

1. ESTATE OF FRANKLIN 22PR0101

Review Hearing Re: Inventory and Appraisal.

TENTATIVE RULING # 1: THE FINAL INVENTORY AND APPRAISAL HAVING BEEN FILED ON AUGUST 9, 2022, THIS MATTER IS DROPPED FROM THE CALENDAR.

2. ESTATE OF PIERROZ PP-20210058

Review Hearing Re: Status of Administration.

The order of final distribution was entered on March 30, 2022. There is no receipt of distribution executed by the trustee of the Cheryl Harnage Family Trust in the court's file 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. ON WEDNESDAY, OCTOBER 26, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

3. ESTATE OF ROEDIGER 21PR0038

Review Hearing Re: Inventory and Appraisal.

Letters of Administration were issued on February 14, 2022. There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 26, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

4. ESTATE OF DAILEY 21PR0034

1st and Final Report and Petition for Final Distribution on Waiver of Account.

TENTATIVE RULING # 4: THE PETITION IS GRANTED. THE 1ST AND FINAL REPORT IS APPROVED AND CONFIRMED. FEES ARE FIXED AND PAYMENT ALLOWED AS REQUESTED. REIMBURSEMENT IS ALLOWED AS REQUESTED. FINAL DISTRIBUTION IS ORDERED AS REQUESTED. THE COURT CONFIRMS THE REVIEW HEARING RE: STATUS OF ADMINISTRATION SET FOR 8:30 A.M. ON WEDNESDAY, JANUARY 18, 2023 IN DEPARTMENT EIGHT AT WHICH TIME THE COURT ANTICIPATES THAT THE RECEIPTS OF FINAL DISTRIBUTION WILL HAVE BEEN FILED AND AN EX PARTE PETITION FOR FINAL DISCHARGE (JUDICIAL COUNCIL FORM DE-295.) SUBMITTED.

5. ESTATE OF GIAMBASTIANI PP-20210172

Review Hearing Re: Status of Administration.

TENTATIVE RULING # 5: THE ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED

ON JULY 12, 2022, THIS MATTER IS DROPPED FROM THE CALENDAR.

6. ESTATE OF ALBUQUERQUE 22PR0190

Spousal Property Petition.

TENTATIVE RULING # 6: THE PETITION IS GRANTED.

7. ESTATE OF HOFFMAN PP-20200230

Review Hearing Re: Status of Administration.

Letters Testamentary were issued on February 10, 2021. The Final Inventory and Appraisal was filed on June 4, 2021.

On July 21, 2022 the court relieved counsel for the personal representative after having been informed that he passed away.

There is no substitution of new counsel for personal representative Sharon Hoffman and no Final Account and Request for Order of Final Distribution in the court's file.

Sharon Hoffman needs to provide a status report on when replacement counsel will appear on her behalf in this case; and whether the estate is in a position to close administration and distribute.

There is no proof of service of notice of this hearing on the personal representative, therefore, this matter must be continued and the clerk directed to service notice on the personal representative.

TENTATIVE RULING # 7: THIS MATTER IS CONTINUED TO 8:30 A.M. ON WEDNESDAY, NOVEMBER 16, 2022 IN DEPARTMENT EIGHT. PERSONAL REPRESENTATIVE SHARON HOFFMAN NEEDS TO PROVIDE A STATUS REPORT ON WHEN REPLACEMENT COUNSEL WILL APPEAR ON HER BEHALF IN THIS CASE; AND WHETHER THE ESTATE IS IN A POSITION TO CLOSE ADMINISTRATION AND DISTRIBUTE. THE CLERK IS DIRECTED TO SERVE A COPY OF THIS MINUTE ORDER ON THE PERSONAL REPRESENTATIVE.

8. ESTATE OF WALLACE PP-20150216

Final Discharge Hearing.

The order of final distribution was entered on September 26, 2018. One receipt of final distribution to the guardian of the estate of the three minor beneficiaries was filed on October 11, 2018, which states that the guardian received \$62,619.72 in cash. On February 4, 2019 the second receipt of final distribution executed by the guardian was filed, which states that the guardian received another \$15,975 in cash. On March 5, 2020 a third receipt executed by the guardian of the estate was filed, which stated that the guardian received \$150,000 in cash. Supplemental Inventory and Appraisal number 2 was filed on April 10, 2020 stating that an additional \$162,975 in assets were discovered.

