

December 8, 2025
Dept. 9
Probate Tentative Rulings

1.	24PR0002	ESTATE OF NELSON
Status of Administration		

An Order for Final Distribution was entered on December 9, 2024, and continued to the current date to allow time to file receipts and an *ex parte* petition for final discharge. Nothing has been filed since that date.

TENTATIVE RULING #1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 8, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, DECEMBER 7, 2026, IN DEPARTMENT NINE. PETITIONER OR COUNSEL ARE ORDERED TO PERSONALLY APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

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2.	25PR0272	ESTATE OF WOOD
Letters of Administration		

Decedent died intestate on October 9, 2018, survived by two adult children. Petitioner is decedent's daughter. The Petition requests full authority under the Independent Administration of Estates Act.

The Petition requests a bond in the amount of \$900,000 be fixed.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on October 21, 2025.

Proof of service of notice of the hearing on the Petition was filed on October 28, 2025.

There is no proof of publication on file with the court, as required by Probate Code §§ 8120, 8121.

At the previous hearing on November 10, 2025, the matter was continued at the request of the Petitioner.

TENTATIVE RULING #2: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 8, 2025, IN DEPARTMENT NINE.

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3.	PP20180253	ESTATE OF DURAN
Motion to Deem Matters Admitted		

This is a Motion for an Order Deeming Admitted Truth of Facts and Genuineness of Documents to Petitioner's Request for Admissions and Genuineness of Documents, Set Number One (1) dated July 23, 2025. Petitioner further requests the Court for an Order awarding monetary sanctions against Respondent in the amount of \$2,695.

Respondent has not provided Petitioner any response to the subject discovery, notwithstanding a history of informal communication between the parties described in the Declaration of Kristina E. Rubio, dated October 7, 2025, Exhibits B and C (pp. 209-216 of Motion in Court's file).

The Motion is unopposed.

Code of Civil Procedure § 2033.280 addresses the failure to respond to requests for admissions:

If a party to whom requests for admission are directed fails to serve a timely response, the following rules apply:

(a) The party to whom the requests for admission are directed waives any objection to the requests, including one based on privilege or on the protection for work product under Chapter 4 (commencing with Section 2018.010). The court, on motion, may relieve that party from this waiver on its determination that both of the following conditions are satisfied:

(1) The party has subsequently served a response that is in substantial compliance with Sections 2033.210, 2033.220, and 2033.230.

(2) The party's failure to serve a timely response was the result of mistake, inadvertence, or excusable neglect.

(b) The requesting party may move for an order that the genuineness of any documents and the truth of any matters specified in the requests be deemed admitted, as well as for a monetary sanction under Chapter 7 (commencing with Section 2023.010).

(c) The court shall make this order, unless it finds that the party to whom the requests for admission have been directed has served, before the hearing on the motion, a proposed response to the requests for admission that is in substantial compliance with Section 2033.220. It is mandatory that the court impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) on the party or attorney, or both, whose failure to serve a timely response to requests for admission necessitated this motion.

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TENTATIVE RULING #3: THE MOTION IS GRANTED. SANCTIONS IN THE AMOUNT OF \$500 IS AWARDED TO PETITIONER AND SHALL BE PAID BY RESPONDENT WITHIN TEN CALENDAR DAYS.

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4.	PP20210129	ESTATE OF VAN NESS
OSC Hearing -Sanctions		

No parties appeared at the Status of Administration hearing on June 2, 2025, and the Court set an OSC hearing on September 15, 2023. No parties appeared at that hearing. The personal representative was sanctioned for the amount of \$50.00 and the Court set this OSC hearing for removal or suspension of the personal representative.

TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 8, 2025, IN DEPARTMENT NINE.

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5.	22PR0159	ESTATE OF CHISHOLM
Status of Administration		

An Order for Final Distribution was entered on July 2, 2025. The Administrator has attempted to get beneficiary Daniel Chisholm to sign a receipt but he has refused to do so. The Administrator requests the Court to dispense with the requirement of filing a receipt and accept the documentation of a wire transfer to Daniel Chisholm that is attached to the Declaration of the Administrator, filed on December 3, 2025.

TENTATIVE RULING #5: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 8, 2025, IN DEPARTMENT NINE.

