

January 12, 2026
Dept. 9
Probate Tentative Rulings

1.	25PR0321	IN THE MATTER OF DONALD EDWARD NEUNER
	Letters Testamentary	

Decedent died testate on May 9, 2025.

The Petition requests full authority under the Independent Administration of Estates Act.

The Will was lodged with the court on December 19, 2025, and is admitted to probate.

Petitioner was named as Executor in the Will.

The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on November 12, 2025.

Proof of service of notice of the hearing on the Petition was filed on December 16, 2025.

Proof of publication was filed on December 3, 2025.

TENTATIVE RULING #1: 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).

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JANUARY 11, 2027, 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.	25PR0120	IN THE MATTER OF YVONNE ARMSTRONG
Final Distribution		

Letters of Administration/Letters Testamentary were issued on June 16, 2025, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on September 2, 2025. At the time the inventory and appraisal is filed, you must also file a change of ownership statement with the county recorder or assessor in each county where the decedent owned real property at the time of death, as provided in section 480 of the California Revenue and Taxation Code.

Proof of Service of Notice of the hearing on the Petition was filed on December 2, 2025. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate is to the trust of decedent. Petitioner is the trustee.

The Petition meets the requirements of Local Rule 10.07.12 (Rev. 2026).

The Petition requests:

1. The administration of the estate be brought to a close;
2. The First and Final Account filed with the Petition be settled, allowed and approved;
3. All acts, transactions and proceedings of Petitioner be ratified, confirmed and approved;
4. The Administrator be authorized to pay statutory attorney fees in the amount of \$11,638.82, plus \$52.33 for costs advanced to the estate;
5. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
6. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed to the beneficiaries as set forth in the Petition;
7. **Upon filing of receipts and the Ex Parte Petition for Discharge, Petitioner may be discharged and released from all liability that may be incurred thereafter.**

TENTATIVE RULING #2: 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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APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

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3.	21PR0046	ESTATE OF WHEELER
Status of Administration		

At the previous Status of Administration hearing on October 28, 2024, the Court noted that there is no *ex parte* Petition for Final Discharge (Judicial Council Form DE-295) on file with the Court, although receipts have been filed. Nothing new has been filed since that date.

TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 12, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JANUARY 11, 2027, 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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4.	24PR0234	ESTATE OF RIORDAN
OSC Hearing – Removal or Suspension		

Letters of Administration were issued on March 4, 2025. There were no appearances at the previous Status of Administration hearing and the Court set this OSC hearing. The Administrator is pro per.

TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 12, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JANUARY 11, 2027, 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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5.	PP20210160	ESTATE OF JOHNSON
OSC Hearing – Removal or Suspension		

At the hearing of October 23, 2023, the Court advised Petitioner that, although a proposed Order for Final Distribution had been filed, there was no Petition for Final Distribution or notice of hearing on the Petition for Final Distribution on file with the Court. There were no appearances at the hearing of October 21, 2024. There have been no new filings since that hearing. The Administrator is pro per.

TENTATIVE RULING #5: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 12, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JANUARY 11, 2027, 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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6.	PP20200121	ESTATE OF KNOLL
Status of Administration		

At the previous hearing on July 7, 2025, the Court ordered the personal representative to appear at this hearing, and if they did not appear the Court would consider setting an Order to Show Cause for removal or suspension.

Letters of Administration were issued on December 17, 2020. The Final Inventory and Appraisal was filed on June 14, 2021. Petitioner appeared at the April 15, 2024, and April 14, 2025, hearings.

A non-payment of bond premium was filed on January 2, 2026.

TENTATIVE RULING #6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 12, 2026, IN DEPARTMENT NINE.

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7.	25PR0314	IN THE MATTER OF BOYCE MARY
Confirming Trust Assets		

Petitioner is the surviving settlor and the trustee of the Boyce Family Trust, dated April 29, 2025 ("Trust"). The other settlor died five weeks after the Trust was executed. The settlors did not title their real property, which was titled in both of their names as community property, in the name of the Trust before the death of the settlor. All Trust beneficiaries are minor children of the settlors.

Paragraph 3.1 of the Trust document, attached to the Petition as Exhibit A, references the Schedule of Properties to be included in the Trust assets, including the real property that is the subject of this Petition.

The deceased settlor's pour-over Will indicates all property is to be transferred to the Trust. Petition, Exhibit C, paras. 4.2-4.3. The settlors also executed a General Assignment concurrent with the execution of the Trust document that generally assigns all of their real and personal property interests to the Trust, and additionally lists the subject real property specifically. Petition, Exhibit D.

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.

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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 November 18, 2025, and filed on November 19, 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.

TENTATIVE RULING #7: 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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8.	25PR0291	IN THE MATTER OF MORENO
Letters Testamentary – Lost Will		

See related Case No. 25PR0334, Tentative Ruling No. 10, below.

