

April 20, 2026
Dept. 9
Probate Tentative Rulings

1.	25PR0206	DARLEN ANDRESEN TRUST
Motion		

TENTATIVE RULING #1:

HEARING ON MOTION FOR ORDER OF RELIEF IS CONTINUED TO MONDAY, MAY 18, 2026, AT 8:30 AM IN DEPARTMENT NINE, TO BE HEARD CONCURRENTLY WITH THE DISCOVERY MOTIONS.

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2.	26PR0057	ESTATE OF SACHS
Letters of Administration		

Decedent died intestate on January 18, 2026, survived by three adult children. Petitioner is decedent's son.

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

Waivers of bond and a Duties/Liabilities statement (DE 147/DE 147s) were filed concurrently with the Petition.

Proof of service of notice of the hearing on the Petition was filed on March 11, 2026.

Proof of publication was filed on April 1, 2026.

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, APRIL 19, 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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3.	25PR0285	MATTER OF CERWONKA
Petition		

The Trust at issue was established on March 21, 2000, and amended in 2011, by Janette Cerwonka (“Mrs. Cerwonka”), Respondent’s mother, and Petitioner, Janette Cerwonka’s husband. See Petition, Exhibit A. Mrs. Cerwonka and Petitioner are the current trustees and the only beneficiaries of the Trust during their lifetimes. When Mrs. Cerwonka was diagnosed with Alzheimer’s in 2018, all three parties agreed to appoint Respondent as Mrs. Cerwonka’s attorney-in-fact. See Petition, Exhibit B. This gave Respondents authority to manage Trust assets, giving rise to a conflict between Petitioner as trustee and Respondent as attorney-in-fact. Petitioner asserts that he believed that the power of attorney was only for health care decisions, not for financial decisions. Among the actions of Respondent that are contested by Petitioner:

1. Retitling the principal bank account from the name of the Trust to the joint names of Mrs. Cerwonka and Respondent, and thereafter using the account in a manner to which Petitioner objects;
2. Refinancing Trust real property assets, which increased indebtedness and monthly payment amounts;
3. Transferring \$535,000 to Mrs. Cerwonka’s sister, Patricia Macklin in what was represented as a loan repayment;
4. Making payments to the Department of the Treasury and the California Franchise Tax Board (\$13,500 in total) without explanation;
5. Making payment to an orthodontist for the benefit of Respondent’s daughter (\$5,082.00)

Petitioner asserts that Mrs. Cerwonka’s health now meets the statutory standard for incapacity pursuant to Probate Code § 4541(d)(2) and requests the Court to revoke the power of attorney and compel and accounting from Respondent.

Petitioner further requests the power of attorney to be revoked for conflict of interest, actions in excess of Respondent’s authority under the instrument and in violation of her duties pursuant to Probate Code §§ 4230, 4232(a) and 4233, including retitling the bank account and refinancing the real properties. Gomez v. Smith (2020) 54Cal.App.5th 1016.

Petitioner requests the Court to order recovery of twice the value of any loss of the value of the Trust property, profits realized by Respondent, and lost profits of the Trust resulting from the breach of Respondent’s duties, pursuant to Probate Code §§ 4231.5 and 859.

Petitioner further requests the Court to revoke Respondent’s power of attorney, compel an accounting and return Trust property to the Trust pursuant to Probate Code § 850.

The Objection to the Petition is filed by decedent’s daughter and Petitioner’s step-daughter.

Respondent counters that the Trust document lists all Trust assets as either the separate property of Mrs. Cerwonka or the separate property of Petitioner, without designating any community

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property assets. Mrs. Cerwonka's separate property assets were all to be distributed to Respondent upon Mrs. Cerwonka's death, with the exception of a life estate granted to Petitioner to live in the settlors' primary residence during his lifetime. According to Schedule C of the Trust, attached to the Objection as Exhibit 1, the separate property assets of Mrs. Cerwonka include:

- All Bank of America Accounts, including the Account ending in -09834.
- 1431 Plateau Circle, South Lake Tahoe, CA 96150
- 926 Macinaw Road, South Lake Tahoe, CA 96150
- 948 Tallac Street, South Lake Tahoe, CA 96150
- 888 San Jose, South Lake Tahoe, CA 96150
- 696 San Francisco, South Lake Tahoe, CA 96510

The Third Amendment to Trust, see Objection, Exhibit 2, grants to Petitioner:

- (1) an interest in the net income from 926 Macinaw Road for his lifetime and
- (2) an exclusive right to possess and occupy 1431 Plateau Circle during his lifetime following Ms. Cerwonka's death, subject to the condition that he would be responsible for the mortgage payments and other expenses.

