

1. ESTATE OF PLANT 22PR0201

Petition to Admit Will to Probate.

Petitioner seeks to admit decedent's will to probate, which nominates him to serve as personal representative without bond. The petition states he passed away on April 12, 2022. The will was lodged on May 4, 2022.

There is no proof of service of notice of the hearing and a copy of the petition on the interested persons in the court's file.

"At least 15 days before the hearing of a petition for administration of a decedent's estate, the petitioner shall serve notice of the hearing by mail or personal delivery on all of the following persons: (a) Each heir of the decedent, so far as known to or reasonably ascertainable by the petitioner. (b) Each devisee, executor, and alternative executor named in any will being offered for probate, regardless of whether the devise or appointment is purportedly revoked in a subsequent instrument." (Probate Code, § 8110.)

The notice of hearing of a petition for administration of a decedent's estate that is served on the interested persons shall substantially state the language set forth in Section 8100. (Probate Code, § 8100.) (See Mandatory Judicial Council Form DE-121 – Notice of Petition to Administer Estate.)

In addition, the petition is deficient in that it only lists the names and addresses of the decedent's son, daughter, and step-daughter. The will leaves monetary bequests to nine grandchildren and specific personal property and a life estate in certain real property to decedent's good friend. None of these persons are listed and their addresses have not been provided. The names and addresses of these persons must be provided and they must be served notice of the hearing and a copy of the petition. (Probate Code, § 8110(b).)

The court notes that the close friend named in the proffered will is the subject of a probate proceeding to admit her will to probate in Estate of Unruh, Case Number 22PR0202. The petition in that case states she passed away on March 2, 2016.

The court can not reach the merits of the petition until the deficiency in the petition related to listing of names and addresses of the interested persons is corrected and proof under oath that all interested persons have been provided adequate notice is filed.

TENTATIVE RUIING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 16, 2022 IN DEPARTMENT NINE. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

2. ESTATE OF BERG PP-20180090

Review Hearing Re: Status of Administration.

Letters of Administration were issued on June 20, 2018. Letters of Administration appointing a successor personal representative were issued on April 15, 2021. The Final Inventory and Appraisal was filed on June 12, 2019. At the hearing on June 22, 2022 the personal representative's counsel requested a 4-6 month continuance of the hearing as she was working on the sale of the home. The court continued the hearing to 8:30 a.m. on Wednesday, November 16, 2022. There is no Final Account and Report in the court's file.

TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 16, 2022 IN DEPARTMENT NINE. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

3. ESTATE OF DOLCINI PP-20210067

Review Hearing Re: Status of Administration.

Letters of Administration were issued on May 19, 2021. The Final Inventory and Appraisal was filed on November 16, 2021. The personal representative failed to appear at the May 18, 2022 hearing and the hearing was continued to 8:30 a.m. on Wednesday, November 16, 2022.

There is no Final Account and Request for Order of Final Distribution in the court's file.

TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 16, 2022 IN DEPARTMENT NINE. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

4. ESTATE OF HARNEY PP-20210198

(1) Petition to Admit Will to Probate.

(2) Review Hearing Re: Inventory and Appraisal.

(3) Review Hearing Re: Status of Administration.

Petition to Admit Will to Probate.

Decedent's sister petitions to admit the handwritten, witnessed will of decedent to probate and be appointed personal representative. The purported will leaves all worldly belongings to petitioner.

The amended petition states that decedent was survived by children. The amended petition is defective in that it fails to name the surviving children of decedent and state their addresses. Therefore, the court is unable to determine whether the persons declared to have been served the notice of hearing and a copy of the amended petition include decedent's children, the persons served include all of decedent's children, and the addresses to which they were served are their true addresses.

In addition, the amended petition that was declared to be served is deficient in that it did not have a copy of the purported will attached as mandated by Probate Code, § 8002(b)(1). Therefore, the persons declared to have been served notice of the hearing and a copy of the petition were not provided sufficient notice of the terms of the will sought to be admitted to probate, thereby depriving them of their right to due process if the court proceeds without petitioner having remedied this issue. The court can not reach the merits of the petition until these issues are resolved.

There is no proof of publication in the court's file. (See Probate Code, §§ 8120 and 8121(a).) The court can not consider this petition absent proof of publication.

In opening estate administration by admitting a will to probate, the original will must be lodged with the court. The original will was lodged on October 13, 2021.

