

**Tentative Rulings
September 9, 2024
Department 44
2:30 p.m.**

*****The Tentative Rulings below are designed to eliminate unnecessary court appearances. If the Court grants a Petition and signs your order, it will be processed and placed in your will-call or deposited in the mail after Monday's calendar. If you wish to appear on your case, telephonic appearances are strongly encouraged utilizing CourtCall. Please schedule your appearance online for Department 44 at Courtcall.com or by calling 888-882-6878 (See CourtCall link under "General Information" on the Court's website). *****

**CONSERVATORSHIPS
CONSERVATORSHIP OF JANET ALFORD
Case Number: 24PC-0032336**

This matter is on calendar for further proceedings to confirm filing of the Final Inventory and Appraisal. The Final Inventory and Appraisal filed on August 27, 2024, is accepted by the Court. The Court confirms the future hearing date of March 24, 2025, for Annual Review. **No appearance is necessary on today's calendar.**

**CONSERVATORSHIP OF KEVIN BLOCK
Case Number: 24PC-0032550**

This matter is on calendar for hearing on a Petition for Appointment of a Limited Conservator of the Person. The matter has been properly noticed, with proof of service on file. The Citation has been filed with proper proof of service. Counsel has been appointed for the Conservatee. No objections have been raised. The Capacity Declaration has been reviewed and is accepted by the Court. The Court Investigator's report, filed August 26, 2024, indicates that the proposed Conservatee will not attend the hearing. The Court Investigator does not provide a recommendation based on the lack of a report for the Regional Center, FNRC. The Court notes that the report from the Regional Center, required by Probate Code Section 1827.5 has not been submitted. This matter is continued to **Monday, September 30, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition for the regional Center report to be received. **No appearance is necessary on today's calendar.**

**CONSERVATORSHIP OF DARLENE BRUCE
Case Number: 23PC-0032255**

This matter is on calendar for confirmation of filing of the Determination of Appropriate Level of Care Form, Care Plan, Notice of Conservatee's Rights and Inventory and Appraisal. The documents have not been filed. A Status Report has been submitted which indicates that an issue arose with obtaining a bond which was only recently resolved. The Status Report requests a continuance. In light of the foregoing, this matter is continued to **Monday, November 4, 2024, at 2:30 p.m. in Department 44** for further proceedings to confirm filing of the bond, Determination of Appropriate Level of Care Form, Care Plan,

Notice of Conservatee's Rights and Inventory and Appraisal. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF MADISON CHIPPO

Case Number: 24PC-0032441

This matter is on calendar for confirmation of filing of the Determination of Appropriate Level of Care Form, Care Plan and Proof of Service of the Notice of Conservatee's Rights. The documents have been filed and are accepted by the Court. The Court confirms the future hearing date of June 30, 2025, for Annual Review. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF JAMES CORUM

Case Number: 24PC-0032551

This matter is on calendar for hearing on a Petition for Appointment of a Limited Conservator of the Person. The matter has been properly noticed, with proof of service on file. The Citation has been filed with proper proof of service. Counsel has been appointed for the Conservatee. No objections have been raised. The paperwork appears to be in order. The Capacity Declaration has been reviewed and is accepted by the Court. The Court Investigator's report, filed August 8, 2024, indicates that the proposed Conservatee will not attend the hearing. The Court Investigator recommends granting the Petition. The Court notes that the report from the Regional Center, required by Probate Code Section 1827.5 has not been submitted. This matter is continued to **Monday, September 30, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition for the regional Center report to be received. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF JOEL DENNIS

Case Number: 24PC-0032419

This matter is on calendar for confirmation of filing of the Determination of Appropriate Level of Care form, Proof of Service of Notice of Conservatee's Rights, and the Inventory and Appraisal. The Determination of Appropriate Level of Care form has been filed and is accepted by the Court. The Inventory and Appraisal has been filed but it is defective. The document is not dated or signed by Counsel. The Notice of Conservatee's Rights has been filed but it is defective. Item 5 on the proof of service does not indicate that a copy of the order was served along with the notice. This matter is continued to **Monday, October 21, 2024, at 2:30 p.m. in Department 44** for further proceedings to confirm filing of the Inventory and Appraisal and Proof of Service on Notice of Conservatee's Rights. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF AUSTIN DICK

Case Number: 24PC-0032571

This matter is on calendar for hearing on a Petition for Appointment of a Limited Conservator of the Person. The matter has been properly noticed, with proof of service on file. The Citation has been filed with proper proof of service. Counsel has been appointed for the Conservatee. No objections have been raised. The Capacity Declaration has been reviewed and is accepted by the Court. The Court Investigator's report, filed August 28, 2024, indicates that the proposed Conservatee will not attend the hearing. The Court Investigator does not provide a recommendation based on the lack of a report for the Regional Center, FNRC The Court notes that the report from the Regional Center, required by Probate Code Section 1827.5 has not been submitted. This matter is continued to **Monday, September 30, 2024,**

at 2:30 p.m. in Department 44 for further proceedings on the Petition for the regional Center report to be received. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF HUNTER DICK