According to Respondent, Mrs. Cerwonka asked Respondent to undertake the power of attorney in 2018. See Objection, Exhibit 3. The Objection asserts that Mrs. Cerwonka was able to manage her own finances without support from Respondent until 2022, which included the 2021 refinancing of the real properties in order to pay off a promissory note for a debt owed to her sister, which is documented in Exhibit 4 to the Objection. The timing of the refinance was determined because of historically low interest rates at the time, and an impending due date for repayment of the loan. Respondent notes that Petitioner consented to these refinancings, as evidenced by his execution of the resulting grant deeds. Objection, Exhibit 5. Further, Respondent argues that the refinancing of the rental property (926 Macinaw Road) resulted in reducing monthly payments, reducing the interest rate and shortening the life of the loan. For the other property, the primary residence of the settlors (1431 Plateau Circle), the refinancing reduced the interest rate and made possible the early repayment of the loan on the Macinaw Road rental property. Respondent notes that she received no benefit from these transactions.

Respondent notes that Petitioner never objected to Respondent's activities with respect to her mother's financial affairs until 2025, when Petitioner's son requested a copy of the power of attorney, which she provided to him. The Petition was filed in October, 2025, claiming that he is a beneficiary of the separate property assets of Mrs. Cerwonka, contrary to the provisions of the Trust, and that he had no knowledge of the refinancings, which is belied by his signatures on the grant deeds.

Respondent argues that the demand for termination of her power of attorney based on fraud or undue influence in its creation is barred by the statute of limitations, given that the Petition admits that Petitioner received a copy of that document in 2018 (Petition, para. 5). Similarly, the retitling of the bank account was accomplished in 2019, from which Petitioner received 95 checks between 2019 and 2025 totaling \$78,036.40, which checks reflected that the ownership of the account was then held by Respondent and her mother jointly.

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Respondent asserts that Petitioner is also suffering from cognitive decline such that he no longer has capacity to act as trustee of the Trust.

Finally, Respondent notes that whether or not Petitioner is able to afford mortgage payments is a hypothetical question because Mrs. Cerwonka is still living and is still paying the mortgage on the property through the mortgage payments that are contested by the Petition. Hypothetically speaking Petitioner may predecease Mrs. Cerwonka, rendering this argument moot, and further, he has assets of his own as his separate property and the right to rental income from the 926 Macinaw property. Accordingly, this issue is not ripe for adjudication.

TENTATIVE RULING #3:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 20, 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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4.	PP20210163	ESTATE OF BURGON
Status		

Letters of Administration were issued on October 13, 2021. The Final Inventory and Appraisal was filed on June 15, 2022. There is no Final Account or Petition for Order of Final Distribution in the court's file.

TENTATIVE RULING #4:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 20, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 19, 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.	23PR0032	ESTATE OF GYORGY
Status		

TENTATIVE RULING #5:

AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT APRIL 14, 2026, THE MATTER IS DROPPED FROM CALENDAR.

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6.	25PR0011	ESTATE OF WEISHAR
Final Distribution		

Letters of Administration were issued on March 25, 2025, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on November 24, 2025.

Waivers of Account were executed by the heirs entitled to distributions under the estate.

Proof of Service of Notice of the hearing on the Petition was filed on March 19, 2026. No one has filed a request for special notice in this proceeding.

Hooman Sadeghi, Farideh Nankali, Hilda and Jason Marinko, Mike Young, Frank and Normal Markinko, and Mike Speckmeyer all received their specific gifts per the decedent's wishes. Neil Young has been non-responsive in accepting his bequest, his gift is available. The residual beneficiaries are Julia and Merle Heathco.

The Petition requests:

1. Notice of the petition has been given as required by law;
2. The allegations of the petition are true;
3. All acts and transactions of the Administrator be ratified, confirmed and approved;
4. The administration of the estate be brought to a close without the requirement of an accounting;
5. The Administrator be authorized to pay statutory attorney fees in the amount of \$17,517.32, plus \$479.90 for costs advanced to the estate;
6. The Administrator be authorized to retain \$2,500.00 as a reserve for anticipated final expenses, such as payment of filing fees and costs related to this petition. Any remaining reserve shall be distributed to Julia Heathco and Merle Heathco equally without further order of the Court;
7. After payment of all outstanding expenses, the Administrator is authorized and directed to distribute the Estate in the possession of the Administrator remaining for distribution, consisting of the property described on the Inventory and Appraisal, equally to Julia Heathco and Merle Heathco;