A copy of the will was attached to the prior petition for special administration. The will is handwritten and purportedly witnessed by a Hospice Social Worker.

“Except as provided in this part, a will shall be in writing and satisfy the requirements of this section.” (Probate Code, § 6110(a).) “The will shall be signed by one of the following: ¶(1) By the testator. ¶ (2) In the testator's name by some other person in the testator's presence and by the testator's direction. ¶ (3) By a conservator pursuant to a court order to make a will under Section 2580.” (Probate Code, § 6110(b).) “(c)(1) Except as provided in paragraph (2), the will shall be witnessed by being signed, during the testator's lifetime, by at least two persons each of whom (A) being present at the same time, witnessed either the signing of the will or the testator's acknowledgment of the signature or of the will and (B) understand that the instrument they sign is the testator's will. ¶ (2) If a will was not executed in compliance with paragraph (1), the will shall be treated as if it was executed in compliance with that paragraph if the proponent of the will establishes by clear and convincing evidence that, at the time the testator signed the will, the testator intended the will to constitute the testator's will.” (Probate Code, § 6110(c).)

The court notes that the copy of the will is not self-proving. Unless there is a will contest, the will may be proved on the evidence of one of the subscribing witnesses, if the evidence shows that the will was executed in all particulars as prescribed by law. (Probate Code, § 8220(a).) “Evidence of execution of a will may be received by an affidavit of a subscribing witness to which there is attached a photographic copy of the will, or by an affidavit in the original will that includes or incorporates the attestation clause.” (Probate Code, § 8220(b).) The original will not having an affidavit of the witnesses including or incorporating the

attestation clause, the petitioner must file proofs by at least one subscribing witness in order to have sufficient evidence before the court proving the will.

The proof of the subscribing witness in the court's file is defective in that a copy of the purported holographic is not attached to the proof of the will form DE-131. The witness attests under penalty of perjury to the authenticity of a purportedly attached written instrument that has not been attached, leaving the declaration without any substance or evidentiary value. This needs to be corrected.

Petitioner requests that no bond be required. The will does not name petitioner as executor of the will and does not waive the bond requirement. Should the will be admitted to probate, petitioner will have to file an executed judicial form waiver of bond requirement as the sole will beneficiary, which is a mandatory Judicial Council form. (Judicial Council Form DE-142/DE-111(A-3d).)

Review Hearing Re: Inventory and Appraisal.

The final inventory and appraisal having been filed on April 20, 2022, this matter is dropped from the calendar.

Review Hearing Re: Status of Administration.

Appearances are required regarding the Review Hearing Re: Status of Administration.

TENTATIVE RULING # 4: THE FINAL INVENTORY AND APPRAISAL HAVING BEEN FILED ON APRIL 20, 2022, THE INVENTORY AND APPRAISAL REVIEW HEARING IS DROPPED FROM THE CALENDAR. APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 16, 2022 IN DEPARTMENT NINE REGARDING THE PETITION TO ADMIT WILL TO PROBATE AND THE REVIEW HEARING RE: STATUS OF ADMINISTRATION. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE

CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

5. ESTATE OF HOFFMAN PP-20200230

Review Hearing Re: Status of Administration.

Letters Testamentary were issued on February 10, 2021. The Final Inventory and Appraisal was filed on June 4, 2021.

On July 21, 2022 the court relieved counsel for the personal representative after having been informed that he passed away.

There is no substitution of new counsel for personal representative Sharon Hoffman and no Final Account and Request for Order of Final Distribution in the court's file.

Sharon Hoffman needs to provide a status report on when replacement counsel will appear on her behalf in this case; and whether the estate is in a position to close administration and distribute.

There is no proof of service of notice of this hearing on the personal representative, therefore, this matter must be continued and the clerk directed to service notice on the personal representative.

TENTATIVE RULING # 5: THIS MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, JANUARY 9, 2023 IN DEPARTMENT EIGHT. PERSONAL REPRESENTATIVE SHARON HOFFMAN NEEDS TO PROVIDE A STATUS REPORT ON WHEN REPLACEMENT COUNSEL WILL APPEAR ON HER BEHALF IN THIS CASE AND WHETHER THE ESTATE IS IN A POSITION TO CLOSE ADMINISTRATION AND DISTRIBUTE. THE CLERK IS DIRECTED TO SERVE A COPY OF THIS MINUTE ORDER ON THE PERSONAL REPRESENTATIVE.

