

February 9, 2026
Dept. 9
Probate Tentative Rulings

1.	25PR0352	IN THE MATTER OF LESLIE JAMES MATHERS, III
Letters of Administration		

Related Case: 22CV0789.

Decedent died intestate on February 20, 2025, survived by a spouse and two adult children. Petitioner is a Plaintiff in El Dorado County Superior Court Case No. 22CV0789, in which an unconditional settlement was reached on May 28, 2025. On June 27, 2025, Petitioner filed an Amendment to the Complaint in that action adding the estate of decedent as a Defendant in that action.

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

The Petition requests bond be fixed at \$500,000.

There is no Duties/Liabilities statement (DE 147/DE 147s) on file with the court, as required by Probate Code § 8404.

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

Proof of Service of notice of the Petition was filed on January 28, 2026.

TENTATIVE RULING #1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, FEBRUARY 9, 2026, IN DEPARTMENT NINE.

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2.	23PR0128	ESTATE OF ROBERT W. AMERAL SR
Accounting/Final Distribution		

Letters Testamentary were issued on July 31, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal and Waiver of Account by Petitioner as the sole beneficiary of the estate were filed concurrently with the Petition.

Proof of service is not required, as Petitioner is the sole beneficiary of the estate. Probate Code § 1208.

The Petition complies with Local Rule 10.07.12.

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 the Administrator be ratified, confirmed and approved;
4. The Administrator be authorized to pay his attorney \$335.04 for unreimbursed costs advanced to the estate; the attorney has waived statutory compensation.
5. 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;
6. **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).

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, FEBRUARY 8, 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.

3.	25PR0361	IN THE MATTER OF THE BAXTER FAMILY TRUST DATED JUNE 15, 2007
Modify Trust		

This is a Petition to modify the terms of a Trust pursuant to the authority granted by Probate Code § 15409 based on unanticipated circumstances.

The Trust is being administered by a professional fiduciary, who submitted this Petition. The trustee was appointed by Court Order as part of a 2019 settlement agreement between four of the five named beneficiaries who fell into conflict while the surviving settlor was alive. The dispute included Trust assets and the conservatorship of the surviving settlor. Petition, Exhibit A.

Pursuant to the settlement agreement a share of the assets of the Trust were to be held in trust for the fifth beneficiary (“Beneficiary”) until the trustee felt that the Beneficiary “is living a productive and respectable life and lifestyle,” including achieving some “accomplishments” defined to include “education success, attainment of usable job skills, demonstrated ability to follow generally acceptable rules and standards of society, positive contribution to the community”, as well as a drug and alcohol free state as established by mandatory periodic testing. The Trust funds were available to provide for the Beneficiary’s “health and welfare”, including the “cost of rehabilitation and programs to help with these type of situations.” If the Beneficiary could not achieve this state within five years of the death of the settlor the Beneficiary’s share would lapse and be distributed to the other beneficiaries of the Trust.

The Petition states that the Beneficiary has been diagnosed with multiple serious mental health conditions and has just been released from a locked facility. See Petition, Exhibit C. The Beneficiary has minimal social security income and is subject to a conservatorship. While he is drug and alcohol free, he is not able to meet the “accomplishments” requirements of the Trust. If his share of the Trust lapses and is distributed to the other beneficiaries, he will have no means of support. The trustee believes that the settlors intended to provide for his “health and welfare”, and did not anticipate that he would be subject to conservatorship and diagnosed with serious mental health conditions.

Accordingly, the Petition proposes alternate provisions for the Beneficiary’s special needs for the remainder of his life. Distributions would be at the trustee’s discretion to supplement but not supplant public benefits, to make the Beneficiary’s life comfortable and enjoyable, but without direct distributions to the Beneficiary or to reimburse the Beneficiary for any purchase he makes, and generally to make distributions for the Beneficiary’s health, safety and welfare. Upon his death any remainder would be allocated among the remaining beneficiaries of the Trust.

Probate Code § 15409(a) provides:

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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. It requests that several restrictive conditions on payments from the Trust to a named beneficiary be modified to reflect the intention of the settlors and the best interests of the Beneficiary.

The Petitioner has provided notice of the hearing on the Petition to all beneficiaries of the Trust.

The Court finds that the propose modifications to the language of the Trust are consistent with the general intentions of the settlors to provide for the health and welfare of the Beneficiary, with appropriate safeguards to conserve Trust assets and protect all beneficiaries of the Trust.

TENTATIVE RULING #3: 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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4.	23PR0023	ESTATE OF CAVANA
	Accounting	

TENTATIVE RULING #4: AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT ON JANUARY 29, 2026, THE MATTER IS DROPPED FROM CALENDAR.

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5.	25PR0001	ESTATE OF CUNNINGHAM
Status of Administration		

An Order for Final Distribution was entered by the Court on November 3, 2025. There have been no new filings since the last Status of Administration hearing on November 2, 2025.