At the hearing on April 20, 2022 the matter was continued to October 26, 2022, because there was a criminal case pending.

There is no ex parte Petition for Final Discharge (Judicial Council Form DE-295.) in the court's file.

TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 26, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

9. ESTATE OF SINGH PP-20210152

(1) Petition to Administer Estate.

(2) OSC Re: Sanctions for Failure to Appear.

Decedent apparently died intestate leaving a daughter and son. The daughter petitions to be appointed personal representative with full authority under the IAEA.

There is no proof of service of the required notice of hearing and a copy of the petition on the decedent's son in the court's file. "At least 15 days before the hearing of a petition for administration of a decedent's estate, the petitioner shall serve notice of the hearing by mail or personal delivery on all of the following persons: (a) Each heir of the decedent, so far as known to or reasonably ascertainable by the petitioner. (b) Each devisee, executor, and alternative executor named in any will being offered for probate, regardless of whether the devise or appointment is purportedly revoked in a subsequent instrument." (Probate Code, § 8110.) The notice of hearing of a petition for administration of a decedent's estate that is served on the interested persons shall substantially state the language set forth in Section 8100. (Probate Code, § 8100.) Petitioner failed to provide a proof of service of the mandatory Judicial Council Form DE-121 – Notice of Petition to Administer Estate, which includes the statutory notice language.

There is no proof of publication in the court's file. (See Probate Code, §§ 8120 and 8121(a).) The court can not consider this petition absent proof of publication.

The petition states that the bond requirement should be waived as all heirs at law have waived the bond requirement. The Judicial Council of California adopted for mandatory use as of January 1, 2015 a form Waiver of Bond by Heir or Beneficiary (Judicial Council Form DE-

142/DE-111(A-3d).). Petitioner failed to have the heirs execute and submit the mandatory form waivers. This must be remedied.

The petitioner has not filed an executed a statement of duties and liabilities. (Judicial Council Form DE-147.) Prior to issuing letters of administration, the personal representative, other than a trust company or public administrator, shall file an acknowledgement of receipt of a statement of duties and liabilities of the office of personal representative. The statement is a mandated Judicial Council form. (Probate Code, § 8404(a).)

Petitioner’s counsel failed to appear at the March 9, 2022 hearing, the court set a hearing on an OSC Re: Failure to Appear for 8:30 a.m. on Wednesday, April 13, 2022 in Department Eight, and ordered counsel to appear. The March 9, 2022 minute order was served on counsel on March 9, 2022.

Counsel failed to appear at the hearing on April 13, 2022 and the matters were continued to June 29, 2022. One of the April 13, 2022 minute orders continuing the sanctions hearing was served by mail to counsel’s address of record. The petitioner’s counsel appeared at the June 26, 2022 hearing and advised the court a dismissal of the case would be filed. The court continued the hearings to October 26, 2022 and held that the hearing would be dropped if the dismissal is filed with the court on or before October 26, 2022.

At the time this ruling was prepared, there was no request for dismissal in the court’s file.

TENTATIVE RULING # 9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 26, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY “VCOURT”, WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

10. ESTATE OF HAINSWORTH PP-20210191

Review Hearing Re: Status of Administration.

Letters of Administration were issued on November 12, 2022. The Final Inventory and Appraisal was filed on January 20, 2022. The Final Report and Petition for Final Distribution on Waiver of Account was filed on August 12, 2022 and is set for hearing on January 4, 2023.

TENTATIVE RULING # 10: THIS MATTER IS CONTINUED TO 8:30 A.M. ON WEDNESDAY, MAY 10, 2023 IN DEPARTMENT EIGHT.

11. ESTATE OF FURNISS PP-20190129

Review Hearing Re: Status of Administration.

Letters Testamentary were issued on September 4, 2019. The Final Inventory and Appraisal was filed on February 21, 2020.