6. ESTATE OF WARNER PP-20210106

Review Hearing Re: Status of Administration

Letters Testamentary were issued on July 14, 2021. There is no Final Inventory and Appraisal and no Final Account and Request for Final Distribution in the court's file.

TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 16, 2022 IN DEPARTMENT NINE. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

7. ESTATE OF JELENIC 22PR0129

(1) Review Hearing Re: Inventory and Appraisal.

(2) 1st and Final Account and Petition for Final Distribution.

Review Hearing Re: Inventory and Appraisal.

The final inventory and appraisal was filed on August 11, 2022.

1st and Final Account and Petition for Final Distribution.

Paragraph 4 of the Final Account and Petition states the inventory and appraisal filed on August 11, 2022 shows the gross value of **a portion of** the estate. (Emphasis in original.) The inventory and appraisal filed on August 11, 2022 states it is a final inventory and appraisal and petitioner declares under penalty of perjury in the final inventory and appraisal that it contains a true statement of all of the estate that has come into her knowledge or possession. This needs to be clarified.

The account and petition states in paragraph 22 that Brandon Powers' written waiver of a claim to adjustment of the distribution of some accounts that had beneficiary designations that resulted in an unequal distribution between him and his sister is or will be filed. The court is unable to find the written waiver in the court's file.

There is no verification of the petition and account. A petition, report, or account filed pursuant to the Probate Code shall be verified. (Probate Code, § 1021(a)(1).) This needs to be corrected.

TENTATIVE RULING # 7: THE FINAL INVENTORY AND APPRAISAL HAVING BEEN FILED ON AUGUST 11, 2022, THAT MATTER IS DROPPED FROM THE CALENDAR. APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 16, 2022 IN DEPARTMENT NINE CONCERNING THE 1ST AND FINAL ACCOUNT AND PETITION

FOR FINAL DISTRIBUTION. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM
PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL
BE PROVIDED.

8. ESTATE OF BARRINGER 22PR0095

Review Hearing Re: Inventory and Appraisal.

A Final Inventory and Appraisal was filed on October 24, 2022. The personal representative has appraised a “defined contribution” and wealth management fund. The court is unable to determine from those descriptions as to whether the personal representative properly appraised the items as allowed by the Probate Code or whether the probate referee is required to appraise those items,

Except as otherwise provided by statute the probate referee shall appraise all property other than that appraised by the personal representative. (Probate Code, § 8902(b).)

“The personal representative shall appraise the following property, excluding items whose fair market value is, in the opinion of the personal representative, an amount different from the face value of the property: ¶ (a) Money and other cash items. As used in this subdivision, a “cash item” is a check, draft, money order, or similar instrument issued on or before the date of the decedent’s death that can be immediately converted to cash. ¶ (b) The following checks issued after the date of the decedent’s death: ¶ (1) Checks for wages earned before death. ¶ (2) Refund checks, including tax and utility refunds, and Medicare, medical insurance, and other health care reimbursements and payments. ¶ (c) Accounts (as defined in Section 21) in financial institutions. ¶ (d) Cash deposits and money market mutual funds, as defined in subdivision (b) of Section 9730, whether in a financial institution or otherwise, including a brokerage cash account. All other mutual funds, stocks, bonds, and other securities shall be appraised pursuant to Sections 8902 to 8909, inclusive. ¶ (e) Proceeds of life and accident insurance policies and retirement plans and annuities payable on death in lump sum amounts.” (Probate Code, § 8901.)

This needs to be clarified.

TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 16, 2022 IN DEPARTMENT NINE. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

9. ESTATE OF MARTIN PP-20210064

Review Hearing Re: Inventory and Appraisal.

The final inventory and appraisal was filed on October 7, 2022.

The order of final distribution was entered on October 26, 2022. The court confirmed the Review Hearing Re: Status of Administration set for 8:30 a.m. on Wednesday, January 18, 2023 in Department Nine at which time the court anticipates that the receipts of final distribution will have been filed and an ex parte petition for final discharge (judicial council form de-295.) submitted.

TENTATIVE RULING # 9: THE FINAL INVENTORY AND APPRAISAL HAVING BEEN FILED ON OCTOBER 7, 2022, THE REVIEW HEARING RE: INVENTORY AND APPRAISAL IS DROPPED FROM THE CALENDAR. THE COURT ORDERS THE REVIEW HEARING RE: STATUS OF ADMINISTRATION ADVANCED TO 8:30 A.M. ON MONDAY, JANUARY 16, 2022 IN DEPARTMENT NINE.