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6.	24PR0276	ESTATE OF BASKINS
Status of Administration		

A Final Inventory and Appraisal was filed on September 5, 2025.

On November 12, 2025, the Administrator filed a report with the Court indicating that it has been particularly challenging identifying the potential heirs of decedent, who died unmarried and without children. The list of people who have received notice of the hearing are decedent's three adult siblings, one person who claims an interest in decedent's home, and two people who occupied decedent's home. No one has requested special notice.

The Administrator requests the Court's approval of the notice list for the estate and an extension of at least six months to close the estate.

Probate Code § 1206 sets forth applicable notice requirements:

(a) Subject to subdivision (b), where notice is required to be given to known heirs or known devisees, notice shall be given to the following persons:

(1) If the estate is an intestate estate, to the heirs named in the petition for letters of administration and to any additional heirs who become known to the person giving the notice prior to the giving of the notice.

* * *

(b) Notice need not be given to a person under subdivision (a) if the person's interest has been satisfied pursuant to court order or as evidenced by the person's written receipt.

The Court finds that the Administrator's notice list in paragraph 5 of the Report of Status of Administration, which according to the Administrator includes all known siblings of decedent, where decedent had no spouse, children or surviving parent, includes all the persons to whom notice is required to be given by the statute.

TENTATIVE RULING #6: THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, DECEMBER 7, 2026, IN DEPARTMENT NINE. PETITIONER OR COUNSEL ARE ORDERED TO PERSONALLY APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

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7.	PP20210107	ESTATE OF DORMISHEV
OSC Hearing		

No parties appeared at the May 12, 2025, and September 15, 2025, Status of Administration hearings. The Court sanctioned the personal representative in the amount of \$50 and set this OSC hearing for the removal of the personal representative.

TENTATIVE RULING #7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 8, 2025, IN DEPARTMENT NINE.

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8.	25PR0282	IN THE MATTER OF ANASTASIA WOOD
Confirming Ownership of Trust Property		

Settlor created the Eugenia Wood Living Trust dated April 6, 2015, using self-help resources. The settlor passed away on October 19, 2015.

Settlor held title to four real properties in her name, and did not transfer title to the trust. However, the Schedule of Trust Property references each of the real properties specifically. Petition, Exhibit A.

Probate Code § 850 permits a trustee who has a claim to property, the title to or possession of which is held by another, to file a petition requesting that the court make an order pursuant to Probate Code § 856 authorizing and directing the person having title to or possession of real property to execute a conveyance or transfer to a person entitled thereto, or granting other appropriate relief. Probate Code § 851 requires the Petitioner to serve notice of the hearing and a copy of the Petition at least 30 days prior to the hearing to each person claiming an interest in or having title to or possession of the property. When the matter concerns a decedent estate, notice shall also be given to any heir or devisee whose interest may be affected by the Petition in accordance with Probate Code § 1200.

Probate Code § 857 provides that in the event that the court issues such an Order:

(a) The order is prima facie evidence of the correctness of the proceedings and of the authority of the personal representative or other fiduciary or other person to make the conveyance or transfer.

(b) After entry of an order that the personal representative, other fiduciary, or other person execute a conveyance or transfer, the person entitled thereunder has the right to the possession of the property, and the right to hold the property, according to the terms of the order as if the property had been conveyed or transferred in accordance with the terms of the order.

* * *

Notice of the hearing and a copy of the Petition were mailed at least 30 days prior to the hearing, to each person claiming an interest in or having title to or possession of the property, as well as any heir or devisee whose interest may be affected by the Petition. The notice and Petition were mailed on October 27, 2025, and filed on October 28, 2025.

Pursuant to Probate Code §850 and *Estate of Heggstad* (1993) 16 Cal.App. 4th 943, 947-950, the Court finds sufficient evidence that decedent intended the above-mentioned assets be part of the Trust.

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TENTATIVE RULING #8: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).

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9.	24PR0275	IN THE MATTER OF GILLIAN ANETTE PETERSON-MURRAY
Status of Administration		

TENTATIVE RULING #9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 8, 2025, IN DEPARTMENT NINE.

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10.	25PR0302	IN THE MATTER OF JAXTON SHAKUR MCCOY
Compromise Claim		

This is a Petition to compromise a minor's claim. The Petition states the minor sustained no injuries from an auto accident in 2024. A copy of the accident investigation report was not filed with the Petition, as required by Local Rule 7.10.12A(4). Petitioner requests the court authorize a compromise of the minor's claim against defendant/respondent in the gross amount of \$10,000.