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8. Any other property of the Estate not now known or later discovered that may belong to the Estate or in which Decedent or the Estate may have any interest should be distributed to Julia Heathco and Merle Heathco equally, without further court order; and,
9. **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 #6:

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, APRIL 19, 2027, IN DEPARTMENT NINE BY WHICH TIME THE COURT EXPECTS RECEIPTS AND AN EX PARTE PETITION FOR FINAL DISCHARGE (JUDICIAL COUNCIL FORM DE-295) TO BE FILED WITH THE COURT. 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.	25PR0004	MATTER OF ALLEN-HICKS
OSC		

Following a non-appearance at the March 16, 2026, hearing, counsel has filed a status report indicating that the estate is not ready to be distributed. Counsel requests a hearing date in December.

TENTATIVE RULING #7:

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, DECEMBER 21, 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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8.	PP20210138	ESTATE OF NASH
Review & OSC		

Petitioner filed the Final Inventory and Appraisal on March 24, 2026.

TENTATIVE RULING #8:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 20, 2026, IN DEPARTMENT NINE.

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9.	PP20190082	ESTATE OF LOGAN
Status		

The personal representative of this estate filed a Declaration on October 10, 2025, indicating that a determination of the tax liability was received from the IRS, but the parties are negotiating, and the personal representative is deferring to act on pending creditor's claims until the liability to the US Department of Treasury and the Franchise Tax Board is known.

TENTATIVE RULING #9:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 20, 2026, IN DEPARTMENT NINE.

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10.	26PR0055	ESTATE OF BUSTAMANTE
Succession to Real Property		

Decedent died on November 2, 2025, as a resident of Placerville. She died testate and her Will names Petitioner as the Executor.

The gross value of decedent's interest in real and personal property in California, excluding the property described in Probate Code §13050 did not exceed \$750,000. An Inventory and Appraisal was completed by a probate referee and shows the value of property subject to this Petition to be 414,274.34.

Probate Code § 13152(e) requires that Form DE300 also be attached to the Petition, *see* Petition paragraph 8(b). That form is included with the Petition.

Attachment 11 contains the legal description and APN of the real property.

The interest claimed by petitioner in the real property is 10%. She does not claim an interest in the personal property.

Attachment 14 contains the names, relationships to decedent, ages, and residence/ mailing addresses, as far as known to or reasonably ascertainable by petitioner, of all persons named or checked in items 1, 9, and 10, all other persons who may be entitled to inherit decedent's property in the absence of a will, and all persons designated in the will to receive any property.

There is no notice of hearing showing that the other beneficiaries have been informed of the Petition or the hearing.

TENTATIVE RULING #10:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 20, 2026, IN DEPARTMENT NINE.

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11.	22PR0278	ESTATE OF VALLOT
Status		

TENTATIVE RULING #11:

AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT AUGUST 25, 2025, THE MATTER IS DROPPED FROM CALENDAR.

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.	23PR0138	ESTATE OF DAVIDSON
Status		

At the hearing on August 25, 2025, the Court set an OSC hearing for suspension or removal of the Administrator. The Administrator appeared pro per at the October 20, 2025, hearing. At that hearing the Court directed the Administrator to file an Inventory and Appraisal and set the matter for Final Distribution and Final Discharge.

There is no Petition for Final Distribution.

TENTATIVE RULING #12:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 20, 2026, IN DEPARTMENT NINE.

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13.	26PR0069	MATTER OF VAN DOORNINCK
Spousal Property Petition		

Petitioner is the surviving spouse of decedent, who died intestate January 14, 2026, survived by Petitioner and one adult nephew. No petition to administer the estate has been filed.

Probate Code § 100(a) provides that “[u]pon the death of a person who is married or in a registered domestic partnership, one-half of the community property belongs to the surviving spouse and the other one-half belongs to the decedent.”

Probate Code § 6401(a) states: “As to community property, the intestate share of the surviving spouse is the one-half of the community property that belongs to the decedent under Section 100.”

Probate Code § 13500 provides that “when a spouse dies intestate leaving property that passes to the surviving spouse under Section 6401, . . . the property passes to the survivor . . . , and no administration is necessary.”

Probate Code 13650 authorizes a surviving spouse to file a petition requesting an order that administration of all or part of an estate is not necessary because all or part of the estate is property passing to the surviving spouse.

The Petition in this case identifies real property that is the subject of the Petition.

Notice of the hearing on the Petition was served and proof of service was filed with the court on March 19, 2026.

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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