On October 17, 2022 the personal representative reported on the status of administration: the one matter remaining to be administrated is decedent's state income taxes; there was delay due to the unexpected illness of the personal representative's CPA; another CPA was retained to prepare the income tax returns; the returns are expected to be completed by the time of the hearing; and it is anticipated that the Final Account and Report will be filed within 60 days. The personal representative requests a six month continuance.

TENTATIVE RULING # 11: THIS MATTER IS CONTINUED TO 8:30 AM. ON WEDNESDAY, APRIL 26, 2023 IN DEPARTMENT EIGHT.

12. ESTATE OF WARDEN PP-20210026

Review Hearing Re: Status of Administration.

Letters Testamentary were issued on August 17, 2021. The Final Inventory and Appraisal was filed on October 1, 2021. There is no Final Account and Request for Order of Final Distribution in the court's file.

The petition to determine succession to real property submitted by the decedent's two adult sons, daughter, and step-daughter was granted on October 19, 2022. The personal representative needs to appear and advise the court what, if anything, remains to be administered.

TENTATIVE RULING # 12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 26, 2022 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT www.eldorado.courts.ca.gov/online-services/telephonic-appearances.

13. ESTATE OF MARTIN PP-20210064

(1) Final Report on Waiver of Account and for Order of Final Distribution.

(2) Review Hearing Re: Inventory and Appraisal.

At the January 6, 2022 mandatory settlement conference Patricia Reed and Florencio Sinogui settled the issues regarding the petition to administrate the estate, Florencio Sinogui's cross-petition for probate of lost will and objections to appointment of Patricia Reed as administrator, and Florencio Sinogui's creditor's claim that had been rejected on October 27, 2021. Florencio Sinogui withdrew his cross-petition, objections, and creditor's claim in exchange for payment of \$25,000 by January 14, 2022.

On January 14, 2022 the court entered the order appointing Patricia Reed as administrator of the estate and Letters of Administration were issued on that same date. On January 24, 2022 Mr. Sinogui's cross-petition for probate of lost will and objections to appointment of Patricia Reed as administrator were voluntarily dismissed upon request of Mr. Sinogui.

On June 7, 2022 the personal representative filed a final Report on Waiver of Account and Petition for Order of Final Distribution.

There Final Inventory and Appraisal was filed on October 7, 2022.

On September 21, 2022 the personal representative filed notice of the hearing on the Final Report on Waiver of Account and for Order of Final Distribution, which states it is to be heard seven days later on September 28 2022. The proof of service declares the notice and petition was served by mail on the interested parties on September 2, 2022. The hearing was continued to October 26, 2022.

TENTATIVE RULING # 13: THE PETITION IS GRANTED. THE FINAL REPORT ON WAIVER OF ACCOUNT IS APPROVED AND CONFIRMED. FEES ARE FIXED AND

PAYMENT ALLOWED AS REQUESTED. THE CASH RESERVE FOR CLOSING EXPENSES IS APPROVED AS REQUESTED. FINAL DISTRIBUTION IS ORDERED AS REQUESTED. THE COURT CONFIRMS THE REVIEW HEARING RE: STATUS OF ADMINISTRATION SET FOR 8:30 A.M. ON WEDNESDAY, JANUARY 18, 2023 IN DEPARTMENT EIGHT AT WHICH TIME THE COURT ANTICIPATES THAT THE RECEIPTS OF FINAL DISTRIBUTION WILL HAVE BEEN FILED AND AN EX PARTE PETITION FOR FINAL DISCHARGE (JUDICIAL COUNCIL FORM DE-295.) SUBMITTED.

14. MATTER OF THE YOLANDE C. STOKES TRUST 22PR0191

Petition to Determine Title to Personal Property.

Petitioner seeks an order of the court confirming that several Bank of America accounts are assets of the Trust estate

The verified petition alleges: petitioner is the duly appointed successor trustee of the Trust, who was appointed in writing by the three remainder beneficiaries to serve as successor trustee after the three alternative successor trustees declined to serve pursuant to the provisions of Section 6.1 of the Trust Instrument; and the subject Bank of America accounts held in the decedent settlor's name were declared to be assets of the Trust as they were listed in Exhibit A of the Trust Instrument, therefore, they are assets of the Trust estate.

