

1.	23CV1225	CIERRA RICH VS. CAMERON PARK COUNTRY CLUB, INC.
FINAL APPROVAL OF SETTLEMENT		

This motion for final approval of the settlement of this Private Attorneys General Act (“PAGA”) class action lawsuit is unopposed.

At a hearing on November 7, 2025, the Court issued an Order Granting Preliminary Approval of a Class Action Settlement. That Order includes the following:

- Preliminary approval and conditional certification of the Class;
- Preliminary approval of Plaintiff Cierra Rich as Class Representative;
- Preliminary approval of Otkupman Law Firm, A Law Corporation, as Class Counsel
- Preliminary approval of Settlement of claims as set forth in the Settlement Agreement;
- Approval of the proposed Class Notice and Exclusion Form;
- Preliminary approval of the Gross Settlement Amount of \$250,000.00;
- Preliminary approval of Apex Class Action, LLC as Settlement Administrator and payment of service in an amount up to \$10,000.00;
- Preliminary approval of a Class Representative Enhancement Payment to Plaintiff Cierra Rich in an amount up to \$15,000.00;
- Preliminary approval of the payment to Class Counsel of reasonable attorneys’ fees of \$87,500.00 and costs up to \$20,000.00;
- Preliminary approval of the PAGA Payment in the amount of \$10,000.00. Seventy-five percent (75%) of this amount will be paid to the LWDA and twenty-five percent (25%) of this amount will be paid to the Aggrieved Employees on a pro rata basis; and
- Granting the schedule for implementation of the terms of the Settlement Agreement.

On September 10, 2026, Plaintiff filed an unopposed motion for final approval of the class and PAGA action settlement. A copy of the proposed settlement agreement is attached to the Declaration of Roman Otkupman dated September 10, 2026, as Exhibit B.

The Declaration of Madely Nava states that 220 individuals were included as Class Members in the action. The Court Approved Notice of Class Action Settlement and Hearing for Final Court Approval was mailed to all class members. Of the 220 mailed, 3 were ultimately returned as undeliverable, despite performing a computerized skip trace in an attempt to acquire updated addresses. One request for exclusion was received. No notices of objection or disputes were received from the class members.

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After deductions from the gross settlement amount of \$250,184.04 (attorney's fees in the amount of \$87,500.00; costs in the amount of \$8,968.75; enhanced payment to the named Plaintiff \$15,000.00, in addition to the PAGA amount \$10,000.00, and the requested settlement administration costs \$9,000.00), a net settlement amount of \$94,531.25 remains to pay settlement class members. Defendant is also paying vacation pay of \$25,184.04 separately.

The highest individual settlement share to be paid to a participating class member is \$1,850.46; the lowest individual settlement share is \$.97, while the average individual settlement share is \$431.65. 25% of the PAGA Payment (\$2,500.00) will be allocated to PAGA Members regardless of whether they opt out of the Class settlement. There are 139 PAGA Members who worked a total of 7,588 pay periods during the PAGA Period. The highest individual PAGA payment to a PAGA Member is \$42.83, the lowest individual PAGA payment is \$.33, and the average individual PAGA payment is approximately \$17.99.

TENTATIVE RULING #1:

THE COURT APPROVES THE MOTION FOR FINAL APPROVAL. APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 5, 2026, IN DEPARTMENT NINE TO DETERMINE THE DATE OF THE FINAL REPORT HEARING.

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.	26PR0238	IN RE: IRREVOCABLE TRUST AGREEMENT FOR THE BENEFIT OF ZACHARY J. LANKFORD DATED FEBRUARY 16, 2001
PETITION HEARING		

Petitioner, Zachary Lankford ("Petitioner"), petitions this Court for an order appointing him as Successor Trustee to fill the vacancy that currently exists. Proof of service of notice of hearing was filed on August 20, 2026.