Case Number: 24PC-0032572

This matter is on calendar for hearing on a Petition for Appointment of a Limited Conservator of the Person. The matter has been properly noticed, with proof of service on file. The Citation has been filed with proper proof of service. Counsel has been appointed for the Conservatee. No objections have been raised. The Capacity Declaration has been reviewed and is accepted by the Court. The Court Investigator's report, filed August 28, 2024, indicates that the proposed Conservatee will not attend the hearing. The Court Investigator does not provide a recommendation based on the lack of a report for the Regional Center, FNRC. The Court notes that the report from the Regional Center, required by Probate Code Section 1827.5 has not been submitted. This matter is continued to **Monday, September 30, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition for the regional Center report to be received. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF HAROLD ENGEL

Case Number: CVPG20-0030553

This matter is on calendar for further proceedings to confirm filing of the Inventory and Appraisal and Final Account and Report. The Final Inventory and Appraisal filed on July 16, 2024, is accepted by the Court. The Final Inventory and Appraisal provides that the bond of \$24,200 is sufficient; however, the appraised value of the estate is \$44,612.95. The Court will require a bond in the amount of \$44,612.95. The Final Account and Report has not been filed; however, a Status Report was submitted which provides that additional time is needed to complete the report. This matter is set for **Monday, October 14, 2024, at 2:30 p.m. in Department 44** for confirmation of posting of increased bond. This matter is set for **Monday, November 18, 2024, at 2:30 p.m. in Department 44** for further proceedings to confirm filing of the Final Account and Report. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF JEREMY ERICKSON

Case Number: 24PC-0032531

This matter is on calendar for hearing on an Amended Petition for Appointment of Conservator of the Person and Estate filed by Destiny Harris. The matter has not been properly noticed. The Notice of Hearing was served less than 15 days prior to today's hearing date. A Citation was issued on September 4, 2024 but there is no proof of service on file. No Capacity Declaration has been filed. Counsel has been appointed for the proposed Conservatee. Lavonda Kamer has filed an objection to the original Petition which the Court will deem to be an objection to the Amended Petition.

This matter is also on calendar for hearing on a Competing Petition for Appointment of Conservator of the Person and Estate filed by Lavonda Kamer. The matter has been properly noticed, with proof of service on file. A Citation with proof of service was filed for a prior hearing date. A Capacity Declaration has been filed. Counsel has been appointed for the proposed Conservator. No objection has been filed but the Court deems the Competing Petition of Destiny Harris to be an objection.

The Court Investigator's Report dated August 29, 2024 recommends the Court deny the Kamer Petition and grant the Harris Petition. **An appearance is necessary on today's calendar to discuss further proceedings on the Competing Petitions.**

CONSERVATORSHIP OF LOGAN GATTI

Case Number: 24PC-0032446

This matter is on calendar to confirm filing of the Conservatorship Care Plan, Determination of Appropriate Level of Care Form, and proof of service of the Notice of Conservatee's Rights. The documents have been filed and are accepted by the Court. The Court confirms the future hearing date of June 30, 2025, for Annual Review. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF JORDAN KINKADE

Case Number: 24PC-0032556

This matter is on calendar for hearing on a Petition for Appointment of a Limited Conservator of the Person. The matter has been properly noticed, with proof of service on file. The Citation has been filed with proper proof of service. Counsel has been appointed for the Conservatee. No objections have been raised. The Capacity Declaration has been reviewed and is accepted by the Court. The Court Investigator's report, filed August 27, 2024, indicates that the proposed Conservatee will not attend the hearing. The Court Investigator does not provide a recommendation based on the lack of a report for the Regional Center, FNRC. The Court notes that the report from the Regional Center, required by Probate Code Section 1827.5 has not been submitted. This matter is continued to **Monday, September 30, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition for the regional Center report to be received. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF DEMETRA KUTRAS

Case Number: 22PC-0031598

This matter is on calendar for confirmation of filing of the First Accounting. The Accounting has not been filed. A Status Report has been filed, which indicates additional time is needed before the accounting can be filed. The matter is set for **Monday, November 4, 2024, at 2:30 p.m. in Department 44** to confirm filing of the First Accounting. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF TRISTAN MIRANDA

Case Number: CVPG17-0029058

This matter is on calendar for hearing on a Petition to Transfer Proceedings. The 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**. A proposed order was lodged with the Court and will be executed. The clerk is instructed to transmit a copy of the order and file to Tehama County Superior Court as required by Probate Code Section 2216(a). This matter is set for **Monday, November 18, 2024, at 2:30 p.m. in Department 44** to confirm receipt of the notification from the Tehama County Superior Court as required by Probate Code Section 2217(a). Petitioner is reminded to submit all necessary transfer fees or fee waivers for both Shasta County Superior Court and Tehama County Superior Court to avoid any delay in the preparation of the file for transfer. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF ANN O'BRIEN

