

September 28, 2026
Dept. 9
Probate Tentative Rulings

1.	26PR0098	IN THE MATTER OF THE LARRY R. BRYANT AND SHARRON K. BRYANT 1990 LIVING TRUST, AS AMENDED
PETITION HEARING		

8.	26PR0117	MATTER OF THE LARRY R. BRYANT & SHARRON K. BRYANT 1990 LIVING TRUST DATED 5-1-1990
TRANSFER IN		

Per the Court's order on June 8, 2026, this case was consolidated with case no. 26PR0117.

PETITION HEARING

On April 8, 2026, Trustee, Deborah A. Albers, filed a First and Final Report and Accounting by Trustee of Irrevocable Trust and Petition for its Approval and Approval of Proposed Distribution.

The Court continued the hearing on July 20, 2026. To date, nothing further has been filed with the Court.

TRANSFER IN

This matter was transferred from Contra Costa County on February 17, 2026. The Court is in receipt of the certified copy of the case file from Contra Costa County.

TENTATIVE RULING #1 AND #8:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 28, 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.

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2.	22PR0066	ESTATE OF RICHARD BEAUPRE
STATUS OF ADMINISTRATION		

Letters Testamentary were issued on July 20, 2022.

A Final Amended Inventory and Appraisal was filed on February 2, 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.

A Petition for Final Distribution was filed on August 25, 2025.

An Order for Final Distribution was filed on September 29, 2025.

There are no Receipts of Distribution on file with the court.

There is no ex parte Petition for Final Discharge (Judicial Council Form DE-295) on file with the court.

TENTATIVE RULING #2:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 28, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 27, 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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3.	26PR0227	IN RE: NANCY L. BLUBAUGH REVOCABLE TRUST, DATED JANUARY 30, 2024
PETITION HEARING		

On September 21, 2026, the Court issued its tentative ruling continuing the matter to September 28, 2026.

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.

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.

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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 #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.	25PR0216	THE ESTATE OF EDWARD LAWRENCE FREED
STATUS OF ADMINISTRATION		

Letters Testamentary were issued on October 10, 2025.

There is no Inventory and Appraisal on file with the court. Probate Code §8800 requires that the personal representative file an Inventory and Appraisal with the Court within 4 months from the issuance of letters.

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

TENTATIVE RULING #4:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 28, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 27, 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.	25PR0351	ESTATE OF SALLY ANN WOOD
PEITION HEARING		

At the hearing on July 27, 2026, the Court continued the matter to September 28, 2026.
To date, nothing further has been filed with the Court.

TENTATIVE RULING #5:

**APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 28, 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.**

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6.	24PR0242	IN THE MATTER OF DONALD OTIS KEARNEY
STATUS OF ADMINISTRATION		

Letters of Administration were issued on October 31, 2024.

An Inventory and Appraisal was filed on July 15, 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 August 13, 2025.

An Order for Final Distribution was filed on September 29, 2025.

Receipts of Distribution have been filed.

There is no ex parte Petition for Final Discharge (Judicial Council Form DE-295) on file with the court.

TENTATIVE RULING #6:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 28, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 27, 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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7.	25PR0000	ESTATE OF PATRICIA RAYE BUCHANAN
STATUS OF ADMINISTRATION		

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

TENTATIVE RULING #7:

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

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9.	26PR0172	IN THE MATTER OF THE CLAYETTA H. SPELTZ REVOCABLE FAMILY TRUST DATED APRIL 16, 2015, AS AMENDED
PETITION HEARING		

At the hearing on July 27, 2026, the Court ordered Trustee to provide a complete copy of the Accounting to the Court and all beneficiaries and for the Parties to file a Declaration of what has been completed 10 days prior to the hearing set on September 28, 2026.

On September 18, 2026, Respondent, Kathleen Dolan ("Respondent" or "Trustee"), filed a Declaration of Kathleen Dolan which included copies of the following: 1) estate planning documents; 2) an accounting for the period of May 16, 2024, through May 10, 2025; and 4) an accounting for the period May 11, 2025, through April 30, 2026.

