

**Tentative Rulings**  
**June 26, 2017**  
**Department 6**  
**1:30 & 2:30 p.m.**

**CONSERVATORSHIPS**  
**CONS OF BRIAN BRAMBLETT**

**Case Number: 23994**

This matter is on calendar for Biennial Review. The Court has read and considered the report filed by the Court Investigator on June 19, 2017, 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 matter is set for Biennial Review on **Monday, June 24, 2019, at 2:30 p.m. in Department 6.** The Court notes that the Conservatee was previously determined to be disqualified from voting. It appears that he is capable of communicating a desire to participate in the voting process, and his voting rights are restored. **No appearance is necessary on today's calendar.**

**CONS OF NATHAN CARTER**

**Case Number: 29082**

This matter is on calendar for confirmation of filing of the Conservatorship Care Plan and Determination of Appropriate Level of Care form. Both documents were filed on June 21, 2017, and are accepted by the Court. The Court confirms the date of April 16, 2018, for Annual Review. **No appearance is necessary on today's calendar.**

**CONS OF PAUL CRANSTON**

**Case Number: 21072**

This matter is on calendar for Further Proceedings regarding Status of Transfer. The Court ordered this matter transferred to Tehama County on April 3, 2017. However, the matter has not been transferred because neither a filing fee nor a Request for Fee Waiver has been submitted. Counsel for the Conservator filed a declaration indicating that the necessary documents are forthcoming. The matter is continued to **Monday, August 14, 2017, at 2:30 p.m. in Department 6** to permit the Conservator to submit the required documents to effectuate the transfer. **No appearance is necessary on today's calendar.**

**CONS OF STEPHEN CUNNINGHAM**

**Case Number: 29106**

This matter is on calendar for further proceedings regarding a Petition for Appointment of a Conservator of the Person and Estate. The matter was continued from the original date of April 24, 2017. The Court notes that the Citation for Conservatorship was served for the April 24, 2017 hearing, but that proof of service was defective as it only gave the proposed

Conservatee 10 days notice of the hearing. The Capacity declaration indicates that the proposed Conservatee has the ability to attend the hearing. However, the report of the Court Investigator states that the proposed Conservatee does not wish to contest the establishment of the conservatorship, and will not attend the hearing. The Court Investigator's report recommends that the Petition be granted. **Due to the issue regarding notice, an appearance is required by counsel for the Conservatee to advise if there is an objection to the granting of the Petition.**

## **CONS OF VANESSA DILLARD**

### **Case Number: 23821**

This matter is on calendar for Further Proceedings re Status of Transfer. The matter was continued at the request of counsel, who indicated that efforts were being made to return the Conservatee to Shasta County. Counsel submitted a declaration on June 21, 2017, which indicates that they are still searching for an appropriate residence in Shasta County. The matter is continued to **Monday, August 21, 2017, at 2:30 p.m. in Department 6** to confirm that the Conservatee is again residing in Shasta County. **No appearance is necessary on today's calendar.**

## **CONS OF JAKE DRAWHORN**

### **Case Number: 29080**

This matter is on calendar for confirmation of filing of the Conservatorship Care Plan and Determination of Appropriate Level of Care form. Neither document has been filed. Counsel has filed a declaration indicating that the documents will be forthcoming. The matter is continued to **Monday, July 17, 2017, at 2:30 p.m. in Department 6** to permit the Conservator to submit the required documents. **No appearance is necessary on today's calendar.**

## **CONS OF MICHAEL FLETCHER**

### **Case Number: 19741**

This matter is on calendar for status of placement. Counsel for the conservator has submitted a declaration indicating that the Conservatee is now living with his sister, who is the sole remaining Conservatee. The Court Investigator has submitted a supplemental report, which indicates that this new residence is safe and appropriate, and that all of the conservatee's needs are being met. The future date of May 6, 2019 for biennial review is confirmed. **No appearance is necessary on today's calendar.**

