1.	**26PR0228**	**ESTATE OF MARTHA LORRAINE ECKHARDT**
LETTERS OF ADMINISTRATION		

Decedent died intestate on March 6, 2025, survived two adult children. Petitioner is decedent's son. The Petition states Decedent died intestate; however, the Will of Martha Lorraine Eckhardt has been lodged with the Court by Kirk Jonathan Eckhardt on September 1, 2026, which names Petitioner as Executor.

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

The Petition requests bond be fixed at $200,000.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on August 3, 2026.

There is no proof of service of notice of the Petition on file with the court, as required by Probate Code § 8110.

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

TENTATIVE RULING #1:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 21, 2026, IN DEPARTMENT NINE.

IF A PARTY OR PARTIES WISH TO APPEAR REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

2.	24PR0336	CONSERVATORSHIP OF BARBARA JEAN YORK-NORDERHAUG
MOTION FOR RECONSIDERATION		

Petitioner, Donna Lee Abreu ("Petitioner") moves this Court to reconsider its order granting Respondents', Mary Bond and Thomas Bond ("Respondents"), motion for judgment pursuant to Code of Civil Procedure § 631.8 entered on July 1, 2026. An Opposition was filed by Respondents on August 11, 2026. Petitioner's Reply was filed September 8, 2026.

On September 1, 2026, Petitioner filed a Notice of Appeal with the Third District Court of Appeal regarding the judgment entered on July 1, 2026.

Except as provided in Sections 917.1 to 917.10, inclusive, and in Section 116.810, the perfecting of an appeal stays proceedings in the trial court upon the judgment or order appealed from or upon the matters embraced therein or affected thereby, including enforcement of the judgment or order, but the trial court may proceed upon any other matter embraced in the action and not affected by the judgment or order. Code of Civil Procedure § 916(a).

The stay under section 916(a) applies to any "trial court proceeding [that] directly or indirectly seek to 'enforce, vacate or modify [the] appealed judgment or order.' " (*Varian, supra*, 35 Cal.4th at p. 189, 25 Cal.Rptr.3d 298, 106 P.3d 958.) *Jack v. Ring LLC* (2023) 91 Cal.App.5th 1186, 1211 [309 Cal.Rptr.3d 130, 150] (finding the trial court did not err in determining it lacked jurisdiction to decide Defendant's motion for reconsideration because the motion sought to vacate and modify the order being appealed).

<u>The Court finds that as Petitioner has filed a Notice of Appeal regarding the underlying judgment, the Court lacks jurisdiction to hear Petitioner's motion. Petitioner's Motion for Reconsideration is vacated and taken off calendar</u>.

TENTATIVE RULING #2:

PETITIONER'S MOTION FOR RECONSIDERATION IS VACATED AND TAKEN OFF CALENDAR.

3.	**26PR0226**	**IN RE: STEVEN L. ROWE REVOCABLE TRUST, DATED NOVEMBER 18, 2020**
PETITION HEARING		

On July 30, 2026, Petitioner, Alice J. Bailey ("Petitioner" or "Trustee"), filed a Petition for Confirmation of Trust Assets.

On or around November 18, 2020, Steven L. Rowe ("Settlor") created a declaration of trust for the Steven L. Rowe Revocable Trust (the "Trust") and executed a pour-over will, leaving the balance of his estate to the Trust. On the same date, Settlor also executed and acknowledged two Trust Transfer Deeds conveying each parcel to himself as trustee of the Trust for the real property and residence located at 9010 Vista Del Rio Avenue, Fair Oaks, California 95628 (the "Fair Oaks property") and for the real property and vacant land parcel in the unincorporated area of San Diego County (the "San Diego property").

Settlor acquired the Fair Oaks property on or about October 4, 2005, by grant deed. The San Diego property was acquired on or about February 13, 2007, by quitclaim deed. The Trust Transfer Deeds executed on or about November 18, 2020, were never recorded and title remained in Settlor's name at his death.

Petitioner contends that Settlor intended both properties be held in trust which is evidenced by the execution of the Trust Transfer Deeds. The Trust has no schedule of property attached to it; however, it expressly contemplates this method of funding:

> <u>Section 2.2 Additions to Trust</u>. From time to time, the trustee may accept additions to this trust from any source. All such additions shall become a part of the trust estate and shall be held, administered, and distributed in accordance with the terms of this instrument. That additional property shall become part of the trust estate upon written acceptance of it by the trustee. Any additions to the trust shall be made by designating in writing the property to be added. However, **the titling of any account, deed, or similar asset in the name of the trustee, as trustee of the this trust, or any alternate or successor trustee acting under this instrument, shall be deemed a transfer to this trust**. Any designation by a third party, whether by will, deed, account title designation, or similar transfer, shall also be a transfer to the estate. (emphasis added)

The Last Will of Steven L. Rowe provides:

> <u>2.1 Gift of the Entire Estate</u>. I give all of my property to the trustee of the Steven L. Rowe Revocable Trust, created under the declaration of trust executed on November 18, 2020, by Steven L. Rowe, as Settlor and Trustee. The trustee of that trust shall add the property disposed of under this will to the trust principal and

> hold, administer, and distribute the property in accordance with the provisions of that declaration of trust, including any amendments and restatements of that declaration of trust that have been made before or after execution of this will.