Respondent also filed a Response and Objection to Petition to Compel Accounting; to Compel Distribution of Trust Assets; to Suspend and Remove Trustee; to Prohibit Kathleen Dolan from Defending the Petition at the Trust's Expense. Respondent asserts that upon finding that Decedent, Clayetta H. Speltz ("Decedent"), had been financially taken advantage of by third parties and was suffering from vision impairment, Decedent left Colorado to live with Respondent in California.

In January 2023, Decedent decided to utilize the services of Respondent's business to handle the paperwork for her properties and taxes with deferred compensation until 2024 when some funds became available. In addition, all of Decedent's bank accounts were placed on a 90 day hold due to bank fraud. Respondent advanced fees for Decedent's benefit for approximately two and a half years while Decedent's financial affairs stabilized. Respondent fronted expenses for the management of Decedent's seven properties. Respondent contends she acted in good faith, made numerous attempts to share information with the beneficiaries, and believes the Trust is in a position where the remaining properties can be sold. As the accountings have been contemporaneously filed, Respondent asserts the pending Petition is moot.

TENTATIVE RULING #9:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 28, 2026, IN DEPARTMENT NINE.

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10.	24PR0258	ESTATE OF PATRICIA ANN SCHURPF AKA PATRICIA ANN COSTA
STATUS OF ADMINISTRATION		

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

TENTATIVE RULING #10:

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

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12.	25PR0283	ESTATE OF JACK PEFLEY
OSC/MOTION HEARING		

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

TENTATIVE RULING #12:

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

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13.	22PR0201	ESTATE OF ARNOLD OSCAR PLANT SR.
STATUS OF ADMINISTRATION		

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

TENTATIVE RULING #13:

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

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14.	25PR0215	ESTATE OF MARILYN MARIE POINSETT AKA MARILYN M. POINSETT AKA MARILYN POINSETT
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 October 6, 2025, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on February 18, 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 July 8, 2026. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes one hundred percent 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. The administration of the estate be brought to a close without the requirement of an accounting;
2. All reported acts and proceedings of the Petitioner as herein set forth be confirmed and approved;

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3. Distribution of the estate in Petitioner's hands and any other property of decedent or the estate not now known or discovered be made to the person(s) and or entities entitled to it as set forth in the Petition; 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 #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).

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 27, 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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15.	24PR0269	ESTATE OF CAROLYN M. PAPPA
STATUS OF ADMINISTRATION		

Letters of Administration were issued on November 25, 2024.

A Corrected Inventory and Appraisal was filed on April 18, 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 31, 2025.

An Order for Final Distribution and Order to Deposit Funds in Blocked Account were filed on September 30, 2025.

There are no Receipts of Distribution or Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account on file with the court.

There is no ex parte Petition for Final Discharge (Judicial Council Form DE-295) on file with the court.

TENTATIVE RULING #15:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 28, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 27, 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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16.	23CV0518	MICHELLE LE ET AL VS. RAVITESH RAM ET AL
MOTION TO COMPEL DEPOSITION ATTENDANCE / MOTION FOR SUMMARY JUDGMENT		

Before the Court are two motions: 1) Motion to Compel the Attendance of Non-Party Witness Gurjot Johl at Deposition or, in the Alternative, at Trial, and For Issuance of a Warrant for His Arrest Upon Failure to Appear; and 2) Motion for Summary Judgment.

MOTION TO COMPEL

Plaintiffs, Michelle Le and Tuan Pham (collectively “Plaintiffs”), move to compel the attendance of non-party witness, Gurjot Johl (“Mr. Johl”), at deposition or, in the alternative, at trial, and for an order authorizing a warrant for his arrest if he fails to voluntarily appear as ordered. An Opposition was filed by Defendant, Ravitesh Ram (“Defendant”), on September 23, 2026.

Plaintiffs assert Mr. Johl is a percipient witness whose testimony is material to the central dispute of the case. Mr. Johl is an investor in the Subject Property, communicated with the Parties about the funds and their repayment, and acknowledged loaning money to Defendant in connection with the same property – communications of which Defendant is attempting to exclude as evidence on hearsay grounds. Mr. Johl was noticed for depositions in March, April, and August 2026. Despite being personally served for the August 17, 2026, deposition, Mr. Johl failed to appear or reschedule.