Decedent died intestate on February 15, 2025, survived by three adult children and two adult children of a predeceased child, according to the Petition. Petitioner is a creditor of decedent who opened probate because it was no one else did.

The Petition requests probate of a lost Will, dated September 13, 2004.

The Petition requests \$100,000 bond be fixed.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on October 16, 2025.

Proof of service of notice of the hearing on the Petition was filed on October 16, 2025.

Proof of publication was filed on November 21, 2025.

Attachment 3(f)(3) to the Petition states that Probate Code § 6124¹ does not apply because Petitioner was able to acquire a duplicate of the Will from the Pima County Recorder's Office website.

Decedent's son Gregory Moreno ("Objector") filed an Objection on November 20, 2025. The Objection attaches a 2018 Will that post-dates the 2004 Will in Petitioner's possession. See Objection, Exhibit A. The 2018 Will is a pour-over Will that bequeaths all assets to a trust. That Will nominates Objector as Executor. Objector stated at the hearing of December 15, 2025, that a competing Petition for letters would be filed by the time of the hearing.

Objector's Petition for Letters of Administration are filed under the related Case No. 25PR0334, Number 10, below.

Given that a competing Petition has been filed by the individual named as Executor in decedent's Will and that Petitioner in this matter is noticed of that Petition, the Court will deny this Petition in favor of allowing probate to proceed through Case No. 25PR0334.

TENTATIVE RULING #8: THIS MATTER IS DISMISSED.

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

¹ "If the testator's will was last in the testator's possession, the testator was competent until death, and neither the will nor a duplicate original of the will can be found after the testator's death, it is presumed that the testator destroyed the will with intent to revoke it. This presumption is a presumption affecting the burden of producing evidence." Probate Code § 6124.

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9.	24PR0301	MATTER OF MIESCH v. O'BRIEN
Petition to Compel Accounting		

Wreath Miesch ("Wreath") has two daughters – Petitioner, and Colleen O'Brien ("Respondent").

Petitioner, Regina Miesch, petitions the Court for Orders under Probate Code §§ 4521, 4541, and 4545, for Court enforcement of duties of an attorney-in-fact under a durable power of attorney ("POA"). Respondent serves as the agent under the POA.

Petitioner has requested an Accounting from the Respondent, which has not been produced. Petitioner is concerned about work being done on Wreath's house, totaling over \$200,000, and other money allegedly being collected by the Respondent.

Petitioner requests an Order: compelling the POA submit to an accounting respecting Wreath's property, over which POA has had control from June 5, 2020, to the present; declaring that Respondent's authority under the POA is revoked; appointing Petitioner as POA; compelling Respondent to provide restitution to Wreath; and an award of attorney's fees to Petitioner.

The parties entered into a prior Stipulation on May 1, 2024, which was adopted by Judge Balfour on May 2, 2024.

Wreath Miesch established the Wreath Miesch Living Trust ("Trust") on June 12, 2023. Petitioner is a named beneficiary. On or around September 9, 2024, Respondent became the successor Trustee of the Trust based upon the incapacity of Wreath. The Trust is irrevocable.

Petitioner is seeking the removal of Respondent as Trustee, based upon repairs and remodeling made on Wreath's Lodi home, which were allegedly performed by Respondent and her partner. Petitioner alleges breach of Trust, based on allegations of Wreath's treatment by Respondent. Petitioners allege financial elder abuse on the same grounds.

Petitioner requests an Order: removing Respondent as Trustee; for an in-home evaluation of Wreath; finding that Respondent and Mike Ramos be found to have committed elder financial abuse and ordered to refund Wreath according to proof; that Wreath is entitled to an award of exemplary or punitive damages; and that Petitioner be awarded attorney's fees and costs.

Both Petitions were served by mail on November 7, 2024, on Respondent and her counsel. However, the Notice of Petition for Removal, etc. also lists service on Mike Ramos.

At the hearing held August 25, 2025, the parties indicated that they were engaged in meet and confer efforts and requested a continuance.

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A report by Elder Care Management, filed by Petitioner, evaluating the suitability of Wreath' current arrangements is on file with the Court. This report contains conclusions and recommendations that are relevant to the health and welfare of Wreath but are not directly at issue as to these Petitions related to financial management and accounting.

Nothing new has been filed since the previous hearing.

TENTATIVE RULING #9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 12, 2026, IN DEPARTMENT NINE.

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10.	25PR0334	ESTATE OF MORENO
Letters Testamentary		

See Related Case No. 25PR0291, Tentative Ruling No. 8, above.

Decedent died testate on February 15, 2025.

The Petition requests full authority under the Independent Administration of Estates Act.

The Will was lodged with the court on November 19, 2025, as an Exhibit to the Petition, and is admitted to probate.

Petitioner is named as Executor in the Will.

The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on December 3, 2025.