The Irrevocable Trust Agreement for the Benefit of Zachary J. Lankford dated February 16, 2001 (the "Trust") was established by Ann L. Lankford ("Settlor") who died on November 29, 2022. Section 4 of the Trust provides that upon Settlor's death, Edward Jones Trust Company ("Edward Jones") was to serve as successor trustee; however, Edward Jones declined to act as successor on February 7, 2023.

Pursuant to Section 4.A of the Trust, should Edward Jones decline to serve, they have the power to appoint a successor trustee. Should Edward Jones decline to nominate a successor trustee, the trustee shall be appointed by a court of competent jurisdiction. On June 17, 2026, Edward Jones declined to nominate a successor trustee.

Petitioner is willing to accept the role of successor Trustee and has executed a consent to the appointment of himself as successor Trustee. The Trust references the Ann Lankford Endowment Foundation (the "Foundation") established August 7, 2000, as a remainder beneficiary upon the death of Petitioner. Despite diligent search and inquiry, Petitioner has been unable to locate any record of the existence of the Foundation.

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).

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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3.	26PR0153	IN THE MATTER OF D.J. AND L.J. CHASE FAMILY 1988 REVOCABLE TRUST, DATED DECEMBER 27, 1988, INCLUDING THE DANIEL J. CHASE SURVIVING SPOUSE'S TRUST AND THE FAMILY BYPASS TRUST
PETITION HEARING		

On July 17, 2026, the Court continued the hearing to October 5, 2026. To date, nothing further has been filed.

TENTATIVE RULING #3:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 5, 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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4.	25PR0104	ESTATE OF DARLENE CHERNEY
OSC HEARING		

On August 3, 2026, the Court set an Order to Show Cause for removal or suspension and/or sanctions against the Personal Representative on October 5, 2026.

On August 11, 2026, Letters of Administration were issued. A Final Inventory and Appraisal was filed on September 9, 2026. No Declaration of Probate Referee is attached as required.

TENTATIVE RULING #4:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 5, 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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5.	25PR0143	ESTATE OF MATT ALAN MILLIKEN
STATUS OF ADMINISTRATION		

On August 3, 2026, the hearing was continued to October 5, 2026. To date, nothing further has been filed.

TENTATIVE RULING #5:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 5, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, OCTOBER 4, 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.

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6.	25PR0222	ESTATE OF GERALD JOHNSON
STATUS OF ADMINISTRATION		

Letters of Administration were issued on October 6, 2025.

An Inventory and Appraisal was filed on January 5, 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.

TENTATIVE RULING #6:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 5, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, OCTOBER 4, 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.

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7.	24PR0053	ESTATE OF STEVEN YOU-FONG LEE
STATUS OF ADMINISTRATION		

Letters of Administration were issued on September 3, 2024.

An Inventory and Appraisal was filed on January 7, 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 September 5, 2025.

An Order for Final Distribution was filed on November 5, 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 #7:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 5, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, OCTOBER 4, 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.

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8.	25PR0221	ESTATE OF HELEN MERLENE AUSTIN
STATUS OF ADMINISTRATION		

An order for Final Discharge was entered by the Court on August 18, 2026.

TENTATIVE RULING #8:

**AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT AUGUST 18, 2026,
THE MATTER IS DROPPED FROM CALENDAR.**

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9.	25PR0229	THE 1 ST AMENDMENT OF THE CARLAN V. AND SUSAN M. MEYER TRUST DATED 12-31-1992
STATUS HEARING		

On June 22, 2026, the Court continued the hearing to October 5, 2026. To date, nothing further has been filed.

TENTATIVE RULING #9:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 5, 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.

10.	24PR0301	MATTER OF REGINA MIESCH VS COLLEEN O'BRIEN
PETITION HEARING /DEMURRER		

Before the Court are two matters: 1) First Amended Petition; and 2) Demurrer to First Amended Petition.

