

1. ESTATE OF BEEBER 22PR0002

Review Hearing Re: Inventory and Appraisal.

Letters of Administration were issued on March 7, 2022. Bond was set in the amount of \$150,000. There was no Final Inventory and Appraisal in the court's file at the time this ruling was prepared.

TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 2, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

2. ESTATE OF STEWART PP-20200115

(1) Review Hearing Re: Inventory and Appraisal.

(2) Review Hearing Re: Status of Administration.

Letters of Administration were issued on November 13, 2020. Partial inventory and appraisal numbers 1-5 were filed on February 3, 2021, November 12, 2021, and March 15, 2022. The 6th and Final Inventory and Appraisal was filed on May 27, 2022.

Intestate heir Jeffrey Stewart filed a petition to confirm that a TD Ameritrade account was an asset of the trust estate. A settlement was reached at the MSC on September 23, 2021 and a written stipulation for settlement was drafted and executed by all parties. The court inquired at the MSC and each of the parties confirmed in the MSC hearing that they agreed to the stipulation as written. It was agreed that Paul Stewart would draft a more formal order and written settlement agreement. The formal order and written settlement agreement was entered on January 11, 2022.

The personal representative previously reported that upon filing partial Inventory and Appraisal Number 6 and Final Inventory and Appraisal, the personal representative can move to petition the court to close administration.

The personal representative previously requested that the court authorize the allocation of an Apple Laptop to heir Paul Stewart without any explanation as to why he should be allocated the laptop. This needs to be clarified.

At the hearing on June 29, 2022 the court allowed the parties to file a further brief or declaration on or before July 13, 2022 concerning Paul Stewart's Motion to Enforce Settlement Agreement and took the matter under submission as of July 13, 2022. The court also set this review hearing. The parties were present at the hearing

The parties resolved the matter by stipulation and on September 9, 2022 the court entered the order upon stipulation of the parties, which rendered the motion to enforce settlement moot.

A creditor's claim was filed on September 26, 2022 by the State Franchise Tax Board.

There is a Final Account and Request for Order of Final Distribution that was filed on May 27, 2022, which stated it was set for hearing on July 20, 2022.

The court is unable to find any notice of the hearing and the account on the interested persons in the court's file and it does not appear that the final account was placed on calendar for hearing on the July 20, 2022 or any other date. The personal representative is to appear and explain when a date for a hearing will be requested and proper notice be served.

TENTATIVE RULING # 2: THE 6TH AND FINAL INVENTORY AND APPRAISAL HAVING BEEN FILED ON MAY 27, 2022, THE REVIEW HEARING RE: INVENTORY AND APPRAISAL IS DROPPED FROM THE CALENDAR. APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 2, 2022 IN DEPARTMENT EIGHT REGARDING THE REVIEW HEARING RE: STATUS OF ADMINISTRATION. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

3. ESTATE OF WILLIAMS 22PR0112

Petition to Admit Will to Probate.

The petition requests the bond requirement be waived on the ground that all heirs/will beneficiaries have waived the bond requirement. There are no form Waivers of Bond by Heir or Beneficiary (Judicial Council Form DE-142/DE-111(A-3d).) executed by will beneficiaries Jason Williams and Brian Williams in the court's file. Absent those executed waivers being filed, bond will be set in the amount of \$259,900.

The previous proof of service of the mandatory Judicial Council Form DE-121 – Notice of Petition to Administer Estate, which includes the statutory notice language, did not declare that will beneficiaries “Brian and Jason” were served notice of the prior hearing date and a copy of the petition. A proof of service and notice filed on July 29, 2022 declares that on July 28, 2002 the form DE-120 notice of the hearing, the petition for probate, the proof of holographic instrument, and proof of subscribing instrument were served by mail on all interested persons, including grandsons/will beneficiaries Jason Williams and Brian Williams. The grandsons are not listed in the verified petition and there is no declaration confirming the addresses listed in the proof of service are Jason Williams’ and Brian Williams’ addresses. Therefore, their addresses have not been confirmed under oath and the court can not verify they were validly served notice of the hearing and the other documents. This needs to be remedied.

