

1. ESTATE OF SINGER, 23PR0105

Petition to Administer Estate

To date, there is no Duties and Liabilities of Personal Representative (Judicial Council Form DE-147) or Confidential Supplement to Duties and liabilities of Personal Representative (Judicial Council Form DE-147S) in the court's file.

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

2. CONSERVATORSHIP OF SUSAN O., SP20190028**Oral Argument Re: 6/07/23 Tentative Ruling**

Petitioner El Dorado County Public Guardian requests compensation in the total amount of \$1,739.12 for services rendered to Conservatee during the period of September 5, 2020, through September 4, 2022, as follows: \$951.50 as fair and reasonable compensation for services rendered as Conservator of the Person of the Estate, representing 8.65 hours of services provided to Conservatee; and \$787.62 as fair and reasonable compensation to Petitioner's attorneys, Office of the County Counsel for El Dorado County, representing 4.39 hours of legal services rendered on behalf of conservatee.

Conservatee objects to the requested fees under Probate Code section 1851.5 on the grounds that Conservatee receives government assistance and is thus entitled to a rebuttable presumption that the imposition of the requested fees would create a hardship. 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 [re: initial fee waiver], 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." (*Ibid.*)

The instant request for compensation, however, does not relate to an investigation or review conducted by a court investigator with respect to 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 moneys unless deemed by the court as necessary to sustain the support and maintenance of the ward or conservatee. (Prob. Code, § 2640, subd. (e).)

The Second and Third Biennial Account indicates Conservatee received sufficient non-governmental income to cover Petitioner's request for compensation. Therefore, the court grants Petitioner's request for compensation.

TENTATIVE RULING # 2: PETITION IS GRANTED AS REQUESTED. NO HEARING ON THIS MATTER WILL BE HELD (*LEWIS v. SUPERIOR COURT* (1999) 19 CAL.4TH 1232, 1247), UNLESS A NOTICE OF INTENT TO APPEAR AND REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. NOTICE TO ALL PARTIES OF AN INTENT TO APPEAR MUST BE MADE BY TELEPHONE OR IN PERSON. PROOF OF SERVICE OF SAID NOTICE MUST BE FILED PRIOR TO OR AT THE HEARING.

3. MATTER OF 2022 WILLIAM S. WESTON REVOCABLE TRUST, 23PR0106

**Petition for Order Confirming Trust and Trustee to Determine Ownership of Decedent's
Property and for Order Authorizing and Directing Transfer of the Property to Trustee**

TENTATIVE RULING # 3: ABSENT OBJECTION, PETITION IS GRANTED AS REQUESTED.