mora's Petition is defective and has not been corrected, the Court is inclined to deny Robert's Petition and grant Jeffrey's Petition. **An appearance is necessary on today's calendar to discuss the status of the Amended Petitions.**

EST OF LORRAINE MOSS

Case Number: 29598

This matter is on calendar for hearing on a Petition for Letters of Administration, with authority under the IAEA. The matter has been properly noticed with proof of service of the Notice of Petition to Administer Estate on file. Proof of publication has been filed. No objections have been raised. The paperwork appears to be in order. The Petition is **GRANTED**. A proposed order has been submitted and will be executed by the Court. The matter is set for **Monday, October 1, 2018, at 2:30 p.m. in Department 7** for confirmation of filing of the Inventory and Appraisal. The matter is set for **Monday, May 20, 2019, at 2:30 p.m. in Department 7** for Status of Administration. The Personal Representative is required to comply with Probate Code sections 12200, et seq. **No appearance is necessary on today's calendar.**

EST OF STACEY NORDEN

Case Number: 23708

This matter is on calendar for hearing on an Order to Show Cause re Removal for failure to comply with Probate Code sections 12200 and 12201, and for failure to timely close the Estate administration. Letters of Administration originally issued on February 20, 2004. The last hearing occurred on May 12, 2008, at which time the Court directed the Administrator to file the necessary paperwork to finalize and discharge the Estate. It appears that this was never accomplished. No activity has occurred on this file since May 12, 2008. No response to the Order to Show Cause has been filed. The Court hereby removes the Administrator for his failure to comply with Probate Code sections 12200 and 12201, and for failure to timely close the Estate administration. As bond was never sought, there is no surety to notice. The clerk is **directed** to close this file. **No appearance is necessary on today's calendar.**

EST OF ROBERT OHLSON

Case Number: 29441

This matter is on calendar to confirm filing of the Inventory and Appraisal. The Final Inventory and Appraisal was filed on April 24, 2018, and is accepted by the Court. The future date of January 28, 2019, is confirmed for Status of Administration. **No appearance is necessary on today's calendar.**

EST OF ROBERT OLAND

Case Number: 29064

This matter is on calendar for Status of Administration. A Notice of Hearing was filed on May 4, 2018, and noticed for today's date. However, no Status Report has been filed. This matter is continued to **Monday, June 25, 2018, at 2:30 p.m. in Department 7** for Status of Administration. If a Petition for Final Distribution cannot be filed prior to the continued date, then the Personal Representative is **ORDERED** to comply with Probate Code sections 12200 and 12201, and file and serve a properly noticed Status Report for the above hearing date. The Court notes that a Proof of Service of a "Letter" has been received by the Court on behalf of Charlene Oland, but not filed. Any documents that are to be served are also required to be filed, which requires that the document be submitted to the Court in a format suitable for filing, with the required filing fee paid or a fee waiver obtained. The Proof of Service will be placed on the unofficial side of the file. **No appearance is necessary on today's calendar.**

EST OF JOSEPH SICKMAN

Case Number: 29308

Case Number: 29491

Case Number: 21848

EST OF ROBERT SICKMAN

Case Number: 29458

These matters are all on calendar today for hearing. They are being heard in conjunction, following the Court's granting of a request for continuance to give the parties the opportunity to meet and confer over outstanding issues. The status of each file is as follows:

Estate of Joseph Sickman

- (1) Case Number 21848: This is an old Petition for Probate of a Will filed by Robert Sickman back in 1998. The Petition has sat dormant over the years due to a failure to prosecute. The Court recently became aware of the Petition in relation to the current proceedings. Petitioner Robert Sickman is now deceased.
- (2) Case Number 29308: Letters of Administration issued to Ricky Sickman on January 18, 2018. At the beginning of this case's proceedings, there was some indication that an objection would be filed against Ricky Sickman's Petition. However, no formal objection was filed, and the Petition was ultimately granted by the Court. The parties have agreed that amended Letters should issue in this case, limiting Ricky's authority while the parties continue to meet and confer over outstanding issues. However, no new documents have been filed with the Court since the previous hearing date.
- (3) Case Number 29491: This matter was filed on January 30, 2018, shortly after Letters of Administration issued in Case Number 29308. It is on calendar for further proceedings on a Petition for Probate of Will and for Letters Testamentary, with full authority under the IAEA. The Petition was filed by Bobbi Sickman. The paperwork appears to be in order, except there is still no Proof of Publication on file. Ricky Sickman has filed an Opposition to the Petition.

Estate of Robert Sickman

- (4) Case Number 29458: A Petition for Letters of Administration was filed with the Court by Bobbi Sickman on December 27, 2017. The paperwork appears to be in order. The Court previously indicated its intent to grant the Petition, but the parties requested a continuance to have this matter heard with the other matters. The court notes that the Petition erroneously seeks to appoint Bobbi Sickman as executor, although she is not named as executor. The Petition is incomplete, as item 3g is not completed indicating why the nominated executors named in the will are not seeking appointment.

An appearance is necessary on today's calendar to discuss the status of these cases, and to advise the Court on counsels' intentions moving forward.