Case Number: 24PC-0032296

This matter is on calendar for further proceedings to confirm filing of the Inventory and Appraisal. The Inventory and Appraisal has not been filed. A Status Report has been filed requesting additional time to gather information about the assets. This matter is continued to **Monday, December 16, 2024, at 2:30 p.m. in Department 44** for further proceedings to confirm filing of the Inventory and Appraisal. If the

document cannot be filed prior to the continued hearing date, the Conservator is ordered to submit a Status Report at least five days prior to the continued hearing date. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF JOANNE O'CONNOR

Case Number: 24PC-0032616

This matter is on calendar for hearing on a Petition to Appoint Temporary Conservator of the Person. The matter has been properly noticed, with proof of service on file. The Petition fails to establish good cause for temporary orders. Probate Code § 2250(b). The Petition is **DENIED**. The Court confirms the future hearing date of September 30, 2024, on the Petition to Appoint Conservator of the Person. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF BRYCE SILVA

Case Number: 24PC-0032309

This matter is on calendar for further proceedings to confirm filing of the Conservatorship Care Plan and Determination of Appropriate Level of Care Form. The documents have been filed and are accepted by the Court. The Court confirms the future hearing date of April 7, 2025 for Annual Review. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF SILVIA STEELE

Case Number: CVPG19-0030261

This matter is on calendar for hearing on the Amended First Accounting. The matter has not been properly noticed. The Notice of Hearing states that the Petitioner has filed a "status of accounting." This is incorrect, in that the Petitioner has filed an amended First accounting. The proof of service does not indicate that the accounting was served along with the notice. The Amended First Account contains the following issues that must be addressed:

- 1) On the Summary of Account, the property on hand must equal the value of the Inventory and Appraisal, it does not. The Court notes that the inventory and appraisal showed cash assets of \$21,292.16. A correction was filed, noting that the amount was \$27,305. The current amount shown does not match either value from the prior inventory and appraisals. A corrected inventory and appraisal will be needed if the amount is different from the above amount of \$27,305;
- 2) the Amended First Account provides that a payment of \$3,700 to the Conservator was to reimburse him for legal fees from 2017. This matter was not filed until August 2019. Petitioner has been previously advised that an explanation of this is required. No explanation has been provided. Without an explanation, the Conservator may be required to repay this sum to the Conservatorship;
- 3) the Amended First Account states that \$12,000 was paid to Joanne Steel for accounting services and an additional \$10,440 was paid to Joanne Steele for per diem for 348 days with no explanation. Again, Petitioner was advised multiple times to provide an explanation and an itemized record for these expenses. No sufficient explanation has been provided. Without a better explanation, the Conservator may be required to repay this sum to the Conservatorship.
- 4) The conservator lists the escrow expenses as disbursements. They are not. The real property was an asset that was included on the initial inventory and appraisal. That asset was sold. The real property no longer is listed as an asset on hand, and the net receipts on the sale would now be included in the cash assets on hand. The summary of account will need to be revised to correctly reflect receipts (which increase the value of the estate) and actual disbursements.

This matter is continued to **Monday, December 9, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Accounting. Petitioner shall file and timely notice a Second Amended First Account. Given the defects raised numerous times by the Court, the Conservator may wish to seek legal advice. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF LEE SHIRLEY

Case Number: 24PC-0032598

This matter is on calendar for hearing on a Petition for Appointment of Temporary Conservator. The matter has not been properly noticed. A Notice of Hearing was filed but it was not served on any of the individuals entitled to notice. The Petition is **DENIED**. The Court confirms the future hearing date of October 28, 2024, on the Petition for Appointment of Conservator. **No appearance is necessary on today's calendar.**

CONSERVATORSHIP OF BEATRICE WORK

Case Number: 24PC-0032602

This matter is on calendar for hearing on a Petition for Appointment of Temporary Conservator. The matter has been properly noticed, with proof of service on file. The Petition contains insufficient information to demonstrate that a temporary conservatorship is necessary. The Petition fails to establish good cause for temporary orders. Probate Code § 2250(b). The Petition is **DENIED**. The Court confirms the future hearing date of October 7, 2024, on the Petition to Appoint Conservator of the Person. **No appearance is necessary on today's calendar.**

ESTATES

ESTATE OF PATRICIA ANDERSON

Case Number: CVPB21-0031324

This matter is on calendar for further proceedings regarding Counsel's Request for Extraordinary Compensation. Counsel has submitted a declaration in support of her extraordinary fees. The Court will grant the request for extraordinary fees. Counsel shall submit an amended Order of Final Distribution. The Court sets this matter for **Monday, November 18, 2024, at 2:30 p.m. in Department 44** for confirmation of lodging and execution of the amended order and for confirmation of filing of Receipts and Petition for Final Discharge. **No appearance is necessary on today's calendar.**

