

1. CONSERVATORSHIP OF BRIAN S., PP20120113**Biannual Review Hearing**

Currently before the court is a Tenth and Eleventh accounting. The Public Guardian is requesting fees in the amount of \$5,302.00 and County Counsel is requesting fees in the amount of \$11,040.20. Counsel for the conservatee objects to the requested fees under Probate Code section 1851.5, arguing there is a presumption that the imposition of the fees will create a hardship, and petitioner should be required to overcome that burden.

Probate Code section 1851.5 provides, “Each court shall assess each conservatee in the county for *any investigation or review conducted by a court investigator with respect to that person*. Subject to Section 68631 of the Government Code, the court may order reimbursement to the court for the amount of the assessment, unless the court finds that all or any part of the assessment would impose a hardship on conservatee or the conservatee’s estate. There shall be a rebuttable presumption that the assessment would impose a hardship if the conservatee is receiving Medi-Cal benefits.” (Prob. Code, § 1851.5 [emphasis added].)

Here, counsel for the conservatee argues, “Because [the conservatee] receives governmental assistance, and that appears to be the overwhelming majority of his income, there is a presumption that the imposition of the requested fees would create a hardship.” (Mtn. at 2:10–11.) The instant request for compensation, however, does not relate to an investigation or review conducted by a court investigator with respect to the conservatee. Rather, it is a request for periodic compensation to the conservator and the conservator’s attorney. Therefore, Probate Code section 1851.5 does not apply.

The court may authorize periodic payments on account to the guardian or conservator or attorney, pursuant to Probate Code section 2640, et seq. There is a limitation, however, that the guardian, conservator, or attorney shall not be compensated with any government benefits program monies unless deemed by the court as necessary to sustain the support and maintenance of the ward or conservatee. (Prob. Code, § 2640, subd. (e).)

Having reviewed the Tenth and Eleventh Accounting, the court finds that virtually all of the conservatee's income was in the form of governmental assistance. The court finds that government benefit monies are necessary to sustain the support and maintenance of the conservatee. Therefore, the court will authorize the request for compensation.

TENTATIVE RULING # 1: THE TENTH AND ELEVENTH ACCOUNTINGS ARE ALLOWED, SETTLED, CONFIRMED, AND APPROVED AS RENDERED. COMPENSATION IS ALLOWED AS REQUEST. THE COURT SETS THE NEXT BIENNIAL REVIEW HEARING AT 8:30 A.M., FRIDAY, JANUARY 16, 2026, IN DEPARTMENT FOUR.

2. CONSERVATORSHIP OF LOUIS B., 22PR0188

Annual Review Hearing

TENTATIVE RULING # 2: ABSENT OBJECTION, PETITION GRANTED AS REQUESTED. THE COURT SETS THE NEXT ANNUAL REVIEW HEARING AT 8:30 A.M., FRIDAY, JANUARY 17, 2025, IN DEPARTMENT FOUR.

3. ESTATE OF GRUBER, 23PR0282

Petition for Probate

**TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY,
JANUARY 19, 2024, IN DEPARTMENT FOUR.**

4. ESTATE OF MILLER, 23PR0288

Petition to Administer Estate

TENTATIVE RULING # 4: ABSENT OBJECTION, PETITION IS GRANTED AS REQUESTED.
LETTERS SHALL ISSUE. THE COURT SETS A HEARING RE: STATUS OF ADMINISTRATION
AT 8:30 A.M., FRIDAY, JANUARY 17, 2025, IN DEPARTMENT FOUR.

5. ESTATE OF PETRIG, SP20200030**Status of Administration (See Related Item No. 6)**

Letters of Administration were issued on September 18, 2020. The Final Inventory and Appraisal was filed on October 9, 2020. Final distribution was ordered on July 8, 2021. A stipulation and order regarding partial distribution was filed in the matter, Estate of Edgar Petrig, El Dorado County Superior Court Case No. SP20190002 (see item no. 6), which also affects this matter. Estate of administration for this action remains open pending completion of the administration of Edgar's estate.

On January 11, 2024, petitioner submitted a Supplemental Report. Absent objection, the petition is granted as requested.

TENTATIVE RULING # 5: ABSENT OBJECTION, PETITION IS GRANTED AS REQUESTED. THE COURT SETS A HEARING RE: STATUS OF ADMINISTRATION AT 8:30 A.M., FRIDAY, MARCH 22, 2024, IN DEPARTMENT FOUR.

6. ESTATE OF EDGAR P., SP20190002**Status of Administration (See Related Item No. 5)**

Letters of Administration were issued on April 17, 2019, to Ann Petrig, who subsequently passed away. Letters of Administration were then issued to decedent's mother on September 18, 2020. The Final Inventory and Appraisal was filed on October 9, 2020. Partial distribution of the estate was ordered on November 2, 2020, and final distribution was ordered on July 8, 2021.

On January 11, 2024, petitioner submitted a Supplemental Report. Absent objection, the petition is granted as requested.

TENTATIVE RULING # 6: ABSENT OBJECTION, PETITION IS GRANTED AS REQUESTED. THE COURT SETS A HEARING RE: STATUS OF ADMINISTRATION AT 8:30 A.M., FRIDAY, MARCH 22, 2024, IN DEPARTMENT FOUR.

7. GUARDIANSHIP OF MICHAEL T., SP20200017

Annual Review Hearing

Letters of Guardianship of the person and estate were issued on February 2, 2021. The annual guardianship status report (Judicial Council Form GC-251) concerning the minor was submitted by the guardians. Having read and considered the report, the court finds and orders that the guardianship remains necessary and shall continue.

TENTATIVE RULING # 7: APPEARANCES REQUIRED AT 8:30 A.M., FRIDAY, JANUARY 19, 2014, REGARDING TRANSPORTATION OF THE MINOR FOR VISITATION.

8. CONSERVATORSHIP OF SHANTI P., SMH20190001

Accounting Hearing

TENTATIVE RULING # 8: ABSENT OBJECTION, THE THIRD ACCOUNT IS ALLOWED, SETTLED, AND APPROVED AS REQUESTED. THE COURT SETS THE FOURTH ANNUAL ACCOUNTING HEARING AT 8:30 A.M., JANUARY 17, 2025, IN DEPARTMENT FOUR.

9. ESTATE OF BOGUE, 22PR0303

Status of Administration

TENTATIVE RULING # 9: ABSENT OBJECTION, THE FIRST AND FINAL REPORT IS ALLOWED, SETTLED, AND APPROVED AS REQUESTED. THE COURT SETS THE NEXT HEARING RE: STATUS OF ADMINISTRATION AT 8:30 A.M., FRIDAY, JANUARY 17, 2025, IN DEPARTMENT FOUR.

10. ESTATE OF SLOAN, SP20200038

Status of Administration

This matter was continued from April 26 and July 28, 2023.

On April 21, 2023, the personal representative submitted the Third Status Report on Distribution of Estate. The personal representative has been in contact with two local attorneys in Eddy County, the county in which the New Mexico mineral rights (discovered after June 2021) are located, but has been unsuccessful in retaining an attorney to handle the distribution.

To date, the court has not received a further status report from the personal representative.

TENTATIVE RULING # 10: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, JANUARY 19, 2024, IN DEPARTMENT FOUR.