FIRST AMENDED PETITION

Petitioner, Regina Miesch ("Petitioner"), filed the First Amended Petition on June 15, 2026. Petitioner seeks the following: 1) removal of Colleen O'Brien ("Trustee" or "Respondent") as Trustee; 2) the appointment of a private fiduciary as successor Trustee and appointment of a temporary trustee if necessary to protect trust assets pending further proceedings; 3) a finding that Trustee and Mike Ramos committed financial elder abuse and ordering them to return/refund funds according to proof; 4) finding that Trustee and Mike Ramos performed work at 1138 South Sunset Drive, Lodi, California, in violation of Business and Professions Code § 7031, and ordering repayment/d disgorgement of funds received and an order preventing and further payment according to proof; and 5) awarding attorney's fees and costs.

Respondent filed a Demurrer to the First Amended Petition on August 20, 2026.

DEMURRER

Respondent/Trustee, Colleen O'Brien ("Respondent" or "Trustee"), demurs to Petitioner's, Regina Miesch ("Petitioner"), First Amended Petition. On September 14, 2026, Petitioner filed an Opposition.

Meet and Confer Requirement

Code of Civil Procedure §430.41(a) provides: Before filing a demurrer pursuant to this chapter, the demurring party shall meet and confer in person or by telephone with the party who filed the pleading that is subject to demurrer for the purpose of determining whether an agreement can be reached that would resolve the objections to be raised in the demurrer.

Code of Civil Procedure §430.41(a)(3):

The demurring party shall file and serve with the demurrer a declaration stating either of the following:

(A) The means by which the demurring party met and conferred with the party who filed the pleading subject to demurrer, and that the parties did not reach an agreement resolving the objections raised in the demurrer.

(B) That the party who filed the pleading subject to demurrer failed to respond to the meet and confer request of the demurring party or otherwise failed to meet and confer in good faith.

Dumas v. Los Angeles County Bd. of Supervisors (2020) 45 Cal. App. 5th 348 (“If, upon review of a declaration under section 430.41, subdivision (a)(3), a court learns no meet and confer has taken place, or concludes further conferences between counsel would likely be productive, it retains discretion to order counsel to meaningfully discuss the pleadings with an eye toward reducing the number of issues or eliminating the need for a demurrer, and to continue the hearing date to facilitate that effort”).

Based on the Declaration of Bryan L. Phipps, counsel attempted to meet and confer with Petitioner prior to filing, but the dispute could not be resolved.

Background

Petitioner filed a First Amended Petition (the “Petition”) alleging causes of action for 1) Petition for Removal of Trustee (Prob. Code § 17200(b)(10)); 2) For Breach of Trust (Prob. Code § 17200(b)(12)); 3) Recovery of Compensation Paid for Licensed Contracting Work (Bus. Prof. Code § 7031); 4) Financial Elder Abuse (Welfare Institutions Code § 15600); and 5) Attorneys Fees and Damages (Probate Code § 859).

Legal Principles

[A] demurrer challenges only the legal sufficiency of the complaint, not the truth or the accuracy of its factual allegations or the plaintiff’s ability to prove those allegations.” (*Amarel v. Connell* (1998) 202 Cal.App.3d 137, 140.) A demurrer is directed at the face of the complaint and to matters subject to judicial notice. (Code Civ. Proc., § 430.30, subd. (a).) All properly pleaded allegations of fact in the complaint are accepted as true, however improbable they may be, but not the contentions, deductions or conclusions of facts or law. (*Blank v. Kirwan* (1985) 39 Cal.3d gives “the complaint a reasonable interpretation, reading it as a whole and its parts in their context.” (Blank, *supra*, 39 Cal.3d at p. 318.)