ESTATE OF MICHELLE BENZLER

Case Number: 22PB-0031582

This matter is on calendar for further proceedings on Status of Administration. A Petition for Final Distribution has been filed and is set for hearing on September 23, 2024. That date is confirmed. Today's hearing has been **VACATED**. **No appearance is necessary on today's calendar.**

ESTATE OF LINDA BIRKLAND

Case Number: 24PB-0032328

This matter is on calendar for hearing on a Petition for Order Authorizing Sale. The matter has been properly noticed, with proof of service on file. The Petition is not verified as required by Probate Code Section 1021. The Petition seeks approval for a third-party entity, Birkland Family Enterprises, to sell its real property. No information is provided regarding the structure of Birkland Family Enterprises, nor does it explain why Court approval is required for a third party to sell its real property. The Petition is **DENIED** without prejudice. **No appearance is necessary on today's calendar.**

ESTATE OF DEBORAH BYERS

Case Number: 24PB-0032562

This matter is on calendar for hearing on a Petition for Letters of Administration. The Petition suffers from the following defects:

1. Either item 5a(3) or 5a(4) must be marked;
2. Either item 5a(7) or 5a(8) must be marked;
3. Due to the failure to complete item 5a, the Court cannot determine if all individuals entitled to notice have been timely served;
4. Item 8 fails to provide the relationships and ages of the individuals identified;
5. No proof of publication has been filed;
6. Item 3d is incomplete, as it does not state the total value of the estate.
7. Based on the amounts listed, the proper bond amount would be \$345,700.
- 8.

This matter is continued to **Monday, November 18, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition. Petitioner shall file an Amended Petition that corrects the defects noted above. Petitioner shall also file and timely serve a Notice of Petition to Administer Estate for the continued hearing date. Finally, Petitioner shall submit proof of publication at least five days prior to the continued hearing date. **No appearance is necessary on today's calendar.**

ESTATE OF ALTA COMPTON

Case Number: 24PB-0032363

This matter is on calendar to confirm filing of the Inventory and Appraisal. No Inventory and Appraisal has been filed. Petitioners have filed a declaration stating that an Inventory and Appraisal is not required, as the decedent owned no assets at the time of death. The Court notes the future date of April 28, 2025, for Status of Administration. **No appearance is necessary on today's calendar.**

ESTATE OF STEVE CORTEZ

Case Number: 24PB-0032421

This matter is on calendar for Status re Appointment of Administrator. The Status Report requests a continuance. The matter is set for **Monday, November 18, 2024, at 2:30 p.m. in Department 44** for further proceedings on a Petition for Appointment Administrator. **No appearance is necessary on today's calendar.**

ESTATE OF AKSEL DAMGAARD

Case Number: 23PB-0032198

This matter is on calendar for further proceedings to confirm filing of the Corrected Partial Inventory and Appraisal and Final Inventory and Appraisal. Nothing further has been filed. No Status Report has been filed as ordered by the Court on July 15, 2024. This matter is continued to **Monday, October 28, 2024, at 2:30 p.m. in Department 44** for confirmation of filing of the Corrected Partial Inventory and Appraisal and Final Inventory and Appraisal. If the documents cannot be filed prior to the continued hearing date, the Court **AGAIN ORDERS** a Status Report be filed and served no later than five court days before the next hearing date to advise what must be accomplished before the Corrected Partial and Final Inventory and Appraisal can be filed. Failure to file either the required Inventory and Appraisals or the Status Report may result in the issuance of an Order to Show Cause Re Monetary Sanctions of \$250.00 for failure to timely file the Inventory and Appraisal, and failure to comply with the Court's order. The Court notes the future date of December 9, 2024, for Status of Administration. **No appearance is necessary on today's calendar.**

ESTATE OF EARL DENNIS

Case Number: 23PB-0032195

This matter is on calendar for hearing on the First and Final Report on Waiver of Account and Petition for Compensation and Final Distribution. The matter has been properly noticed with proof of service on file. The heirs have waived the accounting requirement. 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. This matter is set for **Monday, December 9, 2024, at 2:30 p.m. in Department 44** for confirmation of filing of Receipts and a Petition for Final Discharge. **No appearance is necessary on today's calendar.**

ESTATE OF LOUISA DEVAN

Case Number: 24PB-0032517

This matter is on calendar for hearing on An Amended Petition for Probate of Will. The matter has been properly noticed, with proof of service on file. Proof of proper publication has been filed. No objections have been raised. The paperwork appears to be in order. The Petition is **GRANTED**. A proposed Order was lodged with the Court and will be executed. The Will is admitted to probate, and the original will

shall be filed. No bond is required by the will, and letters shall issue. The matter is set for **Monday, January 27, 2025, at 2:30 p.m. in Department 44** for Confirmation of Filing the Inventory and Appraisal. The matter is set for **Monday, September 15, 2025, at 2:30 p.m. in Department 44** for Status of Administration. The personal representative is **ORDERED** to comply with Probate Code section 12200 et seq. **No appearance is necessary on today's calendar.**