Petitioner requests the Court confirm the Fair Oaks property and San Diego property as trust assets to be held and administered pursuant to the terms 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. Petitioner has confirmed she is the sole heir and beneficiary entitled to notice.

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

IF A PARTY OR PARTIES WISH TO APPEAR REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

4.	26PR0041	THE ESTATE OF LEROY ALVIN NEWTON
FINAL DISTRIBUTION HEARING		

Letters of Administration were issued on April 6, 2026, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on July 22, 2026. At the time the inventory and appraisal was filed, the 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, was filed.

Petitioner is the sole heir of Decedent and waived the filing of a final account.

As Petitioner is the sole beneficiary, no Proof of Service of Notice of the hearing was filed. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes a full distribution to Petitioner.

Per Local Rule 10.07.12 Petitions for final distribution must include a report of the following:

1. That no federal or California estate taxes are payable or that they have been paid;
2. That income taxes and all other taxes (e.g. supplemental real property taxes or personal property taxes, if any, have been paid or otherwise provided for.

If estate taxes are payable or paid: 1) the petition shall set forth whether said taxes were prorated pursuant to Probate Code section 20100, et seq., or the provisions of the will; and 2) the petition must reflect whether or not there are non-probate assets includable in the gross estate for estate tax purposes.

Petitioner confirms that no federal or California estate taxes are payable, nor are any California or federal income or personal property taxes payable.

The Petition requests:

1. Notice of the Petition has been given as required by law;
2. All acts, transactions and proceedings of the Administrator be ratified, confirmed and approved;
3. The report and First and Final Account filed with the Petition be settled, allowed and approved;
4. The administration of the estate be brought to a close without the requirement of an accounting;

5. That the assets described in this decree of distribution comprise the entire estate on hand for distribution;
6. That no federal or California state estate taxes were due from the estate;
7. That no personal property taxes were due and payable by said estate;
8. That waiver of statutory compensation to the personal representative be approved;
9. That Administrator be authorized to pay statutory attorney fees to Paul R. Kraft in the amount of $12,399.00;
10. Administrator be authorized and directed to pay Paul R. Kraft the sum of $482.04 as reimbursement for costs advanced by Paul R. Kraft on behalf of the estate;
11. All creditor claims not properly filed with the court and served on the estate are barred;
12. Final distribution of the estate in Administrator's hands and any other property of Decedent or the estate not now known or discovered be made to the persons entitled to it, as set forth in Exhibit C;
13. **Upon filing of receipts and the Ex Parte Petition for Discharge, Petition may be discharged and released from all liability that may be incurred thereafter.**

TENTATIVE RULING #4:

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, SEPTEMBER 20, 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.

IF A PARTY OR PARTIES WISH TO APPEAR REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

5.	**22PR0075**	**ESTATE OF HEIDI MIXON**
STATUS OF ADMINISTRATION		

Letters of Administration were issued on May 11, 2022.

An Inventory and Appraisal was filed on January 17, 2023. At the time the inventory and appraisal was filed, the 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, was filed.

There is no Petition for Final Distribution on file with the court.

TENTATIVE RULING #5:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 21, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 20, 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 REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

6.	26PR0227	IN RE: NANCY L. BLUBAUGH REVOCABLE TRUST, DATED JANUARY 30, 2024
PETITION HEARING		

On July 31, 2026, Petitioner, Gregory L. Dowd ("Petitioner" or "Successor Trustee"), filed a Petition to Establish Claim of Ownership or Conveyance or Transfer of Property.

On January 30, 2024, Nancy L. Blubaugh ("Settlor") executed the Nancy L. Blubaugh Revocable Trust (the "Trust"). At the time the Trust was created, Settlor was the owner of the real property and residence located at 827 Mermaid Avenue, Pacific Grove, California 93950 (the "Subject Property"). The Subject Property was acquired in 1984 and was titled in the name of Settlor and Settlor's husband, now deceased, as Community Property.