Discussion

Respondent demurs to the Third Cause of Action for Recovery of Compensation Paid for Unlicensed Contracting Work pursuant to Code of Civil Procedure § 430.10(e) for failure to state sufficient facts to constitute a cause of action against Respondents, Colleen O’Brien and Mike Ramos (collectively “Respondents”). Respondent argues Petitioner lacks standing to assert a cause of action under Business and Professions Code § 7031 because Petitioner did not utilize the services of Respondents, she lacks standing to assert a claim.

Petitioner argues her standing does not depend on whether she personally hired Respondents, as she has standing as a beneficiary of the Wreath Miesch Living Trust (the “Trust”) and therefore has the ability to invoke the Court’s probate jurisdiction to protect trust property from an allegedly conflicted trustee. Petitioner also asserts she has standing because Trustee is allegedly conflicted and cannot be expected to sue herself or her boyfriend, Mike Ramos, who both have received compensation from the alleged labor performed at the rental property.

In addition, Petitioner contends that she, as a beneficiary of the Trust, may pursue a claim against Respondent Ramos without Trustee's participation because Trust property was depleted through payments to a conflicted fiduciary and a third party who allegedly participated in or benefited from that conduct. Lastly, public policy supports Petitioner's standing to protect the Trust's claims, as the deterrent purpose would be undermined if standing were denied because the person with formal authority over the Trust claim is also an alleged wrongdoer.

A trustee or beneficiary of a trust may petition the court concerning the internal affairs of the trust. Probate Code § 17200.

Business & Professions Code § 7031(b) provides:

(b) Except as provided in subdivision (e), a person who utilizes the services of an unlicensed contractor may bring an action in any court of competent jurisdiction in this state to recover all compensation paid to the unlicensed contractor for performance of any act or contract.

"As a general rule, the trustee is the real party in interest with standing to sue and defend on the trust's behalf. [Citations.] Conversely, a trust beneficiary cannot sue in the name of the trust. [Citations.]" (*Estate of Bowles* (2008) 169 Cal.App.4th 684, 691, 87 Cal.Rptr.3d 122 (*Bowles*).) "But a trust beneficiary can bring a proceeding against a trustee for breach of trust. [Citations.]" (*Id.* at pp. 691–692, 87 Cal.Rptr.3d 122.) "Moreover, it is well established, and this court has held, that a trust beneficiary can pursue a cause of action against a third party who actively participates in or knowingly benefits from a trustee's breach of trust. [Citations.]" (*Id.* at p. 692, 87 Cal.Rptr.3d 122.) *King v. Johnston* (2009) 178 Cal.App.4th 1488, 1500 [101 Cal.Rptr.3d 269, 278–279].

When the claim being asserted rests in whole or in part on alleged breaches of trust by the trustee, a beneficiary has standing to pursue such a claim against either (1) the trustee directly, (2) the trustee *and* third parties participating in or benefiting from his, her or its breach of trust, or (3) such third parties alone. *Only* in circumstances such as those present in *Saks and Pillsbury*, where no misfeasance or breach of trust by the trustee is asserted and the beneficiary is effectively seeking to step into the shoes of the trustee and enforce the trust agreement directly, does the beneficiary lack standing. *Harnedy v. Whitty* (2003) 110 Cal.App.4th 1333, 1341–1342 [2 Cal.Rptr.3d 798, 805].

The gravamen of the Petition relates to Trustee's breaches of her fiduciary duties, including utilizing the services of unlicensed contractors and seeking to receive compensation of Trust funds for herself and Respondent Ramos for these unlicensed services. As a beneficiary of the Trust, Petitioner has standing to pursue a claim against Trustee and Respondent Ramos, as she has alleged Trustee committed breaches of trust which Respondent Ramos has benefited from in violation of Business & Professions Code § 7031. Respondent's demurrer is overruled.

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TENTATIVE RULING #10:

RESPONDENT'S DEMURRER IS OVERRULED. APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 5, 2026, IN DEPARTMENT NINE.

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11.	24PR0061	ESTATE OF STEVEN D. MICHOFF
FINAL DISTRIBUTION HEARING		

Letters of Administration were issued on May 6, 2024, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on May 13, 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.