ESTATE OF DEBRA DOMBERG

Case Number: 22PB-0031706

This matter is on calendar for further proceedings to confirm filing of the Final Inventory and Appraisal. The Final Inventory and Appraisal has not been filed. A Status Report has been filed as ordered by the Court on July 29, 2024. The report indicates additional time is needed before the Inventory and Appraisal can be filed. The matter is continued to **Monday, October 28, 2024, at 2:30 p.m. in Department 44** for confirmation of the filing of the Final Inventory and Appraisal. If a Final Inventory and Appraisal cannot be filed prior to the continued hearing date, the Court **AGAIN ORDERS** a Status Report be filed and served no later than five court days before the next hearing date to advise what must be accomplished before the Final Inventory and Appraisal can be filed. Failure to file either the Final Inventory and Appraisal or the Status Report may result in the issuance of an Order to Show Cause Re Monetary Sanctions of \$250.00 for failure to timely file the Inventory and Appraisal, and failure to comply with the Court's order. The Court notes the future date of October 28, 2024, for Status of Administration. **No appearance is necessary on today's calendar.**

ESTATE OF DONALD FISHER

Case Number: 23PB-0032205

This matter is on calendar for hearing on the Petition for Final Distribution on Waiver of Accounting and Allowance of Statutory Compensation. The matter has been properly noticed with proof of service on file. No objections have been raised. The heirs waive the accounting requirement. The paperwork appears to be 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 16, 2024, at 2:30 p.m. in Department 44** for confirmation of filing of Receipts and a Petition for Final Discharge. **No appearance is necessary on today's calendar.**

ESTATE OF SUSAN GRACE

Case Number: 24PB-0032589

This matter is on calendar for hearing on a Petition for Letters of Administration. The matter has been properly noticed, with proof of service on file. No proof of publication has been filed. No objections have been raised. This matter is continued to **Monday, October 14, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition. Petitioner shall submit proof of publication at least five days prior to the continued hearing date. **No appearance is necessary on today's calendar.**

ESTATE OF DAVID HARRIS

Case Number: 23PB-0031987

This matter is on calendar for hearing on the First and Final Report of Administrator and Petition for Final Distribution on Waiver of Account. The matter has been properly noticed with proof of service on file. No objections have been raised. The heirs waive the accounting requirement. The paperwork appears to be in order, with the exception that the calculation of statutory compensation is incorrect. The calculation erroneously provides for 2% of \$981,923.36; however, counsel is only entitled to 2% of the next \$800,000

and then 1% of the remaining \$181,923.36. The correct amount of statutory compensation is \$24,819.23. The Petition for Final Distribution is **GRANTED**. A proposed order has been submitted and will be modified by the Court to reflect the accurate statutory compensation. This matter is set for **Monday, December 16, 2024, at 2:30 p.m. in Department 44** for confirmation of filing of Receipts and a Petition for Final Discharge. **No appearance is necessary on today's calendar.**

ESTATE OF JAMES HAZEL

Case Number: 24PB-0032573

This matter is on calendar for hearing on a Petition for Letters of Administration. The Court cannot determine if the matter has been properly noticed. The Petition fails to mark either item 5a(7) or 5a(8). Items 6 and 7 were completed but should have been left blank. It also appears that not all the bond waivers have been filed. No proof of publication has been filed. This matter is continued to **Monday, October 28, 2024, at 2:30 p.m. in Department 44** for further proceedings. Petitioner shall file an Amended Petition which corrects the defects noted above. Petitioner shall file and timely serve a Notice of Petition on all required individuals for the continued hearing date. Proof of publication shall be filed at least five days prior to the continued hearing date. **No appearance is necessary on today's calendar.**

ESTATE OF MERTA JEFFERSON

Case Number: CVPB22-0031398

This matter is on calendar for hearing on the Amended First and Final Report and Petition for Final Distribution on Waiver of Account. The matter has been properly noticed with proof of service on file. No objections have been raised. The heirs waive the accounting requirement. The paperwork appears to be in order, with the exception that it appears that multiple distributions were made to individuals who were not named as distributees in the will. An explanation of those distributions is required. Additionally, a proposed order was submitted; however, it does not indicate what distribution is being ordered, and the omnibus clause is incorrect, as the residue and any future discovered assets would be distributed to the decedent's three children only. A revised order is required. This matter is continued to **Monday, October 21, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition. **No appearance is necessary on today's calendar.**

ESTATE OF JEVIN KAPLAN

Case Number: CVPB21-0031326

This matter is on calendar for status and re-setting of trial. No Status Reports have been filed. **An appearance is necessary on today's calendar to provide the Court with a status and to re-set this matter for trial.**