Plaintiffs propose taking Mr. Johl’s deposition on October 6, 2026, so that his testimony can be transcribed and used at trial on October 13, 2026. In the alternative, Plaintiffs request the Court order Mr. Johl to appear and testify at trial and to comply with a trial subpoena served upon him. Should Mr. Johl fail to appear at the deposition or trial, Plaintiffs request the Order expressly authorize issuance of such a warrant. Lastly, Plaintiffs request the Court confirm that Mr. Johl’s disobedience of its order may also be punished as contempt and will subject him to the statutory forfeiture and damages. Alternatively, the Court in its discretion could deem the text messages between Mr. Johl and Plaintiff Michelle Le, Loc Le, or Defendant authenticated and admit them over Defendant’s hearsay challenges.

Defendant argues Plaintiffs’ request falls outside of the discovery cutoff, which was September 14, 2026. Although Plaintiffs obtained an order shortening time, they did not ask for leave to reopen discovery and failed to include a meet and confer declaration.

The Court finds Mr. Johl was properly served the Deposition Subpoena for Personal Appearance and failed to appear for his deposition on August 17, 2026. Plaintiffs do not seek leave to reopen discovery but rather to enforce the deposition subpoena which was properly noticed prior to the cutoff. The Court grants Plaintiffs’ request to compel Mr. Johl to appear for his deposition.

A review hearing is set for November 20, 2026, to determine compliance with Mr. Johl's deposition. Plaintiffs are ordered to file a status report with the Court regarding his compliance by November 13, 2026. The Court reserves jurisdiction over Plaintiffs' requests to punish Mr. Johl for contempt for his failure to appear at the upcoming deposition, to authorize the issuance of a warrant, and to deem the text messages between Mr. Johl and Plaintiff Michelle Le, Loc Le, or Defendant authenticated and admit them over Defendant's hearsay challenges should Mr. Johl fail to appear for his deposition.

The Court on its own motion continues the trial and corresponding pretrial hearings. The Parties are ordered to appear to set trial and pretrial dates.

MOTION FOR SUMMARY JUDGMENT

On the Court's own motion, Defendant's Motion for Summary Judgment is continued to December 18, 2026, to allow for the deposition of Mr. Johl. Supplemental pleadings may be filed by December 10, 2026.

TENTATIVE RULING #16:

PLAINTIFFS' REQUEST TO COMPEL MR. JOHL'S APPEARANCE FOR HIS DEPOSITION IS GRANTED. A REVIEW HEARING IS SET FOR NOVEMBER 20, 2026, AT 8:30 A.M. IN DEPARTMENT NINE. PLAINTIFFS ARE ORDERED TO FILE A STATUS REPORT BY NOVEMBER 13, 2026. THE COURT RESERVES JURISDICTION OVER PLAINTIFFS' REQUEST REGARDING CONTEMPT, AUTHORIZING AN ARREST WARRANT, AND DEEMING THE TEXT MESSAGES AUTHENTICATED AND ADMITTED OVER HEARSAY CHALLENGES.

THE COURT ON ITS OWN MOTION CONTINUES THE TRIAL AND CORRESPONDING PRETRIAL HEARINGS. THE PARTIES ARE ORDERED TO APPEAR ON SEPTEMBER 28, 2026, AT 8:30 A.M. IN DEPARTMENT NINE TO SET TRIAL AND PRETRIAL DATES.

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT IS CONTINUED TO DECEMBER 18, 2026, AT 8:30 A.M. IN DEPARTMENT NINE. SUPPLEMENTAL PLEADINGS MAY BE FILED BY DECEMBER 10, 2026.

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17.	25PR0205	ESTATE OF BENOIT DAVID USTARIZ
STATUS OF ADMINISTRATION		

Letters Testamentary were issued on December 1, 2025.

A Corrected Final Inventory and Appraisal was filed on May 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.

A Petition for Final Distribution was filed on July 8, 2026.