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 was filed on September 3, 2026. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes equal shares to Decedent's two daughters.

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 except the income taxes which may be due on account of the estate income during 2026.

Petitioner advises three approved Creditors' Claims remain outstanding and requests authorization to remit payment.

The Petition requests the Court:

1. Approves, allows and settles this account and report in all respects as filed;

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2. Approves and confirms the acts and transactions of the Administrator as set forth in this report;
3. Authorizes and directs Petitioner to pay Heather R. Chubb, of Chubb Law Firm PC, \$4,030.00 as statutory compensation for services to Petitioner and to the estate, \$10,860.50 as compensation for extraordinary services to Petitioner and to the estate, and \$6,149.18 for costs advanced, for a total of \$21,039.68;
4. Authorizes and directs Petitioner to pay to Steffani Moody \$4,030.00 as statutory compensation for services to the estate as the Administrator and receive from the estate \$15,960.59 for costs advanced;
5. Authorizes and directs Petitioner to pay all estate administrative expenses and creditor claims approved in the amounts set forth in the Petition;
6. Authorizes and directs the Petitioner to distribute the estate to the heirs as follows: Krista Michoff – cash in the amount of \$14,772.94, more or less; and Steffani Moody - cash in the amount of \$14,772.94;
7. Authorizes Petitioner to retain \$2,500.00 in cash for incidental closing expenses of administration, and to deliver the unused part pro rata to the heirs and assigns of this estate without further court order after the closing expenses, tax and other liabilities have been paid;
8. Authorizes Petitioner to distribute any other property of the decedent or the estate not now known or discovered be made to the beneficiaries pro rata, as set forth in the paragraphs above; and
9. **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 #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, OCTOBER 4, 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.

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12.	26PR0042	IN THE MATTER OF MARIAN RENDELL FAMILY TRUST, DATED SEPTEMBER 14, 2017
REVIEW HEARING - OSC		

On September 15, 2026, the Court ordered Trustee, Jason S. O'Neil ("Trustee"), to personally appear at a review hearing on October 5, 2026, to show cause why sanctions should not be issued against him for failure to comply with the prior Orders of the Court to produce the Inventory and Accounting for the estate of the Marian Rendell Family Trust.

A bench warrant for the arrest of Trustee to bring him before this Court was issued but held pending his appearance at the review hearing on October 5, 2026.

TENTATIVE RULING #12:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 5, 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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13.	26PR0185	IN THE MATTER OF OATMAN FAMILY TRUST DATED JULY 23, 1996
REVIEW HEARING		

On August 3, 2026, the Court set a Review Hearing regarding the receipt of a declaration from the surviving spouse of Decedent, Bruce Oatman ("Decedent"). The Court advised if the declaration was received prior to the October 5, 2026, hearing date, the Court is inclined to drop the hearing.

The Declaration of Rebecca Oatman in Support of Trustee's Petition was filed on August 28, 2026. Petitioner's request for an order passing on his discretionary distribution of Decedent's share to his surviving spouse is granted.

TENTATIVE RULING #13:

PETITIONER'S REQUEST FOR AN ORDER PASSING ON HIS DISCRETIONARY DISTRIBUTION OF BRUCE OATMAN'S SHARE TO HIS SURVIVING SPOUSE IS GRANTED. THE REVIEW HEARING IS DROPPED FROM CALENDAR.

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14.	25PR0215	ESTATE OF MARILYN MARIE POINSETT AKA MARILYN M. POINSETT AKA MARILYN POINSETT
STATUS OF ADMINISTRATION		

Letters of Administration were issued on October 6, 2025.

An 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.

A Petition for Final Distribution was filed on June 22, 2026.