## **CONS OF HELGA FRITZ**

### **Case Number: 26306**

This matter is on calendar for hearing on the Sixth Periodic Account and Report of Conservator and Petition for Fees. This matter has not been properly noticed. The Notice of Hearing was not served on Thomas Andrews. A Request for Special Notice was filed by Attorney Thomas Andrews on behalf of interested party, John Grimes. The conservator filed an objection to the request for special notice on the ground that no basis for the claimed interest had been cited. The Court notes that, where a request for special notice has been made, the person is required to give notice "unless the Court makes an order dispensing with the notice." Probate Code Section 2702(a). Here, the conservator did not seek an order dispensing with notice in

accordance with the request for special notice. This matter is continued to **Monday, July 24, 2017, at 2:30 p.m. in Department 6** to permit the Conservator to file and timely serve an Amend Notice of Hearing for the continued hearing date. **No appearance is necessary on today's calendar.**

## **CONS OF TRISTAN MIRANDA**

### **Case Number: 29058**

This matter is on calendar for Confirmation of Filing of the Conservatorship Care Plan and Determination of Appropriate Level of Care form. Neither document has been filed. The matter is continued to **Monday, July 24, 2017, at 2:30 p.m. in Department 6** to permit the filing of the required documents. If the documents cannot be filed prior to the next hearing date, the Conservator is **ORDERED** to file a Status Report no later than three court days prior to the hearing to advise the Court what must be accomplished before those documents can be filed. **No appearance is necessary on today's calendar.**

## **CONS OF CHEYENNE PEREZ**

### **Case Number: 27101**

This matter is on calendar for Biennial Review and for Confirmation of Filing of the Second Account and Report. The Court notes that the Conservatorship of the Person was terminated by court order on June 2, 2015, due to the existence of an LPS conservatorship. The Second Account and Report has not been filed. The matter is continued to **Monday, July 24, 2017, at 2:30 p.m. in Department 6** for confirmation of filing the Second Account and Report. If the Second Account and Report cannot be filed by the continued hearing date, the Court **ORDERS** the Conservator to file a Status Report no later than three court days prior to the hearing date to advise the Court as to what must be accomplished before the Second Account can be filed. **No appearance is necessary on today's calendar.**

## **CONS OF EILEEN PERRIGO**

### **Case Number: 27987**

This matter is on calendar for Further Proceedings on Confirmation of Filing of Receipts and Petition for Discharge. No Receipts have been filed. No Petition for Discharge has been filed. Counsel has submitted a declaration advising that it has not yet been confirmed that a conservatorship/guardianship has been established in Washington. The matter is continued to **Monday, August 21, 2017 at 2:30 p.m. in Department 6** to confirm filing of the receipts and filing of a Petition for Discharge. If the receipts and Petition for Discharge are not filed prior to the next hearing, the Court **ORDERS** a Status Report be filed no later than three court days before the next hearing to apprise the Court of what must be accomplished before the Petition for Discharge can be filed. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions of \$250.00 for failure to comply with the Court Order. **No appearance is necessary on today's calendar.**

## **CONS OF ALICE TAYLOR**

### **Case Number: 27400**

This matter is on calendar for Further Proceedings on the First Account and Report of Successor Conservator. The First Account and Report has not been filed. Nothing further has been filed since the last hearing date. The Court will issue an Order to Show Cause as to why Monetary Sanctions should not be imposed against the Conservator for failure to timely file the First Account and Report and failure to comply with the Court's order of April 13, 2015. The hearing on the Order to Show Cause is set for **Monday, August 7, 2017, at 2:30 p.m. in Department 6.** The clerk is instructed to prepare a separate Order to Show Cause. Today's matter is continued to **Monday, August 7, 2017, at 2:30 p.m. in Department 6** for further proceedings regarding confirmation of filing of the First Account and Report. If the First Account and Report will not be filed prior to the next hearing, the Court **ORDERS** a Status Report be filed no later than three court days before the next hearing to apprise the Court of what must be accomplished before the First Account and Report can be filed. Failure to do so may result in the issuance of an Order to Show Cause Re removal of the conservator for failure to comply with the Court's Orders. **No appearance is necessary on today's calendar.**

## **CONS OF JACOB THOMPSON**

### **Case Number: 23533**

This matter is on calendar for Biennial Review. The Court has read and considered the report filed by the Court Investigator on June 22, 2017, 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 matter is set for Biennial Review on **Monday, June 24, 2019, at 2:30 p.m. in Department 6.** **No appearance is necessary on today's calendar.**