Proof of service of notice of the hearing on the Petition was filed on December 3, 2025, and includes notice to decedent's creditor, who filed to initiate probate in Case No. 25PR0291.

Proof of publication was filed on December 29, 2025.

TENTATIVE RULING #10: 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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11.	23PR0176	MATTER OF THE VANDER VEEN FAMILY TRUST
	Review Hearing	

Trial of this matter was set for February 3, 2026, but was vacated by the Court.

TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 12, 2026, IN DEPARTMENT NINE.

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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12.	25PR0327	ESTATE OF WEBBER A.K.A. ROMINE
Letters of Administration		

Letters of Special Administration were issued on November 19, 2025, to allow the Special Administrator to take action with respect to decedent's real property.

The instant Petition, filed on November 24, 2025, requests Letters of Administration with full authority under the Independent Administration of Estates Act.

Decedent died intestate on April 3, 2025, survived by a brother. A waiver of bond has been filed with the court by decedent's brother, the sole heir to the estate, who also nominated Petitioner as Administrator.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on November 13, 2025.

Proof of service of notice of the hearing on the Petition was filed on November 24, 2025.

Proof of publication was filed on December 12, 2025.

TENTATIVE RULING #12: 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).

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JANUARY 11, 2027, 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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13.	PP20180230	ESTATE OF RYAN
OSC - Removal or Suspension		

The Sixth and Final Account and Petition for Final Distribution was approved by the Court on October 28, 2024.

When there were no appearances at the hearing on October 20, 2025, the Court set this hearing for an Order to Show Cause for removal or suspension of and/or sanctions against the personal representative.

Subsequently, receipts of distribution were filed with the Court on December 15, 2025, on behalf of two of the three heirs; a receipt filed on behalf of the third heir had been previously filed on February 5, 2024.

TENTATIVE RULING #13:

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON NOVEMBER 28, 2023, AND RECEIPTS OF DISTRIBUTION HAVING BEEN FILED IN ACCORDNCE WITH THAT ORDER, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, JANUARY 26, 2026, IN DEPARTMENT NINE, BY WHICH TIME THE COURT EXPECTS AN EX PARTE PETITION FOR FINAL DISCHARGE (JUDICIAL COUNCIL FORM DE-295) TO BE FILED WITH THE COURT.

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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14.	25PR0274	ESTATE OF MARTIN
Letters of Administration		

Decedent died intestate on August 28, 2025, survived by three adult children, Devan Winchester (adopted), Samantha Martin, and Johanna Martin. Dawn Winchester-Martin is decedent's former spouse.

On October 8, 2025, Devan Winchester filed a Petition for Letters of Administration.

The Petition requests bond be set at \$483,000.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on October 8, 2025.

Proof of service of notice of the hearing on the Petition was filed on October 15, 2025.

Proof of publication was filed on October 29, 2025.

* * *

At the hearing on November 17, 2025, the Court found that there was a competing Petition for Letters of Administration and directed that it be filed by the end of the year.

* * *

A competing Petition filed on November 10, 2025, by Samantha Martin requests full authority under the Independent Administration of Estates Act.

The Petition requests bond be set at \$503,000.

A Duties/Liabilities statement (DE 147/DE 147s) is not yet on file for the Martin Petition.

Proof of service of notice of the hearing on the Petition was filed on January 2, 2026.

Proof of publication has not yet been filed for the Martin Petition.

On January 8, 2026, Objector Devan Winchester filed an Objection to the Martin Petition. On the same date, Nathaniel Wilson filed a Declaration supporting the Winchester Petition.

The Objection argues that Martin has absconded with estate assets without authorization, including a truck, firearms, a safe, and a dog. Objector further asserts that Winchester has represented that she has retained counsel when in fact she has not, and that Martin does not have a stable living arrangements, that she does not live in California and that she does not have regular employment. Objector argues that Martin should be disqualified pursuant to Probate Code § 8502.²

² Probate Code § 8502: A personal representative may be removed from office for any of the following causes:

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Objector asserts in a separate Declaration filed on January 8, 2026, that she has better qualifications to serve because she resides in El Dorado County, has stable employment, and has been pre-approved for the bond listed in the Petition. She further asserts that Martin has admitted removing the items from the decedent's home listed above and has taken them to Arizona.

The Nathaniel Wilson Declaration states that he contacted the attorney listed as Winchester's counsel, who denied representing any party in the matter, and that he had never received service of Martin's Petition.

TENTATIVE RULING #14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 12, 2026, IN DEPARTMENT NINE.

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

- (a) The personal representative has wasted, embezzled, mismanaged, or committed a fraud on the estate, or is about to do so.
- (b) The personal representative is incapable of properly executing the duties of the office or is otherwise not qualified for appointment as personal representative.
- (c) The personal representative has wrongfully neglected the estate, or has long neglected to perform any act as personal representative.
- (d) Removal is otherwise necessary for protection of the estate or interested persons.
- (e) Any other cause provided by statute.