

October 19, 2026
Dept. 9
Probate Tentative Rulings

1.	25PR0197	IN THE MATTER OF DAVID J. GIOLITTI AN SHIRLEY A. GIOLITTI REVOCABLE TRUST DATED APRIL 4, 2016
ATTORNEY'S FEES		

On August 14, 2026, Petitioner, Frank Adair ("Petitioner"), filed a Motion by Petitioner for Award of Attorneys Fees and Costs in the Amount of \$49,209 Against Respondent. Respondent, Donald Giolitti ("Respondent"), filed an Opposition on October 6, 2026. Petitioner's Reply and Supplement to Reply were filed on October 9, 2026, and October 12, 2026, respectively.

Petitioner moves for an order awarding him \$48,774.00 in attorney's fees and \$435.00 in litigation costs against Respondent in his individual capacity and as Trustee. On July 25, 2025, Petitioner filed a Petition for 1) Rescission of Distribution Agreement, 2) Order Preventing Sale of Trust Property, 3) Order Prohibiting Trustee from Using Trust Funds to Defend Petition, 4) To Recover Estate or Trust Property and for 5) Attorney's Fees and Costs of Litigation (the "Underlying Petition"). Respondent opposed the Petition. On June 1, 2026, the Court granted the Petition and the Order was entered on June 11, 2026.

As the prevailing party, Petitioner asserts he is entitled to recover attorney's fees and costs pursuant to Code of Civil Procedure § 1033.5 and Civil Code § 1717. Petitioner maintains it was reasonable to hire two experienced attorneys due to the complex nature of the case and their differing areas of specialty.

Respondent's counsel, Ryan Cunningham, contends that due to a misunderstanding within his office, the June 1, 2026, hearing was not on his calendar, causing him not to appear and the Underlying Petition being granted without an evidentiary hearing. After obtaining emails and the proposed order from Petitioner's counsel, Mr. Cunningham incorrectly assumed the entire matter was off calendar. Respondent requests relief pursuant to Code of Civil Procedure § 473(b) and requests the underlying Petition be heard on the merits. Respondent does not address the merits of Petitioner's request for attorneys' fees.

The Court does not find Respondent's request colorable. At the June 1, 2026, hearing, Petitioner's counsel notified the Court that, pursuant to his duty of candor, Respondent's counsel opposed the motion and was not present in court. The Court advised that based upon a review of the pleadings and analysis of the law, the Court was granting the Underlying Petition. Since this time, Respondent has not filed any motions for relief or an appeal. Only after receiving Petitioner's motion for attorney's fees does Respondent seek relief pursuant to § 473(b), which does not meet the statutory requirements.

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Reasonable Rate

The Declaration of Preston Marx provides that he was admitted to the Louisiana State Bar in 1994 and the California State Bar in 2002. Mr. Marx is a California State Bar Certified Specialist in Estate Planning, Trust and Probate Law. Mr. Marx's billing rate was \$450.00 per hour. The Declaration of John Knowlton provides that he was admitted to the California State Bar in 1989. Mr. Knowlton's billing rate was \$425.00 per hour.

The Court finds that the hourly fee rates are reasonable.

Number of Hours Claimed

Mr. Marx attests he has billed a total of 81.6 hours through the date of the last hearing on June 1, 2026, totaling \$32,600. In review of the invoices provided by Mr. Marx, the Court finds there are charges dating back to April 17, 2023, well before the Underlying Petition was filed. The Court finds these costs unreasonable. The Court also finds many of the hours claimed are for legal assistant work charged at a lower rate.

The preparation of the Underlying Petition began on or around April 16, 2024. From this period to June 1, 2026, Mr. Marx charged 47 hours (\$21,150.00). 13.02 hours (\$1,236.90) were charged for legal work at \$95 per hour and 1.8 hours (\$351) were charged for legal work at \$195 per hour, totaling \$22,737.90. The Court finds these hours reasonable.

Mr. Knowlton affirms he has billed in excess of 38 hours through June 1, 2026. In review of the invoices provided by Mr. Knowlton, the Court finds Mr. Knowlton incurred 41.4 hours from January 22, 2026, through June 1, 2026, totaling \$17,595.00. The Court finds these hours reasonable.

