

1. CONSERVATORSHIP OF BRANDON G., 24PR0130

First Account and Report

**TENTATIVE RULING # 1: ABSENT OBJECTION, THE ACCOUNT IS ALLOWED, SETTLED, AND
APPROVED AS RENDERED.**

2. ESTATE OF CAPPS, 24PR0138**Status of Administration**

On November 22, 2024, the court granted the petition for final distribution. On July 18, 2025, the court granted the executor's request for a continuance. To date, there are no receipts of distribution and no Ex Parte Petition for Final Discharge (Judicial Council form DE-295) in the court's file.

TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, OCTOBER 17, 2025, IN DEPARTMENT FOUR.

3. ESTATE OF GUEx-BURKE, 24PR0310**Petition to Determine Ownership and Recover Real Property Claimed by Decedent**

Pursuant to Probate Code section 850, subdivision (a)(2)(D), the administrator petitions the court to determine the ownership of the real property located at 2535 Bernice Lane, Unincorporated Area, County of El Dorado, State of California (the "Property").

1. Background

The decedent died testate on May 2, 2023. She was survived by her three children: (1) Cecile Guex; (2) Gilles Guex; and (3) Ariane Paul.

On November 2, 2016, the decedent acquired the Property as the result of the death of Helmi A Benzing.¹ (Petr., at Sec. B.2 & Ex A.) Also on November 2, 2016, the decedent transferred the Property to herself and two of her children, Cecile Guex and Gilles Guex, all as joint tenants. (Petr., at Sec. B.3 & Ex. B.)

On September 19, 2018, the decedent, Cecile Guex, and Gilles Guex, granted the Property to Cecile Guex and Gilles Guex only, both as joint tenants with right of survivorship. (Petr., at Sec. B.4 & Ex. C.)

The petition alleges, "These transfers were made by mistake without the full understanding of Switzerland and California inheritance laws. Decedent did not intend to divest her ownership or to exclude her third child, ARIANE PAUL from succession." (Petr., at Sec. B.5.)

¹ The Grant Deed shows that upon the death of Mr. Benzing on October 13, 2016, decedent acquired the Property in her capacity as successor trustee of the Amendment and Restatement of the Declaration of Trust for the Helmi A. Benzing Revocable Trust created on December 7, 2011, previously titled the Helmi A. Benzing Revocable Trust dated February 4, 1998. Thereafter, on November 2, 2016, the decedent granted the Property to herself in her personal capacity.

On March 9, 2020, the decedent executed a holographic will,² which states in relevant part: “The house in South Lake Tahoe, CA, USA belongs to my son Gilles Guex ... and to my daughter Cecile Guex.... My daughter Ariane Paul ... will receive US\$ 140,000 in compensation from my US share portfolio in addition to her share.” (Petn., Ex. D.) A copy of this will was lodged in this court on November 15, 2024, in connection with the petition to administer the decedent’s estate.

On January 17, 2024, all three of the decedent’s children (Cecile Guex, Gilles Guex, and Ariane Paul) entered into a distribution agreement to distribute the decedent’s estate according to the decedent’s stated intentions.³ (Petn., at Sec. B.7 & Ex. E.) The distribution agreement states: “[The decedent’s] testament, which is not contested, includes the following: [¶] Revocation of all previous dispositions upon death except for any life insurance policies. Declaration to submit the settlement and partition of her estate according to Swiss law, regardless of her domicile. [¶] Bequeathing to her daughter Ariane Paul, in addition to her hereditary portion, an amount of CHF 135,000. [¶] Provisions and Agreements: [¶] The parties are heirs in this succession. The status of the fiscal and succession of the property in South Lake Tahoe, CA (USA), is uncertain, as is a trust that needs to be settled in the USA. [¶] Ariane Paul wishes to exit the succession for a lump sum amount. [¶] Cecile Guex and Gilles Guex will remain in the hereditary division, taking over all assets and liabilities, including tax obligations, from Ariane Paul. They release Ariane Paul from any obligations, taxes, and commitments related to the succession.” (Petn., Ex. E.)

² Attached to the petition is a certified translation of the holographic will from its original language to English. (Petn., Ex. D.)

³ The distribution agreement has also been translated from its original language to English. (Petn., Ex. E.)

2. Discussion

As relevant here, Probate Code section 850 provides that a personal representative, trustee, or any interested party may bring a petition for an order regarding entitlement to property “[w]here [a] decedent died having a claim to real or personal property, title to or possession of which is held by another.” (Prob. Code, § 850, subd. (a)(2)(D).)