Petitioner contends that Settlor's intent that the Subject Property be held in Trust is contained in the Assignment to Trust executed on the same date in which she executed the Trust. Further evidence of Settlor's intent is evidenced by Article, One, Section 1.03(a) of the Trust, which provides:

> Funding of My Trust. By executing this instrument, I transfer, convey, and assign the property described in the attached Schedule A to my Trustee. I also transfer all my right, title, and interest in and to all of my property that may legally be held in trust and that may be transferred to my trust by this assignment. This assignment includes all of my real, personal, tangible, and intangible property located in the United States, whether separate property or community property, and whether acquired before or after the execution of this instrument, except for these assets that are expressly not transferred by this instrument: life insurance policies, unless the ownership of a policy is transferred to my trust by a separate instrument that specifically refers to the policy; corporate and self-employed (*Keogh*) pension, profit-sharing and stock bonus plans; qualified retirement plans; commercial annuities; Section 1244 (small business) stock; and any property, the transfer of which would result in the immediate recognition of income subject to income or other taxes, would result in the loss of a homestead exemption, or would violate a restriction on transfer agreement.

Schedule A of the Trust identifies the Subject Property as a trust asset. Settlor's Pour-Over Will was executed on the same date as the Trust, further demonstrates Settlor's intent within Article Two, Section 2.01:

> Pour-Over to My Revocable Living Trust. I give all of my probate estate, excluding any property over which I have a power of appointment, after

> expenses and taxes are paid under this Will, to the then-acting Trustee of the Nancy L. Blubaugh Revocable Trust dated January 30, 2024 and executed before this Will, to be added to the property of that trust. I direct that the Trustee administer the property according to the trust and any amendments made prior to my death.

Petitioner requests the Court confirm the Subject Property be vested in Successor Trustee 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.

<u>Notice of the hearing and a copy of the Petition were mailed on August 28, 2026, which does not satisfy the 30-day requirement pursuant to Probate Code § 851. The Petition to Establish Claim of Ownership or Conveyance or Transfer of Property is continued to September 28, 2026, wherein the Court intends to grant the Petition absent objection</u>.

TENTATIVE RULING #6:

PETITION TO ESTABLISH CLAIM OF OWNERSHIP OR CONVEYANCE OR TRANSFER OF PROPERTY IS CONTINUED TO SEPTEMBER 28, 2026, AT 8:30 A.M. IN DEPARTMENT NINE.

7.	26PR0221	ESTATE OF MINNIE JO GLASS
LETTERS TESTAMENTARY		

Decedent died testate on October 20, 2021, survived by issue of a predeceased child. Petitioner is decedent's grandson.

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

Petitioner, Chance Dunstan, is named as Executor in the Will.

The Will was lodged with the court on July 29, 2026**,** and is admitted to probate.

The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on July 29, 2026**.**

Proof of service of notice of the hearing on the Petition was filed on August 21, 2026.

Proof of publication was filed on September 10, 2026.

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).

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 20, 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 REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

8.	**25PR0281**	**ESTATE OF JOHN WAYNE CLINGAN**
PETITION HEARING		

This matter was continued by the Court on June 22, 2026, after Petitioner advised the Probate Referee accepted the case and is in the process of completing the Inventory and Appraisal report. Nothing further has been filed since this time.

TENTATIVE RULING #8:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 21, 2026, IN DEPARTMENT NINE.

IF A PARTY OR PARTIES WISH TO APPEAR REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

9.	**22PR0125**	**ESTATE OF ELLEN NEELY**
STATUS OF ADMINISTRATION		

This matter was continued from August 10, 2026. The tentative ruling issued on August 10, 2026, remains in effect.

TENTATIVE RULING #9:

THE TENTATIVE RULING ISSUED ON AUGUST 10, 2026, REMAINS IN EFFECT.

10.	**23PR0032**	**ESTATE OF WILLIAM JOSEPH GYORGY SR.**
STATUS OF ADMINISTRATION		

Letters of Administration were issued on May 22, 2023.

An Inventory and Appraisal was filed on December 4, 2024, and June 16, 2025. At the time the inventory and appraisal was filed, the 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, was filed.

A Petition for Final Distribution was filed on July 30, 2025.

An Order for Final Distribution was filed on September 23, 2025.

Receipts of Distribution have been filed.

An Order for Final Discharge was entered on April 14, 2026.

TENTATIVE RULING #10:

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

11.	**26PR0200**	**THE ESTATE OF KENNETH HALL**
LETTERS OF ADMINISTRATION		

This matter was continued from August 17, 2026. The tentative ruling issued on August 17, 2026, is amended as follows:

Decedent died intestate on June 18, 2026, survived by two children, mother, and father. Petitioners are decedent's children.

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

Waivers of bond have been filed with the court by the heirs.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on September 10, 2026**.**

Proof of service of notice of the hearing on the Petition was filed on August 17, 2026.

Proof of publication was filed on September 10, 2026.

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).

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 20, 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 REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

12.	**24PR0065**	**ESTATE OF JAMES HAYNES**
STATUS OF ADMINISTRATION / FINAL DISTRIBUTION HEARING		

Before the Court are two matters: 1) Status of Administration; and 2) Final Distribution Hearing.

STATUS OF ADMINISTRATION

This matter was continued from August 10, 2026. The tentative ruling issued on August 10, 2026, remains in effect.