In addition, if Jason Williams and Brian Williams were validly served by mail to their correct addresses, the DE-120 notice is insufficient. 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.) Petitioner

failed to provide a proof of service of the mandatory Judicial Council Form DE-121 – Notice of Petition to Administer Estate, which includes the statutory notice language.

TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 2, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY “VCOURT”, WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

4. ESTATE OF HERBERT SHEARER PP-20190068

- (1) Review Hearing Re: Status of Administration.**
- (2) Review Hearing Re: Inventory and Appraisal.**
- (3) Hearing Re: Bond Amount.**

It has been reported that the only asset of the estate to be administered is the final distribution from the Estate of Marie Shearer, PC-20170036 and that it is premature to file the Final Inventory and Appraisal at this time, because no distribution has been received from the Estate of Marie Shearer, PC-20170036.

The bond has not been set due to the lack of a final inventory and appraisal, which has not been filed since the last hearing. There is no final account and report in the court's file.

The court takes judicial notice that the Estate of Marie Shearer, PC-20170036 remains pending and, in fact, is set for a status of administration hearing on this same date.

TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 2, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

5. ESTATE OF NEWELL 22PR0090

Review Hearing Re: Inventory and Appraisal.

TENTATIVE RULING # 5: THE FINAL INVENTORY AND APPRAISAL HAVING BEEN FILED ON SEPTEMBER 15, 2022, THIS MATTER IS DROPPED FROM THE CALENDAR.

6. ESTATE HENNICK PP-20210098

Review Hearing Re: Status of Administration

Letters of Administration were issued on July 7, 2022. The Final Inventory and Appraisal was filed on January 28, 2022. Creditors' claims were filed on August 24, 2021, September 24, 2021, February 14, 2022, and July 27, 2022.

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

TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 2, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

7. ESTATE OF MARIE SHEARER PP-20170036

(1) Review Hearing Re: Final Account and Report.

(2) Review Hearing Re: Status of Administration.

Letters of Administration were issued on April 12, 2017. The Final Inventory and Appraisal was filed on May 26, 2017. The 1st Interim Account and Report was approved and settled on October 3, 2018. The 2nd Interim Account and Report was approved and settled on June 26, 2019. The July 6, 2022 hearing was continued to November 2, 2022. There was no Final Account and Report in the court's file at the time this ruling was prepared.

TENTATIVE RULING # 7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 2, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

8. ESTATE OF SCOTT PP-20210149

Review Hearing Re: Inventory and Appraisal.

On March 9, 2022 the court granted the petition to admit the will to probate with authorization to administer the estate under the IAEA. An order for special administration was entered on July 12, 2022 to allow access to a safe deposit box. Letters for Special Administration were not submitted or issued.

There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 2, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

9. ESTATE OF BONSER 22PR0097

(1) Review Hearing Re: Letters of Administration.

(2) Review Hearing Re: Inventory and Appraisal.

The court was advised at the hearing on June 8, 2022 that the parties had reached a settlement and it was anticipated that petitioner Marina Bonser would be appointed administrator. The matter was continued to July 9, 2022 and a hearing on the filing of the Inventory and Appraisal was set for that same date. The parties were to submit an order with the settlement. The order and settlement were not in the court's file at the time of the July 9, 2022 as the settlement agreement was still circulating.

Should petitioner be appointed personal representative upon presentation of the settlement agreement, the court is inclined to require bond in the amount of \$175,000 be posted as requested, unless the settlement agreement includes a provision related to the bond.

The order and settlement were not in the court's file at the time this ruling was prepared.