The Petition states that no medical expenses would be deducted from the settlement.

The Petition states that the minor has no permanent injuries. A doctor's report concerning the minor's condition and prognosis of recovery is attached, as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(3).

The minor's attorney requests attorney's fees in the amount of \$2,500.00, which represents 25% of the gross settlement amount. The court uses a reasonable fee standard when approving and allowing the amount of attorney's fees payable from money or property paid or to be paid for the benefit of a minor or a person with a disability. (Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(8); California Rules of Court, Rule 7.955(a)(1).) The Petition does include a Declaration by the attorney as required by California Rules of Court, Rule 7.955(c).

The minor's attorney also requests reimbursement for costs in the amount of \$976.10. There are copies of bills substantiating the claimed costs attached to the Petition as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A.(6).

With respect to the \$6,523.90 due to the minor, the Petition requests that they be deposited into an insured account with Wells Fargo, subject to withdrawal with court authorization. See attachment 18(b)(2), which includes the name and address of the depository, as required by Local Rules of the El Dorado County Superior Court, Rule 7.10.12A(7).

The minor's presence at the hearing will be required in order for the court to approve the Petition. Local Rules of the El Dorado County Superior Court, Rule 7.10.12.D.

TENTATIVE RULING #10: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 8, 2025, IN DEPARTMENT NINE.

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11.	23PR0274	IN THE MATTER OF THE DAREH HAGHVIRDI SPECIAL NEEDS TRUST
Accounting Hearing		

The Petition requests:

1. Court approval of the First Account and Report of Trustee, which includes reduction of the bond to \$2,508,000 from \$3,728,000.
2. For the Court to fix Trustee fees; \$12,355.50 is requested (see Exhibit D: trustee fee schedule; Exhibit E: statement of trustee services).
3. For the Court to set attorney's fees; \$18,77.50 plus \$670.21 in costs is requested (see Exhibit F).

Upon review of the Petition, the Court finds good cause to grant all of the requests.

TENTATIVE RULING #11: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).

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12.	25PR0244	IN THE MATTER OF WRAY DAVID FLEMING
Letters of Administration		

Decedent died intestate on August 16, 2024, survived by Petitioners, his two adult children, who are petitioning to open probate on his estate.

An Objection to the Petition was filed on October 15, 2025. The Objection states that there is no estate to administer through probate because all assets of the decedent are being administered through the Will of Wray D. Fleming and the Wray D. Fleming and Nellie W. Fleming Family Trust ("Trust"). Upon the death of the last settlor in 2008, the Trust was divided into the irrevocable Bypass Trust and the revocable Survivor's Trust.

The Objector is the trustee of the Bypass Trust, so named in the Third Amendment to the Trust, dated October 17, 2020. The Trust instrument is attached to the Objection as Exhibit A. The Will of decedent pours over all assets to the Trust and nominates Objector as Executor.

The sole asset of the Bypass Trust was a real property in Tiburon, California. This asset was sold in 2022 for \$1,907,959.98. See Exhibit A to Objector's Response to the Objection (Final Escrow Statement). The Final Escrow Statement shows \$700,000 of the sale proceeds paid to Objector as trustee of the Bypass Trust.

According to Petitioners, Objector, as trustee of the Bypass Trust, prepared a First Accounting for the period between August 16, 2024, through December 31, 2024, showing a credit union account with \$1,1105,606.48. Petitioners indicate that there is \$668,123.07 unaccounted for between the sale of the asset and the reported cash balance of the Trust account. In sum, the \$700,000 paid to the Objector as trustee does not appear to be reflected in the cash balance.

Petitioners Elizabeth Fleming and Leland Fleming ("Petitioners") petitioned to open probate on September 15, 2025. The purpose of this Petition is "to obtain the authority needed to perform their own investigation into the missing \$700,000."

The terms of the Will and the Trust instrument make it clear that there are no assets of decedent that have not been distributed to the Trust. Under these circumstances, there is no purpose in opening probate. If Petitioners wish to compel the trustee to provide an accounting or if they wish the Court to issue instructions to the trustee or interpret or modify the terms of the Trust, the Probate Code provides a variety of procedures to accomplish this.