## **CONS OF LIONEL TONKS**

### **Case Number: 27664**

This matter is on calendar for Further Proceedings on the Second Account and Report of Conservator. The Conservator has submitted a declaration explaining the discrepancy raised by the Court at the previous hearing. The Second Account and Report is approved, and the requested orders are granted as prayed. Future accountings are waived. A proposed order was lodged and will be executed. The documents lodged with the Court on June 7, 2017, may be returned to the Conservator. **No appearance is necessary on today's calendar.**

## **CONS OF FRANK WILLIAMS**

### **Case Number: 17380**

This matter is on calendar for a Petition to Transfer to Tehama County. The Petition fails to identify all the names and addresses of the spouse and relatives within the second degree as required by Probate Code Section 2213. Consequently, the Court cannot determine if all required individuals have been given notice of today's hearing. This matter is continued to **Monday, August 14, 2017, at 2:30 p.m. in Department 6** to permit the filing and service of an Amended Petition that addresses the above defect. The Court confirms the future date of December 4, 2017 for Biennial Review. **No appearance is necessary on today's calendar.**

## **ESTATES**

### **EST OF ROBERT ADAMS**

#### **Case Number: 29023**

This matter is on calendar for hearing on an Order to Show Cause re Dismissal. No response has been filed. The matter is **DISMISSED**. The clerk shall close the file.

### **EST OF KATHRYN ARCIDIACONO**

#### **Case Number: 28639**

This matter is on calendar for Status of Administration. The Personal Representative is required to comply with Probate Code Sections 12200 et seq. When the Petition was granted on May 23, 2016, the Court reminded counsel of this, by ORDERING the personal representative to comply with Probate Code Sections 12200 et seq. When this matter was last on calendar, the Court again ordered the personal representative to file a Status Report in compliance with Probate Code Sections 12200 and 12201. A Report of Status of Administration was filed June 15, 2017, but it does not comply with the notice requirements of Probate Code Sections 12200 and 12201. Those sections require that a Notice of Hearing be served as provided in Probate Code Section 1220, and that the Notice contain the following specific language: "YOU HAVE THE RIGHT TO PETITION FOR AN ACCOUNT UNDER SECTION 10950 OF THE CALIFORNIA PROBATE CODE." Further, the mandatory form for providing such notice is Judicial Council Form DE-120. The Court will issue an Order to Show Cause as to why Monetary Sanctions in the amount of \$250 should not be imposed against the personal representative and counsel for failure to comply with Probate Code Sections 12200 and 12201, and with the Court's Orders of May 23, 2016, and May 22, 2017. The clerk is directed to prepare a separate Order to Show Cause. The hearing on the Order to Show Cause will be set for **Monday, August 14, 2017 at 2:30 p.m. in Department 6**. The matter is continued to **Monday, August 14, 2017 at 2:30 p.m. in Department 6** for Status of Administration. **No appearance is necessary on today's calendar.**

### **EST OF ROY BLAKE**

#### **Case Number: 26772**

This matter is on calendar for Further Proceedings re Status of Administration. A Petition for Final Distribution was previously filed, but was not accepted by the Court. A Status Report was previously filed, but was not accepted by the Court due to improper notice that did not comply with Probate Code sections 12200 and 12201. Counsel has now substituted in to represent the personal representative, and has requested an additional 60 days to obtain the necessary documents and file a Petition for Final Distribution. The matter is set for **Monday, September 25, 2017 at 2:30 p.m. in Department 6**. **No appearance is necessary on today's calendar.**

## **EST OF SUSAN CONNOR**

**Case Number: 29013**

## **EST OF WALTER CONNOR**

**Case Number: 29012**

These matters are on calendar for further proceedings regarding two related Petitions to Determine Succession to Real Property. At the last hearing, Petitioners requested additional time to seek the assistance of counsel. No new documents have been filed since that time. **An appearance is necessary to address if Petitioners intend to proceed on these Petitions.**

## **EST OF LOURDES COVINGTON**

**Case Number: 27327**

This matter is on calendar for Status of Administration, further proceedings on an Order to Show Cause re Monetary Sanctions, and Confirmation of Filing of the Petition for Final Distribution. When the matter came on for hearing on April 17, 2017, the Court declined to issue sanctions at that time, based on the representation that Mr. Roeser was substituting into the action. The Court notes that no Substitution of Attorney has been filed, no Petition for Final Distribution has been filed, and no Status Report has been filed (as ordered by the Court at the last hearing). **An appearance is required to address the status of administration of the estate, and to address why sanctions should not be imposed and further action taken for failure to timely conclude the administration of the estate.**