TENTATIVE RULING # 9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 2, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

10. MATTER OF THE HARVEY STERNER LIVING TRUST 22PR0196**Petition for Instructions.**

The verified 1st amended petition alleges: petitioner is the natural child of the decedent settlor and omitted beneficiary of the Trust; Probate Code, § 21621(a) requires that the Trust instrument expressly disinherits petitioner; the Trust instrument lacks sufficient language to disinherit petitioner; the Probate Code, § 21380 presumption of fraud and/or undue influence applies; and petitioner has been damaged in the amount of \$20,000 due to the failure to timely provide petitioner, who is not a named beneficiary in the Trust instrument, the Probate Code, § 16061.7 notice. The 1st amended petition prays for the following findings: petitioner is the decedent settlor's natural child; the Trust instrument lacks express language of an intent to omit petitioner as a beneficiary; decedent settlor's failure to provide for petitioner was unintentional; petitioner shall inherit 50% of the decedent settlor's estate; the decedent settlor was the victim of undue influence and fraud perpetrated by the successor trustee; the successor trustee's failure to provide petitioner with notice of the irrevocability of the Trust breached his fiduciary duty to petitioner; the successor trustee is liable for all damage, costs, and attorney fees incurred by petitioner; and the successor trustee must reimburse petitioner for the sale of petitioner's personal property and vehicles when the real property in Mount Akum was sold to a third party without notice to petitioner.

"Except as provided in Section 15800, a trustee or beneficiary of a trust may petition the court under this chapter concerning the internal affairs of the trust or to determine the existence of the trust." (Probate Code, § 17200(a).)

"Proceedings concerning the internal affairs of a trust include, but are not limited to, proceedings for any of the following purposes: ¶ (1) questions of construction of a trust

instrument; ¶ * * * (3) Determining the validity of a trust provision. ¶ (4) * * * (6) Instructing the trustee ¶ * * * (12) Compelling redress of a breach of trust by any available remedy ¶ (12) Approving or directing the modification or termination of the trust.” (Probate Code, §§ 17200(b)(1), 17200(b)(3), 17200(b)(4), 17200(b)(6), and 17200(b)(12) and 17200(b)(13).)

The proof of service of the initial petition for instructions declares that on July 27, 2022 the successor trustee/beneficiary was personally served the petition. The proof of service of the amended petition declares it was served on September 15, 2022 by email to the successor trustee’s/beneficiary’s counsel.

On September 28, 2022 the successor trustee/beneficiary filed a response to the petition requesting that petitioner take nothing; that the petition be denied; and respondent be awarded costs of suit and such other relief as the court deems proper.

TENTATIVE RUIING # 10: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 2, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY “VCOURT”, WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

11. ESTATE OF BROWN 22PR0195**Petition to Determine Succession to Real Property.**

The verified petition states that decedent was a non-resident who died testate on June 29, 2021 in Montana; no probate administration is being conducted or has been conducted in California; no probate administration has been commenced in any other jurisdiction; and petitioner claims he is entitled to succession to the subject real property in South Lake Tahoe as provided in decedent's will.

If a decedent dies leaving real property in this state and the gross value of the decedent's real and personal property in this state does not exceed \$166,250, excluding the value of the property described in Probate Code, § 13050, and 40 days have elapsed since the death of the decedent, the successor of the decedent to an interest in a particular item of property that is real property may petition the court of the county in which the estate may be administered to determine that the petitioner has succeeded to that real property. The petition may also include an additional request that the court order that the petitioner has succeeded to the personal property described in the petition. (Probate Code, § 13151.) Such a petition may only be used where either the decedent's personal representative consents in writing to use of this procedure or where no proceeding is being or has been conducted in this state for administration of the decedent's estate. (Probate Code, § 13150.)

If the court makes the requisite determinations that support granting the petition, "the court shall issue an order determining (1) that real property, to be described in the order, of the decedent is property passing to the petitioners and the specific property interest of each petitioner in the described property and (2) if the petition so requests, that personal property, to be described in the order, of the decedent is property passing to the petitioners and the

specific property interest of each petitioner in the described property.” (Probate Code, § 13154(a).)

“Notice of the hearing shall be given as provided in Section 1220 to each of the persons named in the petition pursuant to Section 13152.” (Probate Code, § 13153.)

The prof of service declares that on September 29, 2022 the notice of hearing and petition were served by mail to two sons, the nominated executor, and alternate executor named in the will.

There was no opposition to the petition in the court’s file as of the date this ruling was prepared.

