

**1. ESTATE OF GRAHAM, 23PR0134**

**Petition to Administer Estate (See Related No. 2)**

This matter was continued from July 28, 2023. To date, there is still no proof of publication in the court's file.

**TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, AUGUST 11, 2023, IN DEPARTMENT FOUR.**

**2. ESTATE OF GRAHAM, 23PR0150**

**Petition to Administer Estate (See Related No. 1)**

**TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, AUGUST 11, 2023, IN DEPARTMENT FOUR.**

**3. ESTATE OF LADLEY, SP20170021****Accounting Hearing**

Susan Ladley died intestate and without issue on May 24, 2017. She was survived by her five siblings; Robert A. Lewis, Debra L. Cane, Julia L. Askew, Steven R. Lewis, and Lynette K. McAliney (together, “Susan’s Siblings”).

Susan was predeceased by her husband of 31 years, Carl Edward Ladley. Carl had three surviving children from a previous marriage; Margaret Sanford, Kelly M. Gherardi, and Brian A. Ladley (together, “Carl’s Children”).<sup>1</sup>

Pursuant to Carl’s Will, his assets passed to Susan. This included the real property located at 909 Edgewood Circle, South Lake Tahoe, California, 96150 (“Edgewood Property”). In August 2021, the court directed distribution of the Edgewood Property to Carl’s Children pursuant to Probate Code section 6402.5 (concerning the distribution of real property where the decedent had a predeceased spouse who died not more than 15 years before the decedent and there is no surviving spouse or issue of the decedent). Susan’s Siblings appealed and in March 2022, the Court of Appeal affirmed the court’s decision.

On April 14, 2022, Prior Administrator Dawn Akel filed her First Account and Report and Petition for its Settlement. There was no objection. On June 6, 2022, the court approved of the accounting in its entirety.

On May 25, 2023, Successor Administrator Kathryn Cain filed her First and Final Account and Report and Petition for its Settlement.

Susan’s Siblings object to the First and Final Account and Report of the Successor Administrator on two grounds: first, that the Account does not indicate the value of the contents of the Edgewood Property (Susan’s Siblings propose conducting an estate sale, with the net proceeds going one-half going to Carl’s Children and one-half going to Susan’s

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<sup>1</sup> Another son, Bard Edwin Ladley, predeceased Carl without issue.

Siblings); and second, that Carl's Children should bear all costs associated with the Edgewood Property so there is no adjustment to Susan's Siblings' inheritance from the estate. Specifically, Susan's Siblings identify \$23,811.73 of expenses under the Prior Administrator's accounting and \$36,510.43 under the Successor Administrator's accounting that relate to the Edgewood Property, including property taxes, property insurance, home maintenance and repair, utilities, and home security.

In response, Margaret Sanford<sup>2</sup> states she is agreeable to an estate sale. (Sanford Brief at 5:18–21.) Thus, Susan's Siblings' first objection is moot. However, Ms. Sanford requests that the court assign a short deadline to complete the process. (*Id.* at 5:22.) Accordingly, the court sets a deadline of November 17, 2023.

Turning to the expenses associated with the Edgewood Property, Ms. Sanford argues that (1) it is improper for Susan's Siblings to make this affirmative request for relief in an objection to accounting (Sanford Brief at 5:27–6:1); (2) Susan's Siblings never objected to the Prior Administrator's accounting, which was approved in its entirety by the court over a year ago (*id.* at 6:9–10); and (3) the default rules direct that the expenses associated with the Edgewood Property are paid from the estate generally. (*Id.* at 6:13–14.)

The court does not view Susan's Siblings' objection to the Edgewood Property expenses as an affirmative request. However, the court agrees that the time has passed for Susan's Siblings to contest the Prior Administrator's accounting, which was approved over a year ago. The court finds that the Edgewood Property expenses under the Successor Administrator's accounting inure solely to the benefit of Carl's Children. Thus, pursuant to the court's equitable authority, the Edgewood Property expenses identified in the Successor Administrator's accounting shall be assessed against Carl's Children's

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<sup>2</sup> Ms. Sanford appears to have acted as a representative for the interests of Carl's Children. For ease of reference, the court shall refer to Ms. Sanford's pleadings and positions as those of Carl's Children.

portion of the estate. (*Estate of Reade* (1948) 31 Cal.2d 669, 672; *Schwartz v. Labow* (2008) 164 Cal.App.4th 417, 427–428.)

**TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, AUGUST 11, 2023, IN DEPARTMENT FOUR.**

**4. ESTATE OF WILCOX, 22PR0183**

**Status of Administration**

The court, on its own motion, continues the matter to September 8, 2023, to be heard with the petition for settlement of first and final account and report of administration.

**TENTATIVE RULING # 4: MATTER IS CONTINUED TO 8:30 A.M., FRIDAY, SEPTEMBER 8, 2023, IN DEPARTMENT FOUR.**

**5. ESTATE OF PERASSO, 22PR0186**

**Status of Administration**

The order for final distribution was entered on December 19, 2022. To date, there is no receipt of distribution and no Ex Parte Petition for Final Discharge (Judicial Council form DE-295) in the court's file.

**TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, AUGUST 11, 2023, IN DEPARTMENT FOUR.**