FINAL DISTRIBUTION HEARING

This matter was continued from August 17, 2026. The tentative ruling issued on August 17, 2026, is amended as follows:

At the hearing on the Petition for Final Distribution on June 15, 2026, the Court ordered Petitioner to fix the deficiencies listed in the tentative ruling and continued the hearing to August 17, 2026.

On July 8, 2026, Petitioner filed a Declaration and various documents within, including an updated Petition for Final Discharge, Receipts of Distribution for both beneficiaries, and an updated Inventory and Appriasal.

On September 4, 2026, Petitioner filed a Declaration containing supplemental documentation pursuant to the Court's identified deficiencies within the August 17, 2026, tentative ruling, including Proof of Service by Mail, H&R Block Tax Documentation, and Waiver of Notice.

Letters of Administration/Letters Testamentary were issued on May 20, 2024, granting Petitioner full authority under the Independent Administration of Estates Act.

An updated Final Inventory and Appraisal was included within the Declaration. The Declaration clarified that the estate consisted of one savings account held at Golden 1 Credit Union, which had a balance of $263,191.18 at the time of death. Decedent owed no real property at the time of death and thereby no change of ownership statement was filed as provided in section 480 of the California Revenue and Taxation Code.

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

Proof of Service of notice of the hearing on the Petition was filed on September 4, 2026. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate provides that the estate consists of cash in the amount of $263,191.18 which has been fully distributed to the beneficiaries.

Per Local Rule 10.07.12 Petitions for final distribution must include a report of the following:

3. That no federal or California estate taxes are payable or that they have been paid;
4. That income taxes and all other taxes (e.g. supplemental real property taxes or personal property taxes, if any, have been paid or otherwise provided for.

If estate taxes are payable or paid: 1) the petition shall set forth whether said taxes were prorated pursuant to Probate Code section 20100, et seq., or the provisions of the will; and 2) the petition must reflect whether or not there are non-probate assets includable in the gross estate for estate tax purposes.

The updated Petition confirms all debts, expenses, and obligations of the estate have been paid. In addition, Petitioner provided to the Court a separate note confirming no federal or California estate or income taxes are payable.

The Petition requests:
1. Approve the final distribution of the estate;
2. Discharge Petitioner as Executor;
3. Release the bond (if any); and
4. **Upon filing of receipts and the Ex Parte Petition for Discharge, Petition may be discharged and released from all liability that may be incurred thereafter.**

TENTATIVE RULING #12:

1. STATUS OF ADMINISTRATION

THE TENTATIVE RULING ISSUED ON AUGUST 10, 2026, REMAINS IN EFFECT.

2. FINAL DISTRIBUTION HEARING

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, AUGUST 9, 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.

IF A PARTY OR PARTIES WISH TO APPEAR REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

13.	25PR0004	ESTATE OF SHAWN MARIE ALLEN-HICKS
FINAL DISTRIBUTION HEARING		

Letters of Administration were issued on July 30, 2025, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on February 19, 2026. At the time the inventory and appraisal was filed, the 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, was filed.

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

Proof of Service of Notice of the hearing on the Petition was filed on August 6, 2026. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes 1/3 of the interest in the real property to Taz Christian Madison, 1/3 of the interest in the real property to Steve Hicks, and 1/3 of the interest in the real property to George Jeffrey Hicks. <u>An Assignment of Interest was filed which assigned 1/3 of Taz Christian Madison's interest to George Jeffrey Hicks. No Assignment of Interest has been filed for the 1/3 of Taz Christian Madison's interest to Steve Hicks</u>.

Per Local Rule 10.07.12 Petitions for final distribution must include a report of the following:

1. That no federal or California estate taxes are payable or that they have been paid;
2. That income taxes and all other taxes (e.g. supplemental real property taxes or personal property taxes, if any, have been paid or otherwise provided for.

If estate taxes are payable or paid: 1) the petition shall set forth whether said taxes were prorated pursuant to Probate Code section 20100, et seq., or the provisions of the will; and 2) the petition must reflect whether or not there are non-probate assets includable in the gross estate for estate tax purposes.

Petitioner confirms that no federal or California estate taxes are payable, nor are any California or federal income or personal property taxes payable.

The Petition requests:

1. Settlement of First and Final Account of Administrator;

2. Approval of all reported acts of Administrator;

3. Petitioner is authorized to withhold the sum of $10,600.00 as reasonable compensation for his statutory services, rendered and to be rendered, none of which have been paid;
4. Petitioner be authorized to reimburse his attorney, Kariann M. Voorhees the sum of $1,308.08 for costs advanced;
5. Petitioner be authorized to distribute the net assets of this Estate: 1/3 to Taz Christian Madison, 1/3 to Steve Hicks, and 1/3 to George Jeffrey Hicks;
6. Petitioner is authorized to distribute all assets, not now known to him, but later discovered as belonging to decedent, Shawn Marie Allen-Hicks, as follows: 1/3 to Taz Christian Madison, 1/3 to Steve Hicks, and 1/3 to George Jeffrey Hicks;
7. That bond be discharged upon the filing for the order for discharge; and
8. **Upon filing of receipts and the Ex Parte Petition for Discharge, Petition may be discharged and released from all liability that may be incurred thereafter.**

TENTATIVE RULING #13:

CONTINGENT UPON THE RECEIPT OF THE ASSIGNMENT OF INTEREST FOR STEVE HICKS AND 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, SEPTEMBER 20, 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.