## **EST OF RICHARD FLOOD**

**Case Number: 28950**

This matter is on calendar for hearing on a Petition for Final Distribution on Waiver of Accounting, Allowing Compensation, and for Settlement of Estate. The matter has been properly noticed, with proof of service on file. No objections have been raised. The Court notes that the requested orders distribute all of the estate property, and authorizes payment of \$9,822.48 to the personal representative's attorneys from the estate, but provides no information as to how the \$9,822.48 is to be paid (there is only \$3,132.67 in liquid assets, and the Petition requests distribution of those funds in equal shares to the intestate heirs). The matter is continued to **Monday, August 14, 2017 at 2:30 p.m. in Department 6** to allow the filing of an amended Petition that addresses the above issue. **No appearance is necessary on today's calendar.**

## **EST OF KIM FREDRICKSON**

**Case Number: 28098**

This matter is on calendar for the First and Final Account, Petition for Settlement, Allowance of Compensation and for Final Distribution. The matter has been properly noticed, with proof of service on file. No objections have been raised. The Accounting appears in order. Counsel requests extraordinary fees in the amount of \$16,625.00. However, the dollar figures in Counsel's declaration only add up to \$14,700 in extraordinary fees, and reflect 42 hours, not 47.5. **An appearance is required if counsel wishes to address this discrepancy. Otherwise, the court will order extraordinary fees in the amount of \$14,700 only.**

## **EST OF FRANK HAWKEY**

### **Case Number: 28736**

This matter is on calendar for confirmation of filing of receipts and a Petition for Discharge. The Receipt has been filed. Counsel for the Executor filed a Status Report on June 19, 2017, advising that additional time is required to finalize the estate administration. The matter is continued to **Monday, September 25, 2017 at 2:30 p.m. in Department 6** for confirmation of filing of a Petition for Discharge. If a Petition for Discharge is not filed prior to the next hearing, the Court **ORDERS** that a Status Report be filed no later than three court days before the next hearing to apprise the Court of what must be accomplished before the Petition for Discharge can be filed. **No appearance is necessary on today's calendar.**

## **EST OF JOHN HOLMAN**

### **Case Number: 28462**

This matter is on calendar for Further Proceedings regarding Status of Administration. No Petition for Final Distribution has been filed. Counsel has submitted a declaration requesting additional time to finalize the estate administration. The matter is continued to **Monday, November 6, 2017, at 2:30 p.m. in Department 6**. If the Petition for Final Distribution is not filed prior to the next hearing, the Court **ORDERS** a Status Report be filed no later than three court days before the next hearing to apprise the Court of what must be accomplished before the Petition for Final Distribution can be filed. **No appearance is necessary on today's calendar.**

## **EST OF CALLEY JONES**

### **Case Number: 27679**

This matter is on calendar for Further Proceedings regarding Status of Administration. Counsel for the personal representative has submitted a status report, advising that progress is being made toward selling estate property and finalizing administration. The matter is continued to **Monday, August 21, 2017 at 2:30 p.m. in Department 6** for Status of Administration. **No appearance is necessary on today's calendar.**

## **EST OF LARRY LAMBERT**

### **Case Number: 28958**

This matter is on calendar for Further Proceedings on Confirmation of Filing of the Inventory and Appraisal. The Final Inventory and Appraisal was filed on May 23, 2017, and is accepted by the Court. The Court confirms the future date of January 8, 2018, for Status of Administration. **No appearance is necessary on today's calendar.**

## **EST OF RICHARD LOSCH**

### **Case Number: 28701**

This matter is on calendar for Status of Administration. No Petition for Final Distribution has been filed with the Court. No Status Report has been filed with the Court. This matter is continued to **Monday, August 7, 2017, at 2:30 p.m. in Department 6** for Status of Administration. If a Petition for Final Distribution is not filed prior to the next hearing, the Court **ORDERS** that a Status Report be filed and served in compliance with Probate Code

Sections 12200 and 12201. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions of \$250.00 for failure to comply with the Court Order. **No appearance is necessary on today's calendar.**