Petitioner's motion for attorney's fees and costs is granted. Petitioner is awarded \$40,332.90 in attorney's fees and \$435.00 in costs, for a total of \$40,767.90, to be paid by Respondent within thirty (30) calendar days from the date of the Court's order.

TENTATIVE RULING #1:

PETITIONER'S MOTION FOR ATTORNEY'S FEES IS GRANTED. RESPONDENT SHALL REMIT TO PETITIONER ATTORNEY'S FEES IN THE AMOUNT OF \$40,332.90, AND COSTS IN THE AMOUNT OF \$435.00, FOR A TOTAL OF \$40,767.90, TO BE PAID WITHIN THIRTY (30) CALENDAR DAYS FROM THE DATE OF THE COURT'S ORDER.

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.	25PR0201	ESTATE OF JAMES RICHARD ELLSTROM
STATUS OF ADMINISTRATION		

Letters of Administration were issued on October 20, 2025.

An Inventory and Appraisal was filed on October 7, 2026. 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.

A Petition for Final Distribution was filed on October 7, 2026.

TENTATIVE RULING #2:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 19, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, OCTOBER 18, 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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3.	26PR0243	IN THE MATTER OF HELEN PAULA CROCKER LIVING TRUST DATED JUNE 21, 2025
PETITION HEARING		

On August 14, 2026, Petitioner, Robert Keith Crocker (“Petitioner” or “Trustee”), filed a Petition for Order Determining that Decedent’s Bank Accounts at Wells Fargo Bank are Assets of Inter Vivos Trust.

On June 21, 2025, Helen Paula Crocker (“Decedent”), established the Helen Paula Crocker Living Trust, a revocable inter vivos trust, under a written instrument entitled the Helen Paula Crocker Living Trust Dated June 21, 2025 (the “Trust”). On the same date, Decedent executed a Will. Decedent maintained three Wells Fargo Bank accounts titled in her name, including Premier Checking account no. 9368, High-Yield Savings account no. 4725, and Certificate of Deposit account no. 5577 (collectively the “Wells Fargo accounts”). At the time of Decedent’s death, Decedent had not transferred the Wells Fargo accounts into her trust’s name.

Petitioner contends that Decedent intended the Wells Fargo accounts be held by the Trust, as evidenced by conversations she had with Petitioner, the Trust instrument, and Decedent’s Will.

Article One, Section 1.03 provides:

By executing this instrument, I transfer, convey, and assign to my Trustee the trust property described in the attached Schedule A. I also transfer, convey, and assign to my Trustee all of my real and personal property that is permitted by law to be held in trust, wherever situated and whether tangible or intangible, unless specifically reserved as having not been transferred to the trust.

Schedule A of the Trust includes “My financial accounts held in financial institutions.”

Article Two Section 2.01 of Decedent’s Will contained a pour-over provision which states:

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 Helen Paula Crocker Living Trust dated June 21, 2025 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 Wells Fargo accounts are assets of the Trust and order that title to the accounts shall be re-registered in the name of Robert Keith Crocker, as Trustee of the Helen Paula Crocker Living Trust Dated June 21, 2025.

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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.

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

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4.	23PR0274	IN THE MATTER OF THE DAREH HAGHVIRDI SPECIAL NEEDS TRUST
ACCOUNTING HEARING		

On September 8, 2026, Petitioner, Mia Ehsani ("Petitioner" or "Trustee"), filed the Second Account and Report of Trustee; Petition to Settle Account; to Decrease Bond and Subsequently Exonerate Bond of Trustee; to Accept Resignation of Trustee; to Appoint Successor Trustee and Set Bond; to Fix and Allow Trustee Fees and Attorney's Fees and Costs.