IF A PARTY OR PARTIES WISH TO APPEAR REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

14.	**25PR0154**	**ESTATE OF VIRGINIA ANN DIEH**
STATUS OF ADMINISTRATION		

On September 22, 2025, the Court conditionally granted the Petition for Letters Testamentary upon receipt of the DE-147s for Penny Cook, which was filed on the same date. <u>However, no Letters Testamentary have since been issued</u>.

An Inventory and Appraisal was filed on July 13, 2026. At the time the inventory and appraisal was filed, the 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, was filed. <u>On September 22, 2025, the Court appointed Marlee Anderson as Probate Referee. No Declaration of Probate Referee is attached as required.</u>

<u>There is no Petition for Final Distribution on file with the court</u>.

TENTATIVE RULING #14:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 21, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 20, 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 REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

15.	**25PR0301**	**ESTATE OF ROBERT LEWIN**
FINAL DISTRIBUTION HEARING / PETITION HEARING		

Before the Court are two matters: 1) Final Distribution Hearing; and 2) Petition for Preliminary Distribution.

FINAL DISTRIBUTION HEARING

This matter was continued from August 17, 2026. The tentative ruling issued on August 17, 2026, remains in effect.

PETITION HEARING

On August 17, 2026, Petitioner, Ashley Lewin ("Petitioner"), filed a Petition for Preliminary Distribution, and to Dispense with Notice. Petitioner proposes a distribution of a portion of the pecuniary distribution, roughly $149,000.00, to Travis Lewin, the son and one of the heirs of the decedent, in the amount of $60,000.00 pursuant to Probate Code § 11623. Petitioner believes that although the estate is not in a condition to be closed, the proposed preliminary distribution would not injure the estate, or anyone interested in it and without loss to creditors. After the distribution, the approximate value of the estate will be $268,000.

Petitioner requests the Court to dispense with the notice requirement for the hearing on this Petition because the time for filing creditors' claims has expired and there is good cause as required pursuant to Probate Code § 1220(c) in that beneficiary Travis Lewin faces a lack of safe housing following his move out of estate property. The remaining heirs under intestate succession include Tyler Teasley, grandson of Decedent, and Tiana Lynn Young, granddaughter of Decedent.

The Court requires additional information regarding Petitioner's good cause exception and the effect of the preliminary distribution on the remaining heirs. The Parties are ordered to appear on September 21, 2026.

TENTATIVE RULING #15:

1. **FINAL DISTRIBUTION HEARING**

   THE TENTATIVE RULING ISSUED ON AUGUST 17, 2026, REMAINS IN EFFECT

2. **PETITION HEARING**

   APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 21, 2026, IN DEPARTMENT NINE.

   IF A PARTY OR PARTIES WISH TO APPEAR REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

16.	**26PR0080**	**ESTATE OF JOEL DAVID PITTO**
LETTERS TESTAMENTARY		

Decedent died testate on February 25, 2026, survived by two adult children. Petitioner is decedent's daughter, Jennifer Maestretti. The Petition states Decedent died intestate; however, the Last Will and Testament of Joel Pitto has been lodged with the Court.

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

Mary Pitto was named as Executor in the Will. Ms. Maestretti has indicated Ms. Pitto has declined to act as Executor. No declination to serve or nomination has been filed. Petitioner seeks to be appointed as personal representative.

The Will was lodged with the court on May 26, 2026**,** and is admitted to probate.

The Will waives bond.

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

Proof of service of notice of the hearing on the Petition was filed on August 5, 2026; however, the Proof of Service indicates Petitioner mailed the notice herself, rendering service procedurally defective.

Proof of publication was filed on August 21, 2026.

TENTATIVE RULING #16:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 21, 2026, IN DEPARTMENT NINE.

IF A PARTY OR PARTIES WISH TO APPEAR REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

17.	**25PR0162**	**ESTATE OF MICHAEL ANTHONY MOGLIA**
STATUS OF ADMINISTRATION		

This matter was continued from August 10, 2026. The tentative ruling issued on August 10, 2026, is amended as follows:

Letters of Administration were issued on March 2, 2026.

An Inventory and Appraisal was filed on March 20, 2026. A Supplemental Inventory and Appraisal was filed on July 17, 2026. At the time the inventory and appraisal was filed, the 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, was filed.