EST OF ROBERT SILVA

Case Number: 28804

This matter is on calendar for hearing on a Petition for Final Distribution on Waiver of Accounting. The matter has been properly noticed, with proof of service on file. The paperwork is in order. Waivers of Accounting are on file. No objections have been raised. The Petition is **GRANTED**. A proposed order was submitted and will be executed by the Court. The matter is set for **Monday, July 23, 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 LYNN ST JOHN

Case Number: 29226

This matter is on calendar for hearing on an Amended Petition for Final Distribution on Waiver of Accounting. The matter has been properly noticed, with proof of service on file. The paperwork is in order. Petitioner is the sole beneficiary under the will, and she waives the need for a formal accounting. No objections have been raised. The Petition is **GRANTED**. A proposed order was submitted and will be executed by the Court. The matter is set for **Monday, July 23, 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 JAMES SULLIVAN

Case Number: 28954

This matter is on calendar for hearing on a First and Final Account and Report; and Petition for Final Distribution. The matter has been properly noticed, with proof of service on file. No objections have been raised. The Petition submits that the Estate is insolvent following a foreclosure on the sole property asset. Petitioner asserts there are no assets to pay any compensation or claims. The Court notes that the amount of statutory compensation is not calculated correctly, as Petitioner failed to account for losses on sales, which would be the amount of equity lost in the foreclosure sale. The property appraised at \$210,000. Insufficient information is provided on the amount paid for the property in the foreclosure sale, or the

amount of the encumbrance at the time of the foreclosure sale, although documents indicate that the original loan amount was approximately \$182,000, which would indicate that there was approximately \$28,000 in equity that was lost. The paperwork should be amended or supplemented to reflect this loss and correctly state the amount owing for the attorney's compensation. The personal representative has indicated she is waiving any request for compensation.

In addition, no explanation is provided for the personal representative's failure to make the property productive during administration of the estate. Decedent died on June 11, 2016, and the house was not lost to foreclosure until February of 2018, a period of 20 months. The personal representative could have rented the property or attempted to sell it. Instead, it appears that the personal representative resided in the property for at least those 20 months, failed to pay the mortgage payment or any rent, and that presumably resulted in damage to the estate and detriment to the other heirs. An explanation is required as to why the personal representative should not be surcharged for damage to the estate. The matter is continued to **Monday, June 25, 2018, at 2:30 p.m. in Department 7** for further proceedings. **No appearance is necessary on today's calendar.**

EST OF JUANITA SWEENEY

Case Number: 23817

This matter is on calendar for further proceedings on an Order to Show Cause re Monetary Sanctions for failure to comply with Probate Code sections 12200 et seq., and failure to timely close the Estate administration. Letters of Administration originally issued on December 5, 2003. An Ex parte Petition to Claim Property was filed on January 8, 2004. The instant Order to Show Cause issued on the Court's own motion to inquire on the Estate's status.

A Status Report was submitted on May 16, 2018 advising why the Estate has not been closed. The Court accepts the Status Report and declines to impose monetary sanctions against counsel. Counsel has advised that a Motion to Withdraw as Counsel will be filed in the near future. The Court sets the date of **Monday, June 25, 2018, at 2:30 p.m. in Department 7** to confirm filing of the Motion to Withdraw. **No appearance is necessary on today's calendar.**

EST OF JACK WILLIAMS

Case Number: 29139

This matter is on calendar for (1) further proceedings to confirm filing of the Inventory and Appraisal; and (2) Status of Administration. The Final Inventory and Appraisal is not on file. No Petition for Final Distribution has been filed. A Status Report was filed May 17, 2018, which indicates that a Final Inventory and Appraisal will be filed soon. The report also indicates that a pending small claims case will need to be resolved before the estate administration can be finalized. This matter is continued to **Monday, July 23, 2018, at 2:30 p.m. in Department 7** for further proceedings regarding 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 and failure to comply with the Court's order. **No appearance is necessary on today's calendar.**

OTHER MATTERS

IN RE BUDDY BOETTCHER

Case Number: 29345

This matter is on calendar for further proceedings on a Petition for Return of Funds Pursuant to Right of Survivorship. Counsel for Petitioner previously represented that the matter had been settled. Nothing has been filed since the previous hearing date. **An appearance is necessary on today's calendar to apprise the Court regarding the status of settlement.**

TRUSTS

IN RE OF THE TRUST OF BARBARA WEAVER

Case Number: 29473

This matter is on calendar for further proceedings on a Petition for Breach of Trust and Petition to Remove and Appoint New Trustee. The parties previously requested a continuance to conduct discovery. On May 14, 2018, a Status Report was filed indicating that the Petitioner recently passed away. A substitution of the Personal Representative is needed to move forward on the Petition. This matter is continued to **Monday, June 25, 2018, at 2:30 p.m. in Department 7** for further proceedings on the Petition. **No appearance is necessary on today's calendar.**