An Order for Final Distribution was filed on August 24, 2026.

There are no Receipts of Distribution on file with the court.

There is no ex parte Petition for Final Discharge (Judicial Council Form DE-295) on file with the court.

TENTATIVE RULING #17:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 28, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 27, 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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18.	25PR0363	ESTATE OF THOMAS ANDREW SALATA
MOTION TO SET ASIDE/VACATE		

On July 24, 2026, Respondents, Jonathan Salata and Miaroby Salata (collectively “Respondents”), filed a Motion to Vacate Bifurcation Order; to Stay Probate Proceedings Pending Resolution of Financial Elder Abuse Complaint; and for Protective Occupancy Order. An Opposition was filed by Petitioner, Pamela Salata (“Petitioner”), on September 15, 2026.

Request for Judicial Notice

Petitioner requests judicial notice of the following: 1) Minute Order dated February 23, 2026, entered in case no. 25PR0360; 2) Notice of Related Case dated August 27, 2026, in case no. 26CV1514; and 3) Notice of Related Case dated August 27, 2026, in case no. 25PR0363.

Judicial notice is a mechanism which allows the court to take into consideration matters which are presumed to be indisputably true. California Evidence Code Sections 451, 452, and 453 govern the circumstances in which judicial notice of a matter may be taken. While Section 451 provides a comprehensive list of matters that must be judicially noticed, Section 452 sets forth matters which *may* be judicially noticed, including “[r]ecords of (1) any court of this state or (2) any court of record of the United States or of any state of the United States.”

Section 452 provides that the court “may” take judicial notice of the matters listed therein, while Section 453 provides a caveat that the court “shall” take judicial notice of any matter “specified in Section 452 if a party requests it and: (a) Gives each adverse party sufficient notice of the request...to enable such adverse party to prepare to meet the request; and (b) Furnishes the court with sufficient information to enable it to take judicial notice of the matter.” Cal. Evid. Code § 453.

While the requests made by Petitioner fall within the purview of Section 452, matters which *may* be judicially noticed, the Court does find that Petitioner provided Respondent and the Court sufficient notice of the request and copies of the documents requested to be noticed. As such, Petitioner has satisfied the requirements of Evidence Code § 453 and the request for judicial notice is granted.

Legal Principles

Code of Civil Procedure § 663 provides:

A judgment or decree, when based upon a decision by the court, or the special verdict of a jury, may, upon motion of the party aggrieved, be set aside and vacated by the same court, and another and different judgment entered, for either of the following causes, materially affecting the substantial rights of the party and entitling the party to a different judgment:

1. Incorrect or erroneous legal basis for the decision, not consistent with or not supported by the facts; and in such case when the judgment is set aside, the statement of decision shall be amended and corrected.
2. A judgment or decree not consistent with or not supported by the special verdict.

Background

On December 24, 2025, Petitioner filed a Petition of Surviving Spouse for Order Confirming Community Property Interests, for Recovery and Set Aside of Unauthorized Transfers, for Injunctive Relief, for Accounting, and for Related Relief Pursuant to Probate Code §§ 850-859, 5020, 5021, Family Code §§ 1100(b), 1102, and Civil Code § 682.1 (“Spousal Property/850 Petition”).

At the trial setting hearing on June 1, 2026, the Court set a trial on the limited deed issue only. On June 2, 2026, Respondent filed a Complaint for Financial Elder Abuse (“FEA Complaint”) against Petitioner (case no. 26CV1514).

Discussion

Respondents argue that the bifurcation order violated procedural due process and should be vacated pursuant to Code of Civil Procedure § 663 because Petitioner’s oral request to bifurcate one issue of the underlying Spousal Property/850 Petition at a hearing set to review and set a trial on all issues, made without prior written notice, deprived Respondent of a meaningful opportunity to prepare, evaluate, and object to the oral motion. Due to Respondent’s counsel’s difficulty hearing, he misunderstood the nature and scope of Petitioner’s request and could not mount a proper objection.