Petitioner requests the Court:

1. Find that notice of hearing has been given as required by law;
2. Make an order that Mia Ehsani, the Trustee of the Dareh Haghvirdi Special Needs Trust's account and report be settled, allowed, and approved, and all its acts and transactions set forth in the account and report for the period from January 1, 2025, through March 31, 2026 or relating to the matters set forth in it, be ratified, confirmed, and approved fully settling the attached Second Account and Report of the Trustee as filed;
3. Make an order decreasing the bond amount for Mia Ehsani, Trustee of the Dareh Haghvirdi Special Needs Trust by \$1,050,000 for a total bond of \$2,678,000;
4. Make an order exonerating Mia Ehsani, Trustee of the Dareh Haghvirdi Special Needs Trust's bond, upon filing of the receipt by the Successor Trustee for funds transferred;
5. Make an order accepting the resignation of Mia Ehsani as Trustee of the Dareh Haghvirdi Special Needs Trust;
6. Make an order appointing Robert Schnieders as Successor Trustee of Dareh Haghvirdi Special Needs Trust, dated October 10, 2023, with a bond set at \$2,678,000;
7. Make an order that the First Account and Report of Robert Schnieders as Successor Trustee of the Dareh Haghvirdi Special Needs Trust shall cover a two-year period from the date of receipt of funds;
8. Make an order authorizing and directing the Trustee of the Dareh Haghvirdi Special Needs Trust to pay Mia Ehsani \$8,662.45 for services provided during the accounting period; and
9. Make an order authorizing and directing the Trustee of the Dareh Haghvirdi Special Needs Trust to pay The Urbatsch Law Firm, P.C. \$9,777.50 for legal services, and \$488.52 in costs rendered to the Trustee.

Upon review of the Petition, the Court finds good cause to grant all of the requests.

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).

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5.	25PR0253	THE ESTATE OF CHERYL THOMPSON
STATUS OF ADMINISTRATION		

Letters of Administration were issued on October 20, 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.

The Declaration of Joshua Johnson Re: Status of Estate filed on October 8, 2026, provides the Inventory and Appraisal was sent to the probate referee in February 2026 and again on August 19, 2026. Petitioner is currently awaiting its return. Additionally, Decedent's daughter has decided against purchasing Decedent's home, which will soon be listed for sale.

TENTATIVE RULING #5:

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, OCTOBER 18, 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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6.	25PR0281	ESTATE OF JOHN WAYNE CLINGAN
PETITION HEARING		

On December 15, 2025, Petitioner, Laura Foss ("Petitioner"), filed a Petition to Determine Succession to Primary Residence. Following an evidentiary hearing on December 31, 2025, the Court found Decedent's Holographic Will from 2025, which left the home to Petitioner, was valid and was admitted into Probate. The matter has been continued several times to allow for the filing of the Inventory and Appraisal, which was filed on October 1, 2026.

Decedent died on June 17, 2025, as a resident of Pollock Pines, California. He died testate.

The gross value of decedent's interest in real and personal property in California, excluding the property described in Probate Code §13050 did not exceed \$750,000.00.

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

Decedent is survived by two children.

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

It also contains a description of the personal property in California passing to each petitioner, decedent's interest in the property and if the petitioner's claim to the property is based on succession under Probate Code §6401 and 6402, facts that show the character of the property as community, separate, or quasi-community property.

The interest claimed by each petitioner in each specific piece of real property and personal property is: 100% ownership of Decedent's interest in the real property.

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

TENTATIVE RULING #6:

ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).

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7.	25PR0267	ESTATE OF SUSAN LORRAINE ABBOTT
FINAL DISTRIBUTION HEARING		

Letters of Administration were issued on February 9, 2026, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on June 24, 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.

Proof of Service of Notice of the hearing on the Petition was filed on October 12, 2026. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes after all expenses of administration are paid, the remainder shall be distributed as follows: one-sixth (1/6) to each of Stacey Abbott, Richard Abbott, Tracey Kaufman, James Reed, John E. Reed, and Georgette Mateo. If any other estate assets are discovered, they will be distributed in the same manner.