Attached to the petition is an inventory and appraisal that states that the probate referee appraised the decedent’s 1/3 interest in the real property as being worth \$140,493 and a copy of the will, which leaves decedent’s entire estate to petitioner. The original will is not lodged with the court. Since the succession to the subject real property is to be determined by the original will it must be lodged with the court in order for it to be considered as evidence in support of the petition.

TENTATIVE RULING # 11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 2, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY “VCOURT”, WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

12. MATTER OF SPECIAL NEEDS TRUST OF RAYLEENA SOSTRE PP-20110058

Status Hearing.

On April 13, 2022 the court approved the 3rd and 4th account of the interim trustee upon receipt of the verified supplement to the report and reserved the issues of the interim trustee's fees, attorney's fees and cost reimbursement to be heard on June 29, 2022.

On April 26, 2022 the court entered an order approving Daniel Hunt's petition for court approval of attorney fees and ordered the interim trustee to pay Daniel Hunt \$9,861.25 in attorney fees from the River Sostre Special Needs Trust and \$9,861.25 in attorney fees from Rayleena Sostre Special Needs Trust for fees incurred for his representation of the special need trust beneficiaries in these proceedings.

At the hearing on June 29, 2022 Crystal S.'s counsel requested 60 days to connect with Mia Ehsani's counsel as the parties may be able to work it out and file a stipulation with the court; Mia Ehsani's counsel requested authorization to pay the 2019, 2020, and 2021 property taxes from the blocked account; and while Crystal S.'s counsel did not object to the payment, counsel wanted the order to reflect that Crystal S. will make the payments. The court ordered the property taxes paid directly to the tax office from the blocked account and continued the Status Hearing to November 2, 2022.

TENTATIVE RULING # 12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 2, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

13. MATTER OF THE SPECIAL NEEDS TRUST OF RIVER SOSTRE PP-20110057

Status Hearing.

On April 13, 2022 the court approved the 3rd and 4th account of the interim trustee upon receipt of the verified supplement to the report and reserved the issues of the interim trustee's fees, attorney's fees and cost reimbursement to be heard on June 29, 2022.

On April 26, 2022 the court entered an order approving Daniel Hunt's petition for court approval of attorney fees and ordered the interim trustee to pay Daniel Hunt \$9,861.25 in attorney fees from the River Sostre Special Needs Trust and \$9,861.25 in attorney fees from Rayleena Sostre Special Needs Trust for fees incurred for his representation of the special need trust beneficiaries in these proceedings.

At the hearing on June 29, 2022 Crystal S.'s counsel requested 60 days to connect with Mia Ehsani's counsel as the parties may be able to work it out and file a stipulation with the court; Mia Ehsani's counsel requested authorization to pay the 2019, 2020, and 2021 property taxes from the blocked account; and while Crystal S.'s counsel did not object to the payment, counsel wanted the order to reflect that Crystal S. will make the payments. The court ordered the property taxes paid directly to the tax office from the blocked account and continued the Status Hearing to November 2, 2022.

TENTATIVE RULING # 13: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 2, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

14. MATTER OF THE MATTHEW LITRELL IRREVOCABLE SPECIAL NEEDS TRUST

22PR0096

4th Account and Report of Trustee.

Proceedings concerning the internal affairs of the trust include, but are not limited to, “Settling the accounts and passing upon the acts of the trustee, including the exercise of discretionary powers.” (Probate Code, § 17200(b)(5).)

“At least 30 days before the time set for the hearing on the petition, the petitioner shall cause notice of hearing to be mailed to all of the following persons: ¶ (1) All trustees. ¶ (2) All beneficiaries, subject to Chapter 2 (commencing with Section 15800) of Part 3. ¶ (3) The Attorney General, if the petition relates to a charitable trust subject to the jurisdiction of the Attorney General.” (Probate Code, § 17203(a).)

Although the 4th Account and Report appears to be in order, there was no proof of service of notice of the hearing and a copy of the 4th account and report on the persons listed in paragraph 13 of the verified petition as interested parties entitled to notice in the court’s file at the time this ruling was prepared.

TENTATIVE RULING # 14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 2, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY “VCOURT”, WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.