“All proceedings concerning the transfer of property of the trust shall be conducted pursuant to the provisions of Part 19 (commencing with Section 850) of Division 2.” (Probate Code, § 17200.1.)

“A proceeding under this chapter is commenced by filing a petition stating facts showing that the petition is authorized under this chapter. The petition shall also state the grounds of the petition and the names and addresses of each person entitled to notice of the petition.” (Probate Code, § 17201.)

The trustee or any interested person may file a petition to determine ownership of real or personal property and to obtain an order directing the conveyance or transfer real or personal property in any of the following cases: “(A) Where the trustee is in possession of, or holds title to, real or personal property, and the property, or some interest, is claimed to belong to another. (B) Where the trustee has a claim to real or personal property, title to or possession of

which is held by another. (C) Where the property of the trust is claimed to be subject to a creditor of the settlor of the trust.” (Probate Code, § 850(a)(3).)

“Except as provided in Sections 853 and 854, if the court is satisfied that a conveyance, transfer, or other order should be made, the court shall make an order authorizing and directing the personal representative or other fiduciary, or the person having title to or possession of the property, to execute a conveyance or transfer to the person entitled thereto, or granting other appropriate relief.” (Probate Code, § 856.)

Where the petition to determine ownership of property involves a Trust, notice of the hearing and a copy of the petition must be served at least 30 days prior to the hearing by mail to all beneficiaries and the Attorney General, if the petition relates to a charitable trust subject to the jurisdiction of the Attorney General. (Probate Code, §§ 851(b)(3) and 17203(a).)

A proof of service declares that on September 20, 2022 notice of the hearing and a copy of the petition were served by mail on the beneficiaries of the Trust and Bank America as the Bank in possession of the subject accounts.

“At least 30 days prior to the day of the hearing, the petitioner shall cause notice of the hearing and a copy of the petition to be served in the manner provided in Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure on all of the following persons where applicable: ¶ (1) The personal representative, conservator, guardian, or trustee as appropriate. ¶ (2) Each person claiming an interest in, or having title to or possession of, the property.” (Emphasis added.) (Probate Code, § 851(a).)

“Except as otherwise provided by statute, a summons shall be served on a person: ¶ (a) Within this state, as provided in this chapter. ¶ (b) Outside this state but within the United States, as provided in this chapter or as prescribed by the law of the place where the person is served...” (Code of Civil Procedure, § 413.10(a) and (b).)

“A summons may be served by personal delivery of a copy of the summons and of the complaint to the person to be served. Service of a summons in this manner is deemed complete at the time of such delivery...” (Code of Civil Procedure, § 415.10.)

Since the successor trustee is the petitioner, the petitioner need not give notice to himself. “If a person is required to give notice, the person required to give the notice need not give the notice to himself or herself or to any other person who joins in the petition.” (Probate Code, § 1201.)

A proof of service executed by a registered process server declares that on September 21, 2022 Bank of America, where the accounts are located, was personally served by serving an agent.

There was no opposition or objection to the petition in the court’s file at the time this ruling was prepared.

A written document declaring a trust in the property described in Schedule A signed by the settlor who owns the described property at the time he or she made the declaration constitutes a proper manifestation of his or her intent to create a trust. There is no requirement that the settlor/trustee execute a separate writing conveying the property to the trust. (Estate of Heggstad (1993) 16 Cal.App.4th 943, 948.)

The Trust Instrument provides: “The settlor conveys, grants, assigns and transfer to the Trustee the property described in Exhibit A attached, the receipt of which is acknowledged by the Trustee, in trust, to hold, manage, and distribute as set forth in this Agreement.” (Verified Petition, Exhibit A – Trust Instrument, paragraph 2.1.)

Exhibit A of the Trust instrument lists the subject bank accounts at Bank of America.

Under the circumstances presented, it appears appropriate to grant the petition.

TENTATIVE RULING # 14: THE PETITION IS GRANTED.

15. MATTER OF THE ISAAC YOON FIRST PARTY SPECIAL NEEDS TRUST PP-20210061

1st Account and Report.

**TENTATIVE RULING # 15: THIS MATTER IS CONTINUED TO 8:30 A.M. ON WEDNESDAY,
NOVEMBER 9, 2022 IN DEPARTMENT EIGHT.**