TENTATIVE RULING #5: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, FEBRUARY 9, 2026, IN DEPARTMENT NINE.

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6.	24PR0054	ESTATE OF TARA

TENTATIVE RULING #6: AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT ON FEBRUARY 4, 2026, THE MATTER IS DROPPED FROM CALENDAR.

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7.	23PR0058	ESTATE OF CAMPBELL
Status of Administration		

TENTATIVE RULING #7: AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT NOVEMBER 5, 2025, THE MATTER IS DROPPED FROM CALENDAR.

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8.	25PR0351	ESTATE OF WOOD
Petition to Determine Succession of Real Property		

A Petition was filed by Quenton Hamlin requesting an Order determining the succession of real property of decedent Sally Ann Wood, who died intestate on June 6, 2025. Petitioner is decedent's grandchild.

Carolyn Wood, decedent's step-child, filed an Objection to the Petition on the grounds that she is a beneficiary of decedent's lost or destroyed Will that distributed decedent's estate 50 percent to decedent's issue and 50 percent to Objector and her sister.

Objector asserts that in 1991, decedent and her husband, each of whom had children from prior relationships, executed mutual Wills "to treat their respective families equally upon the death of the survivor." Objector points to the still-extant Will of decedent's husband that contains the following provision: "I have entered into a contract with my wife limiting in certain respects my power to revoke or to amend this Will after his [sic] death." The Objection references an attached Will as Exhibit A, but there is no Exhibit attached to the Objection. Objector asserts that this reflects an agreement between the spouses that their common estate would be divided equally between the children of each of them.

Objector asserts that Petitioner informed her after decedent's death that he had in his possession a codicil of decedent's Will, further evidencing the fact that there is an underlying Will of decedent. Accordingly, Objector asserts that the Petition is improper because the decedent did not, as the Petition alleges, die intestate, and because the Petition did not acknowledge the existence of any beneficiary of decedent's estate or provide notice to Objector.

The Petition is brought pursuant to Probate Code Sections 13150, *et seq.*, which may be used as in this case where no probate is open on the estate. Probate Code Section 13151. The Petition meets the requirements of Probate Code Section 13152 as to the contents of the Petition, except that if there is a Will that names Objector and her sister as devisee, the Petition does not reference the Will or any heir of decedent, and did not provide notice to any person other than Petitioner. Objector does not assert the right to inherit from a step-parent under Probate Code Section 6454, which allows for intestate succession of stepchildren but only if it is established that the decedent would have adopted the step-child but for a legal impediment.

Objector requests the Court to deny the Petition and expresses the intention to file for probate of a lost Will.

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

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9.	24PR0156	ESTATE OF HOFFMAN
Status of Administration		

Per the Minute Order at the hearing of February 10, 2025, an Order for Final Distribution has been entered, but no written Order is in the Court's files. There has been nothing new filed since that date.

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

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10.	25PR0267	ESTATE OF ABBOTT
Letters Testamentary		

Letters Testamentary were issued to Lawrence Lewis on November 10, 2025, for the estate of Susan Lorraine Abbott.

On December 23, 2025, Sharon Lewis filed a new Petition for Letters Testamentary for the estate of Susan Lorraine Abbott, indicating that Lawrence Lewis, who was named in the Will, is deceased. Sharon Lewis is nominated by John Reed, one of several adult children surviving decedent, to serve as Executor.

Decedent died testate on December 15, 2024.

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

The Will, which was executed in 1976, was lodged with the court on October 23, 2025, and is admitted to probate.

The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on December 23, 2025.

Proof of service of notice of the hearing on the Petition was filed on January 16, 2026.

Proof of publication was filed on February 3, 2026.

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.	24PR0286	ESTATE OF MAXCY
Final Distribution		

Letters of Administration/Letters Testamentary were issued on January 13, 2025, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on March 17, 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.

A Waiver of Notice and a Waiver of Accounting were executed by Petitioner as sole beneficiary of the estate.

The Petition complies with Local Rule 10.07.12.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. All acts, transactions and proceedings of the Administrator be ratified, confirmed and approved;
3. The Administrator be authorized to pay statutory attorney fees in the amount of \$10,616.41, plus \$269.70 for unreimbursed costs advanced to the estate;
4. The Administrator be authorized to pay herself \$40,738.22 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 #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.	22PR0061	ESTATE OF GRISHAM

13.	PP20200066	CONSERVATORSHIP OF NANCY GRISHAM

TENTATIVE RULING #13: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, FEBRUARY 9, 2026, IN DEPARTMENT NINE.

14.	25PR0353	OAKS FAMILY TRUST DATED 2-19-1993
Confirming Trust Asses/Modify Trust		

Following execution of the Trust document, the settlors executed grant deeds purporting to transfer their entire interest in a certain real property to the Trust; however, the grant deeds' legal description of the property omitted a portion of the property which the settlors had obtained through a boundary line adjustment in 1988. Accordingly, record title to that portion of the settlor's real property is held in their individual names. Petition, Exhibit D.