ESTATE OF ANDREW LLOYD

Case Number: 24PB-0032480

This matter is on calendar for further proceedings on the Petition for Letters of Administration. The matter has been properly noticed, with proof of service on file. The paperwork appears to be in order. Proper proof of publication has been filed. No objections have been filed. The Petition is **GRANTED**. A proposed Order was lodged with the Court and will be executed. Letters will issue upon confirmation of issuance of a bond in the amount of \$400,000.00. The matter is set for **Monday, January 27, 2025, at 2:30 p.m. in Department 44** for Confirmation of Filing the Inventory and Appraisal. The matter is set for **Monday, September 15, 2025, at 2:30 p.m. in Department 44** for Status of Administration. The personal

representative is **ORDERED** to comply with Probate Code section 12200 et seq. **No appearance is necessary on today's calendar.**

ESTATE OF STEPHEN MCINTOSH

Case Number: 22PB-0031852

This matter is on calendar for further proceedings on Status of Administration. No Petition for Final Distribution has been filed. No properly noticed Status Report has been filed as required by Probate code Sections 12200 et seq., and as ordered by the Court on June 10, 2024, and July 22, 2024. The court will issue an Order to Show Cause Re Monetary Sanctions of \$250.00 for failure to timely close the estate administration and failure to timely serve a properly noticed Status Report as required by Probate code Sections 12200 et seq., and as ordered by the Court on June 10, 2024, and July 22, 2024. The clerk is directed to prepare a separate Order to Show Cause. The hearing on the Order to Show Cause is set for **Monday, October 21, 2024, at 2:30 p.m. in Department 44**. The matter is set for **Monday, October 21, 2024, at 2:30 p.m. in Department 44** for Status of Administration. **No appearance is necessary on today's calendar.**

ESTATE OF JEROME METZGER, SR

Case Number: 24PB-0032563

This matter is on calendar for hearing on a Petition for Probate of Will. The Petition contains the following defects:

1. Item 2b(2) appears to have been incorrectly checked, as the petitioner is named as executor in the will;
2. Item 3€ erroneously states that all beneficiaries have waived bond. No bond waivers are attached; however, they do not appear to be necessary as the will waives the bond;
3. Either item 5a(3) or 5a(4) must be marked;
4. Either item 5a(7) or 5a(8) must be marked;
5. Due to the failure to complete item 5a, the Court cannot determine if all individuals entitled to notice have been timely served;
6. Item 8 fails to provide the ages of the individuals identified;
7. Petitioner has failed to include herself in Item 8;
8. No proof of publication has been filed;
9. The original will has not been lodged with the Court.

This matter is continued to **Monday, November 18, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition. Petitioner shall file an Amended Petition that corrects the defects noted above. Petitioner shall also file and timely serve a Notice of Petition to Administer Estate for the continued hearing date. Finally, Petitioner shall submit proof of publication at least five days prior to the continued hearing date. **No appearance is necessary on today's calendar.**

ESTATE OF JOAN NACHREINER

Case Number: 22PB-0031577

This matter is on calendar for Status of Administration. The matter has been properly noticed, with proof of service on file. The Status Report provides that the Estate is insolvent. The Court will execute the Petition for Final Discharge. The clerk is instructed to close the Estate upon the processing of the Petition. **No appearance is necessary on today's calendar.**

ESTATE OF MARY PERRYMAN

Case Number: 23PB-0031950

This matter is on calendar for Status of Administration. The Court notes that a Petition for Final Distribution has been filed and is set for hearing on September 23, 2024. That date is confirmed. Today's hearing has been **VACATED. No appearance is necessary on today's calendar.**

ESTATE OF MARSHA QUIGLEY

Case Number: 24PB-0032554

This matter is on calendar for hearing on an Amended Petition for Letters of Administration. The matter has been properly noticed, with proof of service on file. Proof of publication has been submitted for the August 5, 2024, hearing date but it is defective. The first date of publication was only 13 days before the hearing date. The first publication must be at least 15 days before the hearing date. In addition, publication was made on three consecutive days. There must be at least five days intervening between the first and last publication dates. Probate Code Section 8121(a). Bond waivers have been filed. No objections have been raised. This matter is continued to **Monday, October 28, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition for Letters of Administration. Petitioner shall file and timely serve a new Notice of Petition for the continued hearing date. The Notice of Petition must be timely published, and proof of publication filed with the Court. **No appearance is necessary on today's calendar.**

ESTATE OF DORIS RODGERS

Case Number: 24PB-0032535

This matter is on calendar for hearing on an Amended Petition for Letters of Administration. The matter has been properly noticed, with proof of service on file. Timely 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 was lodged with the Court and will be executed. The Petitioner is an exempt government agency and therefore a bond is not required. The matter is set for **Monday, January 27, 2025, at 2:30 p.m. in Department 44** for Confirmation of Filing the Inventory and Appraisal. The matter is set for **Monday, September 15, 2025, at 2:30 p.m. in Department 44** for Status of Administration. The personal representative is **ORDERED** to comply with Probate Code section 12200 et seq. **No appearance is necessary on today's calendar.**