There is no Petition for Final Distribution on file with the court.

A Report of Status of Administration was filed which requested a continuance to close the administration of the estate.

TENTATIVE RULING #17:

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 20, 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 REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

18.	**24PR0061**	**ESTATE OF STEVEN D. MICHOFF**
STATUS OF ADMINISTRATION		

This matter was continued from August 10, 2026. The tentative ruling issued on August 10, 2026, remains in effect.

TENTATIVE RULING #18:

THE TENTATIVE RULING ISSUED ON AUGUST 10, 2026, REMAINS IN EFFECT.

19.	25PR0355	ESTATE OF WILLIAM GILBERT WALKER
FINAL DISTRIBUTION HEARING		

This matter was continued from August 17, 2026. The tentative ruling issued on August 17, 2026, is amended as follows:

Letters of Administration were issued on February 2, 2026, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on August 27, 2026. At the time the inventory and appraisal was filed, the 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, was filed.

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

Proof of Service of Notice of the hearing on the Petition has been filed. Robert Walker and Thomas Walker filed requests for special notice in this proceeding.

The proposed distribution of the estate includes 7/8th to Petitioner and 1/8th to Robert Michael Walker.

Per Local Rule 10.07.12 Petitions for final distribution must include a report of the following:

1. That no federal or California estate taxes are payable or that they have been paid;
2. That income taxes and all other taxes (e.g. supplemental real property taxes or personal property taxes, if any, have been paid or otherwise provided for.

If estate taxes are payable or paid: 1) the petition shall set forth whether said taxes were prorated pursuant to Probate Code section 20100, et seq., or the provisions of the will; and 2) the petition must reflect whether or not there are non-probate assets includable in the gross estate for estate tax purposes.

Petitioner confirms that no federal or California estate taxes are payable, nor are any California or federal income or personal property taxes payable.

The Petition requests:

1. The administration of the estate be brought to a close;
2. All acts and proceedings of Petitioner as Administrator be confirmed and approved;
3. Petitioner be authorized and directed to pay to George Cilley $15,028.98 as statutory compensation for services to Petitioner and to the estate;

4. Petitioner be authorized to retain $5,000 in cash for closing expenses of administration and to deliver the unused part to the beneficiaries of the estate, as set forth in the petition, without further court order, after the closing expenses have been paid;
5. Distribution of the estate in Petitioner's hands and any other property of the decedent or the estate not now known or discovered that may belong to the estate or in which the decedent or the estate may have any interest be made to the persons entitled to it, as set forth in the petition; and
6. **Upon filing of receipts and the Ex Parte Petition for Discharge, Petition may be discharged and released from all liability that may be incurred thereafter.**

TENTATIVE RULING #19:

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, SEPTEMBER 20, 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.

IF A PARTY OR PARTIES WISH TO APPEAR REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

20.	**PP20210130**	**MATTER OF THE SADDLE ROAD TRUST**
REVIEW HEARING		

On September 22, 2025, the Court consolidated the matter with case number 24CV1990. The Court set a Review Hearing for September 21, 2026.

Nothing further has been filed since this time.

TENTATIVE RULING #20:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 21, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 20, 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 REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

21.	**26PR0220**	**IN THE MATTER OF: JUDITH LEE JORDAN TRUST**
PETITION HEARING		

On July 29, 2026, Petitioner, David Stewart ("Petitioner" or "Trustee"), filed a Petition for Order Determining Trust's Title to Personal Property.

On January 31, 2000, Judith Lee Jordan ("Settlor") created the Judith Lee Jordan Trust. On July 26, 2011, Settlor executed The Third Amendment and Restatement of Trust Agreement of Judith Lee Jordan (the "Trust"), a Comprehensive Transfer Document, and a Pour Over Will.

At the time of Settlor's death, it was discovered she owned the following assets in her individual name outside of the Trust: 1) Bank of America account no. 2201; 2) Bank of America account no. 6060; and 3) Bank of America account no. 0994 (collectively the "Bank of America accounts"). Petitioner contends that Settlor intended the Bank of America accounts to be a Trust asset, as evidenced by the Trust, Comprehensive Transfer Document, and Pour Over Will.