Respondents contend the bifurcation order violates principles of judicial economy, as deciding the gift deed validity in isolation is inefficient, will cause significant repetition of the same witness testimony, and risks inconsistent rulings because the FEA Complaint directly impacts Petitioner’s capacity to inherit or receive any portion of Decedent’s estate, potentially rendering the gift deed issue entirely moot pursuant to Probate Code § 259. Respondents further request the Court stay the Spousal Property/850 Petition pending resolution of the FEA Complaint on the same grounds and pursuant to California Rules of Court, Rule 3.515(a).

Petitioner argues the bifurcation order was a trial-management and sequencing order, not a judgment, decree, or adjudication of title, possession, or any party’s property rights thereby rendering Respondents’ reliance on Code of Civil Procedure § 663 misplaced. Respondents’ request is inherently a request for reconsideration under Code of Civil Procedure § 1008 which is inapplicable as the motion is untimely, nor is any new evidence presented. Additionally, Petitioner asserts that even if Probate Code § 259 applies, she nevertheless owns no less than her undivided one-half interest in the home and the issue does not become moot.

The Court does not find Code of Civil Procedure § 663 applicable for the underlying trial-setting order. A bifurcation order is a procedural mechanism, not a judgment or decree as required under § 663. Respondents' request appears to be a request for reconsideration, which the Court finds is time barred and for lack of new or different facts, circumstances, or law. Respondents' judicial economy argument premised on Probate Code § 259 is speculative, premature, and fails to consider Petitioner's undisputed fifty percent interest in the property.

Alternatively, Respondents assert that Probate Code § 856.5 supports hearing the FEA Complaint first because the probate court should not grant § 850 relief while the predicate civil action may determine the parties' substantive entitlement to the very property rights the probate petition asks the Court to adjudicate.

The Court does not find § 856.5 requires a stay merely because the FEA Complaint was filed. The FEA Complaint was filed after the Spousal Property/850 Petition and after the Court set the limited deed issue for trial. The Court declines to determine that the property and deed issues presented by the Spousal Property/850 Petition should instead be determined by the subsequently filed civil action.

Lastly, Respondents request the Court grant a protective occupancy order permitting Respondents to remain on the property pending adjudication of the elder abuse claim, as displacement would disrupt the status quo, impose unnecessary hardship, and allow a potential elder abuser to take possession of property to which she may have no legal entitlement.

As the Court issued a preliminary injunction which granted Petitioner exclusive use and possession of the residence, the Court declines to permit Respondents to retain possession pending adjudication of the elder abuse claim.

Respondents' Motion to Vacate Bifurcation Order; to Stay Probate Proceedings Pending Resolution of Financial Elder Abuse Complaint; and for Protective Occupancy Order is denied.

TENTATIVE RULING #18:

RESPONDENTS' MOTION TO VACATE BIFURCATION ORDER; TO STAY PROBATE PROCEEDINGS PENDING RESOLUTION OF FINANCIAL ELDER ABUSE COMPLAINT; AND FOR PROTECTIVE OCCUPANCY ORDER IS DENIED.

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

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19.	24PR0113	ESTATE OF MICHAEL ALAN CLIFFORD
OSC HEARING		

On June 22, 2026, the Court set an OSC hearing for suspension or removal of the personal representative. Nothing further has been filed with the Court.

TENTATIVE RULING #19:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 28, 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.

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20.	26PR0044	ESTATE OF STEVEN MICHAEL HUIZENGA
PETITION HEARING		

Before the Court are two Petitions: 1) Petition to Determine Succession to Primary Residence; and 2) Petition to Determine Validity of Will; Will Contest.

On July 27, 2026, the Court continued the matters to September 28, 2026. Nothing further has been filed with the Court.

TENTATIVE RULING #20:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 28, 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.

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21.	PP20150216	ESTATE OF MATTHEW DEAN WALLACE
STATUS OF ADMINISTRATION		

Letters Testamentary were issued on October 10, 2025.

There is no Inventory and Appraisal on file with the court. Probate Code §8800 requires that the personal representative file an Inventory and Appraisal with the Court within 4 months from the issuance of letters.

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

TENTATIVE RULING #21:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 28, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 27, 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.

September 28, 2026
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Probate Tentative Rulings