An Order for Final Distribution was filed on September 28, 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 #16:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 5, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, OCTOBER 4, 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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15.	26PR0218	THE ESTATE OF DAN RIBOLIN
MOTION TO SET ASIDE/VACATE		

Respondent, Kimberly Ribolin (“Respondent”), moves for an order vacating, or alternatively, modifying the Court’s July 30, 2026, Order pursuant to Probate Code § 8541(d). Petitioner, Lindsay Tate, filed an Opposition on September 8, 2026.

On July 30, 2026, the Court entered an Order for Probate (the “July 2026 Order”) which appointed Petitioner as Special Administrator with the specific power only to receive the creditor claim of Lindsay Tate and assigns. Respondent argues that the Court did not obtain her position as Decedent’s surviving spouse regarding the appointment.

The Declaration of Kimberly Ribolin attests that the ex parte application papers had been left at her residence with her fifteen-year old daughter and she first learned of the ex parte hearing at 2:00 p.m. the day before the hearing. As she did not understand the purpose or significance of the hearing, she contacted Petitioner’s attorney to inquire about the hearing wherein he advised that she did not need to attend. Based upon his statement, she did not attend the ex parte hearing. Had she understood the Court would decide whether to appoint Petitioner as Special Administrator at the hearing, she would have attended and objected.

Petitioner argues the motion should be denied due to failing to claim any mistake, inadvertence, surprise or excusable neglect. Respondent’s grounds for the motion is that she did not appear at the hearing, allegedly due to being told she did not have to appear, but there is no allegations she was not provided proper notice. Petitioner asserts that she does not oppose a modification wherein Respondent replaces Petitioner as Special Administrator, provided it does not prejudice Petitioner’s timely-filed claim and does not result in the elimination of the creditor claim filing within the estate.

The Declaration of Nicholas D. Yuonano provides that notice of the ex parte hearing was given at 9:50 a.m. the day before the hearing when he left a voicemail with Respondent. He also attempted to call her a separate time earlier that afternoon. Moving papers were served on her at her residence on the same date. That afternoon, Respondent called him asking about the moving papers she received at the house. Counsel informed her that she could appear at the ex parte hearing, and that if she could not appear, her appearance was not required by the Court. Respondent informed him she did not know whether she could make it to the hearing due to her business and he told her that she is entitled to appear but it is not required by the Court.

In making the appointment of special administrator, the court shall ordinarily give preference to the person entitled to appointment as personal representative. Probate Code § 8541(b). The court may act, if necessary, to remedy any errors made in the appointment. Probate Code § 8541(d).

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Pursuant to Probate Code § 8461(a), a surviving spouse is entitled to first priority to be appointed as administrator.

The Court finds that although ex parte notice was proper, Respondent mistakenly relied on counsel's representation that she did not appear at the hearing. As the surviving spouse, Respondent is entitled to priority appointment. Respondent's request to modify the July 2026 Order is granted. The Court appoints Respondent as Special Administrator. This modification is without prejudice to Petitioner's timely-filed creditor claim against the estate. Respondent is ordered to administer Petitioner's creditor claim in compliance with the Probate Code.

TENTATIVE RULING #15:

RESPONDENTS' MOTION TO MODIFY THE JULY 2026 ORDER IS GRANTED. THE COURT APPOINTS RESPONDENT AS SPECIAL ADMINISTRATOR. THIS MODIFICATION IS WITHOUT PREJUDICE TO PETITIONER'S TIMELY-FILED CREDITOR CLAIM AGAINST THE ESTATE. RESPONDENT IS ORDERED TO ADMINISTER PETITIONER'S CREDITOR-CLAIM IN COMPLIANCE WITH THE PROBATE CODE.

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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16.	25PR0159	ESTATE OF DEBRA ANN WEGSCHEIDER-CRIMMEN
STATUS OF ADMINISTRATION		

On August 3, 2026, the hearing was continued to October 5, 2026. To date, nothing further has been filed.

TENTATIVE RULING #16:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 5, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, OCTOBER 4, 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.

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