Article Three, Section A of the Trust provides:

> <u>Power to Fund the Trust</u>. After this trust is duly executed, I will execute and deliver all deeds, assignments, bills of sale, written instructions and other legal documents necessary to convey and register all of my assets that I choose to place in trust under this trust to be owned by the trustee(s) of this trust and held and administered under the terms and conditions of this trust. Assets which are evidenced by titles or deeds currently being transferred to the trustee of this trust are listed on Schedule A, which is attached to this trust and made a part of this trust. I hereby transfer to this trust all assets not requiring titles or deeds, including but not limited to my furniture, wearing apparel, and personal possessions. Additionally, **I as trustor am now holding and will hold, solely and exclusively for and on behalf of such trust, any and all properties of all kinds, whether presently owned or hereafter acquired, including bank accounts**, **certificates of deposit, mutual and money market funds of all kinds**, securities, agency and custody accounts, notes, and real estate wherever located, but not including tax-favored assets on which recognition of income has been deferred, including but not limited to IRAs, Roth IRAs, qualified plans under IRC $401(a), tax sheltered annuities, and non-qualified deferred compensation. **All such property is hereby transferred to and the same shall be owned by such trust. This declaration shall apply even though record ownership or title, in some instances, may, presently or in the future, be registered in my individual name, in which event such record ownership shall hereafter be deemed held in trust even though such trusteeship remains undisclosed.** All assets transferred to the trustee of this trust, whether now or at a later date, shall become part of the trust

> estate and be subject to all terms and provisions of this trust document. (emphasis added)

The Comprehensive Transfer Document states, in part:

> The undersigned hereby declares that solely as trustee of and for the benefit of the revocable living trust executed by the trustor and by the initial trustee, and under the provisions of the trust agreement, **the undersigned is now holding and will hold, solely and exclusively for and on behalf of such trust**, the following: any and all properties of all kinds, **whether presently or hereafter acquired (regardless of the names by which acquired) including**, without limitation (except as specifically excepted herein): **owned bank accounts, certificates of deposit, mutual and money market funds of all kinds,** securities, agency and custody accounts, notes, real estate wherever located (including mortgages, contract for deed interests, leaseholds and mineral interests), jewelry, antiques, and any and all other assets wherever located. **All such property is hereby transferred to and the same shall be owned by such trust**. (emphasis added)

Settlor's Last Will and Testament instructs:

> **I give, devise and bequeath all of the rest, residue and remainder of my estate and property, of whatever kind separate and community, and wherever situated, owned by me at the time of my death to the trustee(s) of the JUDITH LEE JORDAN TRUST, to be added to the assets held in trust** and administered by its terms, including any amendments made during my lifetime. If for any reason such distribution of the residue of my estate is ineffective, then I give such residue of my estate to the trustee(s) named in the JUDITH LEE JORDAN TRUST, to serve as trustee(s), to be held in a testamentary trust in accordance with the provisions of the JUDITH LEE JORDAN TRUST, including any amendments thereto made during my lifetime. (emphasis added)

Petitioner requests the Court confirm the Bank of America accounts as trust assets to be held and administered pursuant to the terms 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. Petitioner has confirmed she is the sole heir and beneficiary entitled to notice.

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

TENTATIVE RULING #21:

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).

IF A PARTY OR PARTIES WISH TO APPEAR REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.

22.	24PR0084	IN RE THE MATTER OF THE VISMAN FAMILY REVOCABLE TRUST
PETITION HEARING		

On April 27, 2026, Petitioners, Brad D. Visman and Brad D. Visman, Jr. (collectively "Petitioners"), filed a Petition Under Cal. Prob. Code §§ 16400 & 17200 for Orders: 1) Compelling Trustees Michael C. Visman and Mark S. Visman to Account; 2) Enjoining Breach of Trust by Trustees; 3) Denying Compensation of Trustees; 4) Removing Trustees and Appointing Independent Trustee; 5) Surcharging Trustees for Breach of Trust; and 6) for Attorney Fees and Costs. Respondents, Michael C. Visman and Mark S. Visman (collectively "Respondents" or "Trustees"), filed an Objection on June 3, 2026.

On June 15, 2026, the Court ordered the Trustees to serve a code-compliant accounting upon Petitioner, covering the period of October 15, 2023, through the date of the Court's order. All remaining issues were continued to September 21, 2026, to allow the Court time to issue its final ruling on the April 2, 2024, Petition for Instructions (the "2024 Petition"), which was taken under submission on May 1, 2026.

The Ruling on Submitted Matter was issued on July 29, 2026. The Court found, in part, that Boa Vista is an asset of El Dorado Orchards, Inc. ("EDO") and not an asset of the Trust. The Court also set aside the deed and ordered the return of the Duck Club property to the Trust. Petitioners filed an appeal with the Third District Court of Appeal on September 8, 2026, regarding the Ruling on Submitted Matter, except for Section IV "Validity of Duck Club Property Grant Deed."

Petitioners filed a Brief in Support of Petition for Removal of Trustees on September 11, 2026. Petitioners request a finding that the Trustees have breached their fiduciary duties, the immediate removal of the Trustees, and the appointment of a neutral professional fiduciary pending resolution of all other matters in the administration. Additionally, Petitioners request the Court reserve on the issues of surcharge until further discovery can be conducted to determine the exact sum which should be reimbursed to the Trust.

<u>Legal Principles</u>

Probate Code § 15642 provides, in part:

(a) A trustee may be removed in accordance with the trust instrument, by the court on its own motion, or on petition of a settlor, cotrustee, or beneficiary under Section 17200.
(b) The grounds for removal of a trustee by the court include the following:
    (1) Where the trustee has committed a breach of the trust.

