

**1. CONSERVATORSHIP OF C.R., SMH20210001**

**Petition for Reappointment**

Before the court is the petition for reappointment of the LPS conservator of the person and estate. The conservatee opposes reappointment.

On April 4, 2025, counsel for the conservatee requested a continuance of the matter, which the court granted.

**TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, MAY 30, 2025, IN DEPARTMENT FOUR.**

**2. ESTATE OF HEAD, 23PR0170**

**Petition for First and Final Account, Statutory Compensation, and Final Distribution**

**TENTATIVE RULING # 2: ABSENT OBJECTION, PETITION GRANTED AS REQUESTED.**

**3. ESTATE OF ETTIENNE, 25PR0094**

**Petition to Determine Succession to Real Property**

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

**4. GUARDIANSHIP OF GULTEN A., 25PR0046**

**Petition to Appoint Guardian**

**TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY,  
MAY 30, 2025, IN DEPARTMENT FOUR.**

**5. MATTER OF THE SARE FAMILY LIVING TRUST DATED MARCH 12, 2018, 25PR0096****Petition to Confirm Trust Assets and for Instructions (See Related Item No. 7)**

On April 17, 2025, petitioner Stacy Hembree (“Hembree”) filed this *Heggstad*<sup>1</sup> petition for order confirming trust assets, as well as instructions regarding co-trustee Suzanna Krzaczek’s (“Krzaczek”) alleged violation of the Sare Family Living Trust Dated March 12, 2018 (the “2018 Trust”).<sup>2</sup>

To date, there is no notice of hearing or proof of service of the petition on all interested parties in the court’s file.<sup>3</sup>

No opposition or response to the instant petition has been filed.

**Background**

Carole Sare (deceased) established the Carole Marie Sare 2013 Trust (the “2013 Trust”) in 2013. The 2013 Trust provides that, upon Sare’s passing, all real property was to be sold, and the trust residue was to be distributed as follows: (1) 25 percent to Krzaczek, outright and free of trust; (2) 23 percent pursuant to the terms of a general power of appointment timely exercised by Krzaczek, or, if no valid general power of appointment was exercised by Krzaczek, to Jake Krzaczek (Krzaczek’s son), in trust until he turns 35; (3) 18 percent to Hembree, outright and free of trust; (4) 16 percent pursuant to the terms of a general power of appointment timely exercised by Hembree, or, if no valid general power of appointment was exercised by Hembree, to Bryanna Hembree (Hembree’s

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<sup>1</sup> *Estate of Heggstad* (1993) 16 Cal.App.4th 943.

<sup>2</sup> Hembree and Krzaczek are both beneficiaries under their mother’s trust, the Carole Marie Sare 2013 Trust (the “2013 Trust”), which owns, amongst other items, six real properties (See El Dorado Super. Ct. Case No. 25PR0048). Hembree and Krzaczek allegedly established the 2018 Trust for the continued management of the 2013 Trust properties for their lifetime benefit.

<sup>3</sup> The court notes that, on May 2, 2025, the court continued the hearing on Krzaczek’s earlier-filed petition in the related case to May 30, 2025, with the express indication that Krzaczek’s petition was to be heard concurrently with the instant petition. However, there are beneficiaries other than Krzaczek under the 2018 Trust entitled to notice. (See Petn., ¶ 23.)

daughter), in trust until she turns 35; and (5) 16 percent pursuant to the terms of a general power of appointment timely exercised by Hembree, or, if no valid general power of appointment was exercised by Hembree, to Layne Hembree (Hembree's daughter), in trust until she turns 35.

Sare passed away in 2016. At that time, the 2013 Trust owned various personal and real property, including 1850 Pima Street in South Lake Tahoe, California – the subject of Krzaczek's pending petition in the related case (Krzaczek seeks, amongst other items, an order approving the proposed listing and sale of 1850 Pima Street pursuant to the terms of the 2013 Trust).

After Sare's passing, Hembree and Krzaczek allegedly desired to hold on to the 2013 Trust's six real properties as long-term investments for the benefit of themselves and their children. They allegedly established the 2018 Trust for the continued management of the 2013 Trust properties for their lifetime benefit.

Hembree alleges Krzaczek failed to record the real property transfers from the 2013 Trust to the 2018 Trust.

The relationship between Hembree and Krzaczek subsequently broke down and the sisters allegedly shifted their focus from joint management of the 2018 Trust to the distribution of the 2013 Trust.

In November 2023, Krzaczek allegedly announced her intent to disregard the existence of the 2018 Trust and strictly adhere to the terms of the 2013 Trust (i.e., liquidate all six real properties).

**TENTATIVE RULING # 5: APPEARANCES REQUIRED AT 8:30 A.M., FRIDAY, MAY 30, 2025, IN DEPARTMENT FOUR.**

**6. CONSERVATORSHIP OF DIANNA S., 24PR0179**

**Placement Review Hearing**

**TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY,  
MAY 30, 2025, IN DEPARTMENT FOUR.**

**7. MATTER OF THE CAROLE MARIE SARE 2013 TRUST, 25PR0048****Petition to Confirm Trust Assets and for Instructions (See Related Item No. 5)**

Petitioner Suzanna Krzaczek seeks an order providing that: (1) the property located at 1850 Pima Street must be sold pursuant to the Carole Marie Sare 2013 Trust (the “2013 Trust”), Section 3.5; (2) the proposed listing and sale of 1850 Pima Street is a proper action by the trustee; (3) beneficiary Stacy Hembree may not receive an in-kind distribution of real property given the language within the 2013 Trust, Section 3.5; and (4) the proposed distribution schedule in the 2013 Trust, Section 3.6 is confirmed given Ms. Hembree’s failure to exercise a valid general power of appointment.

A hearing date was originally set for April 18, 2025. On April 17, 2025, the court issued a tentative ruling stating that, absent objection, the petition was granted.

At the hearing on April 18, 2025, counsel for Ms. Hembree informed the court she filed a separate petition concerning the Sare Family Living Trust Dated March 12, 2018 (the “2018 Trust”)<sup>4</sup> under a different case number (See *Matter of the Sare Family Living Trust Dated March 12, 2018*, El Dorado Superior Court Case No. 25PR0096). The court ordered Ms. Hembree to file a motion to consolidate the matters. To date, there is no motion to consolidate in the court’s file.

On April 29, 2025, Ms. Hembree filed an objection to the instant petition. Ms. Hembree claims the instant petition will become moot if the court rules in her favor in the related case because the 2013 Trust properties are no longer within the 2013 Trust, and thus, (1) no ruling is necessary as to whether Ms. Hembree may receive an in-kind distribution of 1850 Pima Street; and (2) the proposed distribution schedule of any of the 2013 Trust properties is not possible. She also requests that the parties be ordered to mediate their dispute pursuant to *Breslin v. Breslin* (2021) 62 Cal.App.5th 801, 806.

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<sup>4</sup> Petitioner and Ms. Hembree, who desired to hold on to the 2013 Trust properties as long-term investments, allegedly established the 2018 Trust for the continued management of the 2013 Trust properties for their lifetime benefit.



To date, Ms. Krzaczek has not responded to the objection.

On May 2, 2025, the court, on its own motion and in the interest of judicial economy, continued this matter to May 30, 2025, to be heard concurrently with Ms. Hembree's petition in the related case.

**TENTATIVE RULING # 7: APPEARANCES REQUIRED AT 8:30 A.M., FRIDAY, MAY 30, 2025,  
IN DEPARTMENT FOUR.**