## **EST OF DARLENE NEEL**

### **Case Number: 28147**

This matter is on calendar for hearing on the First and Final Account and Report of Administrator and Petition for Final Distribution. A Notice of Hearing was filed on June 7, 2017, having been served on June 2, 2017. While that is timely service of notice of hearing, the proof of service does not indicate that a copy of the Petition was served with the Notice of Hearing. The Notice of Hearing states that the First and Final Account has been filed, and that "you may refer to the filed documents for more information." However, the First and Final Account was not filed until June 21, 2017, fourteen days after the Notice of Hearing was filed. Consequently, any individual given notice of today's hearing was unable to access the Court records to review the First and Final Account until just five days prior to the hearing and therefore may have been denied a fundamental due process right related to notice in probate proceedings. See Probate Code Sections 1200 et seq. This matter is continued to **Monday, August 14, 2017, at 2:30 p.m. in Department 6.** The Administrator is ordered to file and timely serve a Notice of Hearing for the continued hearing date. **No appearance is necessary on today's calendar.**

## **EST OF JOYCE PALMER**

### **Case Number: 29062**

This matter is on calendar for Confirmation of Lodging of the Proposed Order and Letters. A proposed order has been submitted, and has been executed. Letters may now issue. The court confirms the future date of October 23, 2017, for confirmation of filing of the Inventory and Appraisal. **No appearance is necessary on today's calendar.**

## **EST OF JERALD STRANGE**

### **Case Number: 28467**

This matter is on calendar for Further Proceedings on Status of Administration. No Petition for Final Distribution has been filed. At the previous hearing, the Executor was ordered to file a Status Report that provided specific and updated information related to the status of administration. The Executor was also ordered to timely serve a Notice of Hearing pursuant to Probate Code Sections 12200 et seq. No Status Report is on file. No Notice of Hearing is on file. The Court will issue an Order to Show Cause Re Monetary Sanctions to the Executor and Counsel for failure to comply with the Court's order dated May 1, 2017. The Order to Show Cause is set for **Monday, August 21, 2017, at 2:30 p.m. in Department 6.** The clerk is instructed to prepare a separate Order to Show Cause. Today's matter is continued to **Monday, August 21, 2017, at 2:30 p.m. in Department 6.** If the Petition for Final Distribution cannot be filed prior to the next hearing, the Court **ORDERS** a Status Report be filed and served in compliance with Probate Code Sections 12200 et seq. to apprise the Court of what must be accomplished before the Petition for Final Distribution can be filed. Failure to do so may result in the issuance of an Order to Show Cause Re Termination of the Personal Representative's



Authority for failure to comply with the Court Order. **No appearance is necessary on today's calendar.**

## **EST OF ROSALIE WORTHEY**

### **Case Number: 29071**

This matter is on calendar for Report of Sale and Petition for Order Confirming Sale. The matter has been properly noticed, with proof of service on file. Timely proof of publication has been filed. The paperwork is in order. **An appearance is required, as the Court is required to consider any bids for the purchase of the property made in court pursuant to Probate Code section 10311.**

## **EST OF STEVEN YOUNGMAN**

### **Case Number: 28829**

This matter is on calendar for a Petition for Preliminary Distribution. 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** as prayed. A proposed order was lodged with the Court and will be executed. The Court confirms the future date of September 25, 2017, for Status of Administration. **No appearance is necessary on today's calendar.**

## **TRUSTS**

### **IN RE THE ABBOTT FAMILY REVOCABLE TRUST**

#### **Case Number: 28222**

This matter is on calendar for Further Proceedings re Status of Settlement. **An appearance is necessary to apprise the Court of the status of any settlement, and to discuss if it is necessary to set this matter for a contested hearing.**

### **IN RE THE LINDA JO TRAVELLER LIVING TRUST**

#### **Case Number: 29039**

This matter is on calendar for Further Proceedings regarding an Amended Petition to Compel Accounting and for Surcharge. The Trustee was previously advised of the need to file a written objection. Nothing has been filed. **An appearance is necessary to discuss whether an Objection will be filed and whether this matter will need to be set for a contested hearing.**

### **IN RE THE WURCH FAMILY REVOCABLE LIVING TRUST**

#### **Case Number: 29001**

This matter is on calendar for Further Proceedings regarding a Petition for Cancellation of Purported Trust Amendment, Return of Trust Property and for an Accounting. The matter was continued upon the request of counsel to conduct discovery. **An appearance is required by the parties to discuss the status of the litigation and setting this matter for trial.**