…

(9) For other good cause.

(e) If it appears to the court that trust property or the interests of a beneficiary may suffer loss or injury pending a decision on a petition for removal of a trustee and any appellate review, the court may, on its own motion or on petition of a cotrustee or beneficiary, compel the trustee whose removal is sought to surrender trust property to a cotrustee or to a receiver or temporary trustee. The court may also suspend the powers of the trustee to the extent the court deems necessary.

The trustee has a duty to administer the trust solely in the interest of the beneficiaries. Probate Code § 16002.

The trustee has a duty not to use or deal with trust property for the trustee's own profit or for any other purpose unconnected with the trust, nor to take part in any transaction in which the trustee has an interest adverse to the beneficiary. Probate Code § 16004(a).

Discussion

Petitioners contend that their request for removal stems from the Trustees' actions in the litigation related to the 2024 Petition, by which actions the Trustees have breached their fiduciary duties and wasted trust assets. Petitioners argue that Trustees' position denying Boa Vista was an asset of the Trust and not subject to the terms of the trust instrument in its management and distribution while using trust assets to pay attorney fees and costs to pursue their position is a breach of their fiduciary duties.

Upon receipt of the First Account, Petitioners learned the Trustees' have utilized trust funds in excess of $190,000 to pay attorney fees and costs to advance their own personal interests to the detriment of the trust estate. Petitioners contend that there are no facts to suggest that the attorney fees and costs identified in the First Account were connected to any task necessary to the Trust administration and their involvement in the litigation related to the 2024 Petition was not a benefit to the Trust, as it was a deprivation of Trust Assets and not reasonable.

Petitioners assert that by advancing this position, Trustees were advancing their own personal interests as shareholders of EDO and accordingly breached their fiduciary duty to avoid conflicts of interest, engaged in self-dealing, and breached their duty of loyalty. They further breached their duty to act impartially by opposing Petitioner, as a beneficiary of the Trust.

<u>The Court does not find that by opposing Petitioners' position, Trustees breached their fiduciary duties. Trustees defended a position in which they had a good faith belief that the Trust was not the lawful owner of Boa Vista, which this Court confirmed.</u>

Petitioners further argue that by taking a position that the Duck Club deed was a valid and effective transfer of the property out of the Trust constituted a breach of the Trustees' duty to control and preserve a trust asset. The Trustees utilized trust funds to pay the attorney fees and costs related to their defense of the fraudulent deed, as well as to prepare the documents necessary to void Michael Visman's 2019 deed to the Settlor's residence, which was necessary to unwind the result of his undue influence.

By defending this position, which this Court found to be an exertion of undue influence, and utilizing Trust funds for attorneys' fees to do so, the Court finds that Trustees breached their fiduciary duties, including the duty of loyalty, the duty to avoid conflicts of interest, duty to control and preserve a trust asset, and the duty to administer the trust solely in the interest of the beneficiaries. Such actions warrant the removal of Trustees. The Court orders the immediate removal of the Trustees and the appointment of a neutral professional fiduciary pending resolution of all other matters in this administration. The Court reserves jurisdiction on the issue of surcharge until further discovery can be conducted to determine the exact sum which should be reimbursed to the Trust.

Petitioners also argue that Trustees have utilized Trust assets to pursue their personal interests which are unconnected to the trust administration, including paying attorneys' fees for their counsel to appear at a hearing in the unrelated proceeding of the Estate of Mason Visman on March 16, 2026, and March 23, 2026, on Trustees' behalf in order to oppose a petition asking the Court to determine the viability of a creditor claim by EDO against the estate. Trustees' sole purpose was to advance their own personal interests as individual shareholders of EDO.

To the extent Trustees utilized Trust funds in this manner, the Court finds such use to be a breach of fiduciary duties and is subject to surcharge. The Court reserves jurisdiction on the issue of surcharge until further discovery can be conducted to determine the exact sum which should be reimbursed to the Trust.

TENTATIVE RULING #22:

ABSENT OBJECTION PETITIONER'S REQUEST FOR A FINDING THAT THE TRUSTEES HAVE BREACHED THEIR FIDUCIARY DUTIES, THE IMMEDIATE REMOVAL OF THE TRUSTEES, AND THE APPOINTMENT OF A NEUTRAL PROFESSIONAL FIDUCIARY PENDING RESOLUTION OF ALL OTHER MATTERS IN THE ADMINISTRATION IS GRANTED. THE COURT RESERVES JURISDICTION ON THE ISSUES OF SURCHARGE. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).

IF A PARTY OR PARTIES WISH TO APPEAR REMOTELY, INSTRUCTIONS FOR REMOTE APPEARANCES CAN BE FOUND ON THE COURT'S WEBSITE.