The petition alleges, “[t]he Decedent’s will and testament indicates that she still likely believed the [Property] was still an asset of her estate and would be distributed according to her wishes upon her death and also attempt to equalize the distribution of her estate amongst her three children. [¶] Likely, she viewed the transfers in 2016 and 2018 as administrative actions rather than changes to her ultimate testamentary plan, emphasising fairness and equality among her heirs. Likely it was always her desire that none of the recipients of such pre-death transfers would be favoured over others in the final distribution.” (Petr., at Sec. C.2–3.)

Petitioner requests the court to find that Joseph W. Tillson, as administrator of the estate, is the rightful owner of the Property and issue an order transferring ownership to the decedent’s estate.

Having reviewed and considered the decedent’s holographic will, the court is not convinced that the decedent mistakenly transferred the Property in 2018 to her two children, excluding her third child, Ariane Paul. The will that decedent executed in March 2020 states in relevant part: “The house in South Lake Tahoe, CA, USA belongs to my son Gilles Guex ... and to my daughter Cecile Guex.... My daughter Ariane Paul ... will receive US\$ 140,000 in compensation from my US share portfolio in addition to her share.” (Petr., Ex. D.)

Even if the decedent did mistakenly transfer the Property in 2018 (note: the decedent voluntarily made this transfer; it was not a distribution under any trust or testamentary instrument), it is unclear to the court what authority it has to determine that the decedent

is the rightful owner of such Property, as there does not appear to be any issue with the construction of the decedent's holographic will.

TENTATIVE RULING # 3: THE PETITION IS DENIED WITHOUT PREJUDICE. 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.

4. ESTATE OF KOSMIDES, 23PR0179**Status of Administration**

On September 19, 2025, the personal representative submitted a status report requesting an additional four-month continuance of the status of administration hearing.

At the time of his death, the decedent was engaged in an enforcement action pursuant to a judgment entered in *Kosmides v. Vanhee, et al.* (El Dorado Super. Ct., Case No. SCU20180131). Defendant in that matter, Jeffrey Vanhee, has filed for bankruptcy on four separate occasions. The most recent bankruptcy case was dismissed on June 24, 2025. The personal representative has obtained an order for sale of real property in the enforcement action and states in his status report that the sale was expected to take place on October 8, 2025. The continuance request is being made to allow the personal representative to assess the outcome of the sale, and thereafter, to file and serve a motion for final distribution.

TENTATIVE RULING # 4: THE COURT GRANTS THE PERSONAL REPRESENTATIVE'S REQUEST FOR A FURTHER CONTINUANCE. THE MATTER IS HEREBY CONTINUED TO 8:30 A.M., FRIDAY, FEBRUARY 20, 2026, IN DEPARTMENT FOUR.

5. ESTATE OF CARREAU, 24PR0139**Status of Administration**

This matter was continued from September 19, 2025. There were no appearances at the last hearing, despite appearances being required.

Letters Testamentary were issued on August 23, 2024. On September 4, 2025, the executor submitted a status report indicating she is pursuing litigation on behalf of the estate in *Carreau v. Johnson & Johnson, et al.* (Dist. Col., Case No. 1:17-cv-02547, conditionally transferred to the Dist. N.J. under Multidistrict Litigation Order No. 2738 for coordinated proceedings). In her report, the executor requested the court to extend her authority to administer the estate for at least another year.

The status report also indicated there are no known assets other than the potential judgment or settlement award from the pending litigation, and that is why no inventory and appraisal has been filed with the court. However, as noted in the court's tentative ruling issued September 18, 2025, even if there are no known assets (other than the potential judgment or settlement award), Probate Code section 8800 still requires the executor to file an inventory and appraisal within four months after letters are first issued. (Prob. Code, § 8800, subds. (a)–(b).)

TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, OCTOBER 17, 2025, IN DEPARTMENT FOUR, AT WHICH TIME, THE COURT WILL ASK THE EXECUTOR FOR A MORE DETAILED STATUS UPDATE ON THE PENDING LITIGATION.

6. MATTER OF REVOCABLE TRUST OF KATHLEEN F. KARCHER, 25PR0157**Petition for Settlement of First Account, Sale of Real Property, and Instructions**

This matter was originally set for hearing on July 18, 2025. On July 17, 2025, the court issued a tentative ruling stating that, absent objection, the petition was granted as requested. At the hearing on July 18, Michael Tillson, Esq. appeared on behalf of Kelly Karcher and requested a continuance, noting that the beneficiary, Colleen Karcher, had a few questions. The court granted counsel's request and continued the matter to August 15, 2025.

On August 14, 2025, the court issued another tentative ruling granting the petition absent objection. At the hearing on August 15, Colleen Karcher appeared in pro per, objected to the petition, and requested a continuance. Colleen Karcher indicated she was attempting to retain counsel. The court continued the matter to October 17, 2025.

As of the time this tentative ruling was prepared, there were no new filings in the court's file since the last hearing.

TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, OCTOBER 17, 2025, IN DEPARTMENT FOUR.