ESTATE OF JOHN RYAN

Case Number: 23PB-0032131

This matter is on calendar for hearing on the Final Report and Petition for Final Distribution on Waiver of Accounting. The matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears to be 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 16, 2024, at 2:30 p.m. in Department 44** for confirmation of filing of Receipts and a Petition for Final Discharge. **No appearance is necessary on today's calendar.**

ESTATE OF SANDRA SANCHEZ

Case Number: CVPB22-0031457

This matter is on calendar for further proceedings on Status of Administration. A Status Report has been filed. The matter has been properly noticed, with proof of service on file. The status report indicates additional time is needed to finalize the estate administration. The matter is set for **Monday, March 24,**

2025, at 2:30 p.m. in Department 44 for Status of Administration. If a Petition for Final Distribution cannot be filed prior to the next hearing date, the Court **AGAIN ORDERS** the personal representative to timely file and serve a Status Report with proper Notice of Hearing in compliance with Probate Code Sections 12200 et seq. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions of \$250.00 for failure to timely close the estate administration and failure to comply with the Court Order. If a properly noticed Status Report or Petition for Final Distribution is noticed for a different date, the Court will vacate the March 25, 2024, date. **No appearance is necessary on today's calendar.**

ESTATE OF CLIFFORD SNELL

Case Number: 24PB-0032512

This matter is on calendar for hearing on an Amended Petition for Letters of Administration. The matter has been properly noticed, with proof of service on file. No objections have been raised. No proof of publication has been filed. The Petition indicates that all heirs have waived bond; however, only the Petitioner's bond waiver is on file. Without bond waivers, Petitioner will be required to post a bond of \$240,000. This matter is continued to **Monday, October 28, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition for Letters of Administration. Petitioner file and timely serve a new Notice of Petition for the continued hearing date. The Notice of Petition must be timely published, and proof of publication filed with the Court. **No appearance is necessary on today's calendar.**

ESTATE OF RYAN THALLMAYER

Case Number: 23PB-0031929

This matter is on calendar for Status of Administration. No Petition for Final Distribution has been filed. A Status Report has been filed. The matter has been properly noticed, with proof of service on file. The status report indicates additional time is needed to finalize the estate administration. The matter is set for **Monday, March 24, 2025, at 2:30 p.m. in Department 44** for Status of Administration. If a Petition for Final Distribution cannot be filed prior to the next hearing date, the Court **AGAIN ORDERS** the personal representative to timely file and serve a Status Report with proper Notice of Hearing in compliance with Probate Code Sections 12200 et seq. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions of \$250.00 for failure to timely close the estate administration and failure to comply with the Court Order. If a properly noticed Status Report or Petition for Final Distribution is noticed for a different date, the Court will vacate the March 25, 2024, date. **No appearance is necessary on today's calendar.**

ESTATE OF JEANETTA TROTTER

Case Number: 24PB-0032318

This matter is on calendar for confirmation of filing of the Inventory and Appraisal. The Inventory and Appraisal has not been filed. No Status Report has been filed. This matter is continued to **Monday, November 4, 2024, at 2:30 p.m. in Department 44** for confirmation of filing of the Inventory and Appraisal. If a Final Inventory and Appraisal cannot be filed prior to the continued hearing date, the Court **ORDERS** a Status Report be filed and served no later than five court days before the next hearing date to advise what must be accomplished before the Final Inventory and Appraisal can be filed. Failure to file either the Final Inventory and Appraisal or the Status Report may result in the issuance of an Order to Show Cause Re Monetary Sanctions of \$250.00 for failure to timely file the Inventory and Appraisal, and failure to comply with the Court's order. The Court notes the future date of April 28, 2025 for Status of Administration. **No appearance is necessary on today's calendar.**

TRUSTS

IN RE: TESTAMENTARY TRUST OF WAKEFIELD BAKER, JR.