TENTATIVE RULING #12: THE PETITION IS DENIED.

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13.	25PR0296	MATTER OF DEWEY FAMILY REV. TRUST
Petition for Instructions / Modification		

This is a Petition to modify the terms of a trust because recent changes to federal income tax laws have rendered certain terms of the trust, in particular dividing it into sub-trusts to avoid tax consequences, to provide no benefit to the Trust or the beneficiaries. The remainder beneficiaries of the trust (Petitioner and decedent's adult children) have filed acknowledgement of notice of the Petition, along with an "abstention" that declares: "My abstention in the proceeding should not be interpreted as an affirmative consent or voluntary relinquishment or transfer of any beneficial interest I may have under the terms of the [Trust]."

Petitioner requests the Court to issue an Order as follows:

1. That the terms of the Dewey Family Revocable Trust dated 12/20/2010 are modified by eliminating the provisions of Section 5.3 of the trust instrument that provide for the division of trust assets into separate shares for allocation to a Bypass Trust and Survivor's Trust, thus combining those subtrusts for administration by the trustee as a single trust pursuant to Probate Code § 14511.
2. That the trustee, Judy R. Dewey, is instructed to hold, administer, and distribute the entire trust estate of the Dewey Family Revocable Trust according to the terms of the trust instrument applicable to the Survivor's Trust.
3. That the remainder beneficiaries of the Bypass Trust and Survivor's Trust under the trust instrument are found by the Court to have not consented to the Petition's request for instructions and modification of the Trust as ordered by the Court.
4. That the Court's order modifying the Trust shall be effective only to the extent that the relief granted does not generate adverse federal gift, estate, or generation-skipping transfer tax consequences for the remainder beneficiaries of the Trust.

Probate Code § 15409 provides authority for the Court to modify the terms of a trust:

- (a) On petition by a trustee or beneficiary, the court may modify the administrative or dispositive provisions of the trust or terminate the trust if, owing to circumstances not known to the settlor and not anticipated by the settlor, the continuation of the trust under its terms would defeat or substantially impair the accomplishment of the purposes of the trust. In this case, if necessary to carry out the purposes of the trust, the court may order the trustee to do acts that are not authorized or are forbidden by the trust instrument.
- (b) The court shall consider a trust provision restraining transfer of the beneficiary's interest as a factor in making its decision whether to modify or terminate the trust, but

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the court is not precluded from exercising its discretion to modify or terminate the trust solely because of a restraint on transfer.

TENTATIVE RULING #13: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).

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14.	25PR0080	MATTER OF MARGARET M. REVELLO TRUST
Review Hearing		

At the hearing on May 12, 2025, the Court issued a Restraining Order restraining Trustee John William Traverso from removing, concealing, transferring, selling, encumbering, or in any way disposing of any real or personal property of The Margaret M. Revello Living Trust. At the Settlement Conference on October 8, 2025, the Court modified the Restraining Order to allow the trustee to create a list of items that can be removed from the premises and set this date for a Review Hearing.

TENTATIVE RULING #14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 8, 2025, IN DEPARTMENT NINE.

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15.	23PR0176	MATTER OF THE VANDER VEEN FAMILY TRUST
Status Conference re: Trial		

TENTATIVE RULING #15: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 8, 2025, IN DEPARTMENT NINE.

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16.	24PR0182	ESTATE OF EVERETT DAVIS LINLEY
OSC Hearing		

Letters issued on October 16, 2024, to Petitioner, who is *pro per*. In violation of Probate Code § 8800, no Inventory and Appraisal has been filed.

When no parties appeared at the hearing on September 29, 2025, the Court set an Order to Show Cause for removal or suspension of and/or sanctions against the personal representative.

The personal representative filed an *ex parte* Petition for Final Discharge on November 21, 2025, which was turned by the Clerk because no Order for Final Discharge had been entered by the Court.

The Petition for Final Discharge states that all property has been distributed and that receipts are not required because the personal representative is the sole distributee. However, the initial Petition to open probate identifies a sibling of the personal representative, and the Will indicates that the estate is to be divided equally between them, or their issue if they do not survive the decedent.

TENTATIVE RULING #16: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 8, 2025, IN DEPARTMENT NINE.

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