IN RE THE ASHLEY STITES SPECIAL NEEDS TRUST

Case Number: 27186

This matter is on calendar to confirm filing of the Seventh Account and Report of Trustee. The accounting has not been filed. A Status Report has been filed, requesting additional time to prepare the Account and Report. This matter is continued to **Monday, June 25, 2018, at 2:30 p.m. in Department 7** for further proceedings to confirm filing of the Seventh Account and Report of Trustee. If the accounting cannot be filed prior to that date, then the Trustee is ordered to file a Status Report, no later than three court days prior to the hearing, advising what must be accomplished before the accounting can be filed. 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 file an accounting, and failure to comply with the Court's order. **No appearance is necessary on today's calendar.**

IN RE THE DEAN & KATHERINE SWENSON TRUST

Case Number: 27357

This matter is on calendar for hearing on the Fifth Account and Report of Administration, and for Payment of Trustee Fees and Attorney Fees. The matter has been properly noticed, with proof of service of the Notice of Hearing on file. An Objection was filed on May 16, 2018. The matter is continued to **Monday, June 25, 2018, at 2:30 p.m. in Department 7** for further proceedings to allow the Trustee an opportunity to file a written response to the objection. On that date, the parties are ordered to appear to discuss setting the matter for a contested hearing. **No appearance is necessary on today's calendar.**

IN RE THE HOVLAND INVESTMENT TRUST

Case Number: 29586

This matter is on calendar for hearing on a Petition to Remove Trustee and Appoint a Successor Trustee; for Breach of Trust; for Instructions; for an Accounting; and for Other Relief. The Court notes that the Notice of Hearing is defective, as it fails to provide state the full title of the Petition. Additionally, there is also no proof of service of the Notice of Hearing on file. Pursuant to Probate Code section 17203, at least 30 days' notice must be given to all trustees and beneficiaries. This matter is continued to **Monday, July 2, 2018, at 2:30 p.m. in Department 7** for further proceedings on the Petition to Remove Trustee. Petitioner is **ORDERED** to properly notice the matter for hearing on the continued hearing date. **No appearance is necessary on today's calendar.**

IN RE THE OLSEN FAMILY TRUST

Case Number: 29581

This matter is on calendar for hearing on a Petition for Order Directing Release of Bank and Financial Accounts to Petitioner. The matter has been properly noticed, with proof of service of the Notice of Hearing on file. No objections have been raised. The paperwork is in order. The Petition is **GRANTED**. A proposed order has been submitted, and will be executed by the Court. The clerk is **directed** to close this file after processing the order. **No appearance is necessary on today's calendar.**

IN RE THE KAY J. LLOYD TRUST

Case Number: 29610

Case Number: 29188

This matter is on calendar for a Status Conference in Case Number 29188. At the present time, there does not appear to be any impediment to proceeding with a default prove-up hearing following the Court's order of July 20, 2017. **An appearance is required to address setting the matter for hearing.**

The Petition in Case Number 29610 is set for hearing on June 4, 2018. However, at the last hearing on May 7, 2018, the case was brought to the Court's attention, and discussion was held regarding whether case number 29610 should be abated pending the unlawful detainer action 17UD0610. The Court invited briefing regarding the issue of abatement, and has reviewed the briefing submitted by both parties.

The documents submitted by Respondent Eve Lloyd appear to take the form of an affirmative petition requesting abatement, although a separate Notice of Hearing has not been filed or served. The Court notes authority exists for treating abatement requests as an objection and defense to a Petition rather than an affirmative request for relief (see, e.g., *Conservatorship of Pacheco* (1990) 224 Cal.App.3d 171, 175), and Petitioner Andrew Lloyd has filed a "Supplemental Argument" that appears to offer a preemptive response to the abatement request, and notes the hearing date of June 4, as well as today's date. If the request for abatement is treated as an objection or defense, then it appears to be more properly addressed at the noticed hearing on June 4, 2018. If it is to be treated as a separate affirmative request requiring its own

Notice of Hearing, then the parties should be prepared to discuss if any further notice is required. **An appearance is required to address if there is any objection to the Court ruling on the request at this time, or reserving the issue for the June 4, 2018 hearing on the Petition.**

IN RE THE KIP AND JUDY RICKEL FAMILY TRUST

Case Number: 29316

This matter is on calendar for further proceedings on a Motion to Charge Tad Rickel's Share of Trust with Attorney's Fees and Costs, relating to a recently successful Probate Code section 850 Petition. The Motion has now been properly noticed, with proof of service of the Notice of Hearing on file. No objections have been raised. However, the Court notes that a Motion to be Relieved as Counsel was recently submitted by counsel for Tad Rickel was returned by the clerk for procedural defects. **An appearance is necessary on today's calendar to discuss whether a continuance is appropriate so that the Motion to be Relieved as Counsel can be addressed, and if granted, to allow Tad Rickel to obtain new counsel.**

IN RE THE WESLEY F. SCHUELER LIVING TRUST

Case Number: 29601

This matter is on calendar for hearing on a Petition to Compel Accounting and for Surcharge of Trustee. The Petition has been properly noticed, with proof of service of the Notice of Hearing on file. A Response was filed on May 17, 2018. **An appearance is necessary on today's calendar to discuss setting a contested hearing.**