Case Number: 24PB-0032553

This matter is on calendar for hearing on a Petition to Ascertain Charitable Remainder Beneficiary. Petitioner Wells Fargo Bank, N.A., Trustee of the Testamentary Trust of Wakefield Baker, Jr., asks this Court to facilitate the ascertainment of the charitable beneficiary of the Tuna Creek Property, a 320-acre parcel of real property located in Shasta County, by holding a ping pong ball lottery in open Court. Probate Code 17200(b)(4) provides a trustee may petition the court to ascertain beneficiaries and determine to whom property shall pass “to the extent the determination is not made by the trust instrument.” The Court finds that the determination is made in the trust instrument. The Trust instrument provides that if the gift to the Save the Redwoods League fails, the trustee “shall distribute” the trust property to a charitable organization “as the Trustee shall select in the Trustee’s absolute discretion.” The Court confirms Petitioner’s interpretation of the Trust that the Trustee is authorized to distribute the Tuna Creek Property to an appropriate charitable organization. This is within the Trustee’s absolute discretion, and it is not appropriate or necessary for the Court to intervene or facilitate the Trustee’s exercise of discretion. The Court declines to conduct a ping pong ball lottery as requested. The petition is therefore **DENIED. No appearance is necessary on today’s calendar.**

IN RE: THE DONALD BELDEN TRUST

Case Number: 24PB-0032487

This matter is on calendar for further proceedings on a Petition for Order Invalidating Trust Amendment, Financial Elder Abuse, to Suspend Purported Trustee, to Appoint Interim Trustee, for Appointment of Successor Trustee, and for Order Returning Real Property to Trust. The matter has been timely noticed by mail, with proof of service on file. However, the Court notes that no Notice of Hearing on Petition to Determine Claim to Property has been filed and served. There is no proof of personal service on anyone claiming an interest in the real property. The Court therefore cannot issue an order requiring the return of the property nor issue an award of monetary damages. An Opposition has been filed. On behalf of Carolyn Walsh. **An appearance is necessary on today’s calendar to discuss setting this matter for trial.**

This matter is also on calendar for a demurrer filed on behalf of Donald Belden. The demurrer is unopposed. Mr. Belden generally demurs to the first, third and fourth causes of action in the underlying Petition. As a preliminary matter, the Court notes that there is no fourth cause of action. The first and third cause of action related to invalidating a trust amendment and removing Respondent Carolyn Walsh as Trustee. Each of the causes of action appears to be based on Probate Code § 17200 which permits a “beneficiary” to bring the Petition. Mr. Belden alleges that Petitioner is not a current beneficiary and therefore has no standing to bring the Petition. Probate Code Section 24 defines a “beneficiary” related to a trust as a “person who has any present or future interest, vested or contingent.” The Petition identifies the Petitioner as a person with a contingent vested interest under the original terms of the Trust and that any Trust Amendment was based on lack of capacity, undue influence or fraud. The Petition sufficiently alleges that Petitioner has standing, under the facts alleged, to bring the current Petition. The court “treat[s] the demurrer as admitting all material facts properly pleaded, but not contentions, deductions or conclusions of fact or law.” *Hood v. Hacienda La Puente Unified School District* (1998) 65 Cal. App. 4th 435, 438. No matter how unlikely, a plaintiff’s allegations must be accepted as true for the purpose of ruling on a demurrer. *Del. E. Webb Corp. v. Structural Materials Co.* (1981) 123 Cal. App. 3d 593, 604. The demurrer is **OVERRULED.**

IN RE: BERNICE DENNY TRUST

Case Number: 24PB-0032558

This matter is on calendar for hearing on a Petition for Orders: 1) Compelling Trustee to Report and Account; 2) Breach of Fiduciary Duty; 3) Removal or Suspension of Trustee; 4) Barring Use of Trust Funds; 5) Surcharge of Trustee; 6) Double Damages; and 7) Allocation of Charges. The matter has been properly noticed, with proof of service on file. No objection has been raised. The Petition is partially **GRANTED**. The Court will grant the Petition to the extent it requests an order that the Trustee provide an Account, suspension of the trustee and appointment of Petitioner as interim trustee. An evidentiary hearing will be necessary to establish the causes of actions that seek monetary damages. **An appearance is necessary on today's calendar to address setting the matter for hearing.**

IN RE: LELAND B. DUNLAP TRUST

Case Number: 24PB-0032586

This matter is on calendar for hearing on a Petition for Order Confirming Validity of Trust and Asset of Trust. This matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears to be in order. The Court finds that Petitioner has established that the real property at issue was intended to be held in trust. 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: ARLINE L. JOHNSTON TRUST

Case Number: 24PB-0032588

This matter is on calendar for hearing on a Petition for Order Confirming Assets. This matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears to be in order. The Court finds that Petitioner has established that the bonds at issue were intended to be held in Trust. 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: JOSEPH PAYNE TRUST

Case Number: 24PB-0032575

This matter is on calendar for hearing on a Petition for Order Confirming Trust Assets. This matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears to be in order. The Court finds that Petitioner has established that the real property at issue is held by the Trust. 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.**

PETITION TO ESTABLISH RECORD OF MARRIAGE

IN RE CONRAD, JAMES HARVEY

Case Number: 24PB-0032622

This matter is on calendar for hearing on a Petition to Establish Fact, Time and Place of Marriage. The Paperwork appears to be in order. No objections have been received. A proposed order has been filed. **An appearance is necessary on today's calendar. Petitioner is to bring the original or certified copies of the certificate of marriage.**