The settlors' intention to include this real property in the Trust is manifested by their having listed the property by street address and APN number in the "Trust Estate" schedule, which reference is continued in each subsequent amendment of the Trust. The Petition requests the Court to confirm this real property as an asset of the Trust.

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

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well as any heir or devisee whose interest may be affected by the Petition. The notice and Petition were mailed and filed on December 22, 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 #14: 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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15.	25PR0265	ESTATE OF HILL
Petition		

This Petition seeks to recover property that belongs to the estate that is currently in the possession of Jacqueline Thomas, decedent's mother.

Decedent David Hill, Jr. died intestate on September 10, 2023. Letters of Administration were issued to Lori O'Rourke on December 2, 2025. Decedent is survived by a minor child, Aubrey Hill, and Marcy O'Rourke is serving as her guardian *ad litem*.

Decedent's uncle, Curtis Hall owned certain real property, and when he died intestate in 2009 his estate was admitted to probate in El Dorado County, Case No. PP20090112. Curtis Hall's intestate heirs assigned their interest in the estate to Jacqueline Thomas and decedent David Hill, Jr., such that each was entitled to a 50 percent share of the estate. Petition, Attachment A (Final Order of Distribution for Hall estate). The title of the real property was not changed to reflect this ownership.

The real property went into foreclosure and was sold for \$453,700. The net proceeds after all debts and costs were paid was \$303,992.06, the amount in which David Hill, Jr. and Jacqueline Thomas each was entitled to a 50 percent interest.

In 2023, the bank that sold the real property filed a petition to deposit these funds with the Court (23CV0593) and the Court granted the petition on Jun 23, 2023. Petition, Attachment B. The Court ordered the bank to notice the claimants to the surplus funds, but when the hearing was held on November 20, 2023, no parties appeared and the Court dismissed the case. Decedent had died on September 10, 2023, before the November hearing.

Jacqueline Thomas filed a motion to amend the Order dismissing the case *nunc pro tunc* on the grounds that the November 20, 2023, hearing was held without notice to the potential claimants due to a clerical error. Petition, Attachment C. Part of that motion included Thomas' Declaration, stating that she knew of no other person with a superior claim to the surplus funds from the sale of the property, and therefore, she claimed all of the funds. *Id.* That motion was heard on October 25, 2024, and as a consequence the Court ordered 100 percent of the surplus funds disbursed to Jacqueline Thomas. Petition, Attachment H.

Petitioner in this case asserts that decedent never received notice of the hearing regarding the surplus funds, and in any event, had died by the time the hearing was held. The proofs of service of notice of Thomas' motion, and also the proof of service of Thomas' claim, were sent to decedent in care of Thomas, at Thomas' address, a P.O. Box in Ukiah. Petition, Attachments D, G.

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This Petition seeks the return from Thomas of decedent's 50 percent interest, and the imposition of double damages pursuant to Probate Code §§ 850-859.

If a court finds that a person has in bad faith wrongfully taken, concealed, or disposed of property belonging to a conservatee, a minor, an elder, a dependent adult, a trust, or the estate of a decedent, or has taken, concealed, or disposed of the property by the use of undue influence in bad faith or through the commission of elder or dependent adult financial abuse, as defined in Section 15610.30 of the Welfare and Institutions Code, the person shall be liable for twice the value of the property recovered by an action under this part. In addition, except as otherwise required by law, including Section 15657.5 of the Welfare and Institutions Code, the person may, in the court's discretion, be liable for reasonable attorney's fees and costs. The remedies provided in this section shall be in addition to any other remedies available in law to a person authorized to bring an action pursuant to this part.

Probate Code § 859.

Petitioner also seeks the imposition of a constructive trust pursuant to Civil Code § 2224 and the governing standards for imposing a constructive trust set forth in the cases of Calistoga Civic Club v. City of Calistoga, (1983) 143 Cal. App. 3d 111, 116, and Estate of Yool (2007) 151 Cal. App. 4th 867, 874.

One who gains a thing by fraud, accident, mistake, undue influence, the violation of a trust, or other wrongful act, is, unless he or she has some other and better right thereto, an involuntary trustee of the thing gained, for the benefit of the person who would otherwise have had it.

Civil Code Section 2224.

Petitioner further requests the Court to award Petitioner attorneys fees and costs:

Unless it is otherwise provided by this code or by rules adopted by the Judicial Council, either the superior court or the court on appeal may, in its discretion, order costs to be paid by any party to the proceedings, or out of the assets of the estate, as justice may require.

Probate Code § 1002.

Proof of service of notice of the Petition on Jacqueline Thomas by personal service on January 9, 2026, is attached to the Petition as Attachment I, and was filed on January 13, 2026.

TENTATIVE RULING #15: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, FEBRUARY 9, 2026, IN DEPARTMENT NINE.