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 settled, allowed, and approved as filed;
2. The Report of Petitioner be settled, allowed, and approved as filed;
3. All of the reported acts and transactions of Petitioner as personal representative be confirmed and approved;

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4. Petitioner be authorized and directed to pay herself the sum of \$12,500.00 in statutory commission;
5. Petitioner be authorized and directed to pay her attorney the sum of \$12,500.00 in satisfaction of their statutory attorneys' fees;
6. Distribution of the estate in Petitioner's hands and any other property of the decedent or the estate, less the expenses of administration, whether now known or hereafter discovered be made as follows:
 - a. One-sixth (1/6) to each of Stacey Abbott, Richard Abbott, Tracey Kaufman, James E. Reed, and Georgette Mateo.
7. If any other estate assets are discovered, they shall be paid as follows:
 - a. One-sixth (1/6) to each of Stacey Abbott, Richard Abbott, Tracey Kaufman, James Reed, John E. Reed, and Georgette Mateo; 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 #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, OCTOBER 18, 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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8.	23PR0081	ESTATE OF BETTY LOU LUCY
STATUS OF ADMINISTRATION		

Letters of Administration were issued on February 2, 2024.

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 #8:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 19, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, OCTOBER 18, 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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9.	26PR0080	ESTATE OF JOEL DAVID PITTO
LETTERS OF ADMINISTRATION		

Decedent died testate on February 25, 2026, survived by two adult children. Petitioner is decedent's daughter, Jennifer Maestretti.

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.

A Duties/Liabilities Statement (DE 147) was filed on September 29, 2026, but there is no DE-147s form on file with the court, as required by Local Rules of El Dorado County Superior Court, Rule 10.02.10.

Proof of service of notice of the hearing on the Petition was filed on September 30, 2026.

Proof of publication was filed on August 21, 2026.

TENTATIVE RULING #9:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 19, 2026, IN DEPARTMENT NINE.

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10.	26PR0251	THE ESTATE OF CHARLES KENNAN MCCLATCHY
LETTERS OF ADMINISTRATION		

Decedent died intestate on August 21, 2026, survived by a parent. Petitioners are decedent's brother and sister. Petitioners request John DePiazza, Licensed Private Fiduciary #1002, be appointed as administrator.

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

The Petition requests bond be fixed in the amount of \$1,250,000.00.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on September 28, 2026.

Proof of service of notice of the hearing on the Petition was filed on September 29, 2026.

Proof of publication was filed on September 29, 2026.

TENTATIVE RULING #10:

ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).

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11.	26PR0096	IN THE MATTER OF THE MARY HOUGH JONES REVOCABLE TRUST
PETITION HEARING		

On September 2, 2026, Petitioner, A. Kristine Jones Rankin (“Petitioner” or “Trustee”), filed a Petition for Order Confirming Existence of Trust and Order Determining Title to Assets.

On June 2, 1999, Mary Hough Jones (“Settlor”), created The Mary Hough Jones Revocable Living Trust, which was amended and restated in full on March 9, 2017 (the “Trust”). A First Amendment to the amended and restated Trust was executed on February 6, 2020 (the “Amendment”). On the same date, Settlor executed a Declaration of Trust (the “Declaration”) and Last Will and Testament (the “Pour-Over Will”). At the time of Settlor’s death, the following Deed of Trust (the “Deed of Trust”), which was secured against the real estate located at 4730 Spring Drive, Reno, Nevada 89502, remained in her name individually:

Deed of Trust dated May 03, 2022, and recorded on May 03, 2022, as Document Number 5300259 in the Official Records of Washoe County, between Ray Richard Telford, on the one hand, and Mary H. Jones, (“DOT”), on the other hand.

Petitioner believes it was Settlor’s intent to transfer all of her real and personal assets, including the Deed of Trust, to the Trust, as evidenced by the Declaration and Pour-Over Will. The Declaration provides all assets, whether presently owned or hereafter acquired, be transferred to and held in Trust.

The Pour-Over Will provides, in part:

I give, devise, and bequeath the remainder of my estate to the then-acting Trustee or Trustees of the Mary Hough Jones Revocable Living Trust, together with any additions or amendments thereto, to be added to the principal of that trust and to be held, administered and distributed under the Trust Agreement and any amendments to such Trust Agreement. I direct that such Trust Agreement shall not be administered under court supervision, control or accounting, and the trustee shall not be required to give bond in such capacity.

Petitioner requests the Court confirm the Deed of Trust be confirmed as an asset of the Trust.