10. ESTATE OF HARTMAN 22PR0088

Review Hearing Re: Inventory and Appraisal.

Letters of Administration were issued on July 20, 2022. There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RULING # 10: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 16, 2022 IN DEPARTMENT NINE. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

11. ESTATE OF MARSHALL 22PR0189

Petition to Administer Estate.

TENTATIVE RULING # 11: ABSENT OPPOSITION OR OBJECTION, THE PETITION IS GRANTED. BOND IS SET IN THE AMOUNT OF \$443,000 AS REQUESTED. THE COURT SETS A REVIEW HEARING RE: INVENTORY AND APPRAISAL AT 8:30 A.M. ON MONDAY, MARCH 20, 2023 IN DEPARTMENT NINE. (PROBATE CODE, § 8800 (b).) THE COURT FURTHER SETS A REVIEW HEARING RE: STATUS OF ADMINISTRATION AT 8:30 A.M. ON MONDAY, NOVEMBER 20, 2023 IN DEPARTMENT NINE. (PROBATE CODE, § 12200.)

12. ESTATE OF UNRUH 22PR0202

Petition to Admit Will to Probate.

Decedent's step-son seeks to admit decedent's will to probate and be appointed administrator with will annexed. Decedent passed away on March 2, 2016. Petitioner is not nominated to serve as personal representative and the will does not waive the bond requirement as to petitioner. Petitioner requests full authority to administer the estate under the Independent Administration of Estates Act and that bond not be required. The petition indicates that the estate includes a partial asset in residential real property. However, the petition fails to list the estimated value of that property.

Except as otherwise provided by statute, every person appointed personal representative of an estate shall, before letters are issued, give a bond approved by the court. (Probate Code, § 8480.)

The bond requirement may be waived in the will or where all beneficiaries waive in writing the requirement of a bond and the written waivers are attached to the petition. (Probate Code, § 8481(a).) The Judicial Council of California adopted for mandatory use as of January 1, 2015 a form Waiver of Bond by Heir or Beneficiary (Judicial Council Form DE-142/DE-111(A-3d).).

There are no form waivers of the bond requirement executed by all will beneficiaries in the court's file. Therefore, should the petition be granted, bond will be set. Petitioner must provide an estimate as to the value of the decedent's partial interest in the subject real property.

There is no indication in the court's file that the original will was lodged. The original will must be lodged.

There is no proof of service of notice of the hearing and a copy of the petition on the interested persons in the court's file.

“At least 15 days before the hearing of a petition for administration of a decedent's estate, the petitioner shall serve notice of the hearing by mail or personal delivery on all of the following persons: (a) Each heir of the decedent, so far as known to or reasonably ascertainable by the petitioner. (b) Each devisee, executor, and alternative executor named in any will being offered for probate, regardless of whether the devise or appointment is purportedly revoked in a subsequent instrument.” (Probate Code, § 8110.)

The notice of hearing of a petition for administration of a decedent's estate that is served on the interested persons shall substantially state the language set forth in Section 8100. (Probate Code, § 8100.) (See Mandatory Judicial Council Form DE-121 – Notice of Petition to Administer Estate.)

In addition, the petition is deficient in that it only lists the names and addresses of the decedent's step-son, daughter, and step-daughter. The will leaves monetary bequests to four grandchildren, three great-grandchildren, and a person decedent considered was her sister. In addition, the will left specific personal property and a life estate in certain real property to decedent's good friend. None of these persons are listed and their addresses have not been provided. The names and addresses of these persons must be provided and they must be served notice of the hearing and a copy of the petition. (Probate Code, § 8110(b).)

The court notes that the close friend named in the proffered will is the subject of a probate proceeding to admit his will to probate in Estate of Plant, case number 22PR0201. The petition in that case states he passed away on April 12, 2022.

The court can not reach the merits of the petition until the deficiency in the petition related to listing of names and addresses of the interested persons is corrected and proof under oath that all interested persons have been provided adequate notice is filed.

TENTATIVE RULING # 12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 16, 2022 IN DEPARTMENT NINE. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

13. ESTATE OF CARVER 22PR0053

Review Hearing Re: Inventory and Appraisal.

Letters of Administration with Will Annexed were issued on July 20, 2022. There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RULING # 13: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 16, 2022 IN DEPARTMENT NINE. IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.