Probate Code § 850 permits a trustee who has a claim to property, the title to or possession of which is held by another, to file a petition requesting that the court make an order pursuant to Probate Code § 856 authorizing and directing the person having title to or

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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 Decedent's daughter, the only other beneficiary of the Trust. A Declaration of Non Service and Declaration were filed on September 30, 2026, indicating personal service of the documents were unsuccessful on Ray Richard Telford and were left in a clear and conspicuous location in an envelope bearing his name.

Probate Code § 851 requires service be effectuated in the manner provided in Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure. Code of Civil Procedure § 415.20(b) permits a copy of the summons and complaint be served by leaving a copy at the person's dwelling house, usual place of abode, usual place of business, or usual mailing address in the presence of a competent member of the household if, after reasonable diligence, personal delivery to the person to be served cannot be effectuated. A copy of the summons and complaint must thereafter be mailed to the same address and service is deemed complete on the 10th day after mailing.

The Court finds service on Ray Richard Telford is defective. The Petition for Order Confirming Existence of Trust and Order Determining Title to Assets is continued to November 30, 2026, to allow for proper service.

TENTATIVE RULING #11:

PETITION FOR ORDER CONFIRMING EXISTENCE OF TRUST AND ORDER DETERMINING TITLE TO ASSETS IS CONTINUED TO NOVEMBER 30, 2026, AT 8:30 A.M. IN DEPARTMENT NINE. ANY

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PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).

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12.	PP20210130	MATTER OF THE SADDLE ROAD TRUST
REVIEW HEARING		

On September 21, 2026, the Court continued the matter to October 19, 2026. To date, nothing further has been filed.

TENTATIVE RULING #12:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 19, 2026, IN DEPARTMENT NINE.

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13.	26PR0249	IN RE THE ALFRED VENTURA AND MARY Y. VENTURA JOINT REVOCABLE TRUST AGREEMENT
ESTATE HEARING		

On September 2, 2026, Petitioners, Verena Robinson and David Robinson (collectively “Petitioners”), filed an Amended Petition to Invalidate: 1) The Fifth Amendment to the Alfred Ventura and Mary Y. Ventura Joint Revocable Trust Agreement, Dated January 6, 2026; and 2) The Amendment and Restatement of the Alfred Ventura and Mary Y. Ventura Joint Revocable Trust Agreement, Dated April 12, 2022. No opposition has been filed.

Petitioners allege that in or around August 2021, Mary Y. Ventura (“Decedent”), agreed to have her gardener, Francisco Garcia Cobian (“Mr. Cobian”), provide her with caregiver assistance. On April 12, 2022, Decedent purportedly executed a Fourth Amendment and Restatement to her Trust, leaving Mr. Cobian eighty percent (80%) of her entire estate, despite having no prior personal relationship with Mr. Cobian and directly contradicting Decedent’s repeated statements to Petitioners regarding her testamentary intent.

Petitioners contend that by 2024, Mr. Cobian’s family also began providing caregiving services to Decedent, who was dependent on their care. On January 6, 2026, Decedent executed the Fifth Amendment to her Trust, wherein she named Mr. Cobian as successor trustee and sole beneficiary. At the time of execution, Decedent was on hospice care and medications. Decedent died on March 11, 2026, at the age of 98, 64 days after executing the Fifth Amendment.

Petitioners argue the Fifth Amendment is presumed to be invalid due to undue influence pursuant to Probate Code § 21380, as Decedent was a dependent adult receiving caregiving services from Mr. Cobian at the time of its execution. Additionally, Petitioners maintain the Fifth Amendment is also invalid because Decedent lacked testamentary capacity to execute the instrument. Further, Petitioners argue the Fourth Amendment and Restatement to the Trust is invalid as a result of Mr. Cobian’s undue influence and Decedent’s lack of capacity.

Petitioners request the Court enter an order:

1. Invalidating the Fifth Amendment to the Alfred Ventura and Mary Y. Ventura Joint Revocable Trust Agreement dated January 6, 2026, in its entirety;
2. Invalidating the Fourth Amendment and Restatement to the Alfred Ventura and Mary Y. Ventura Joint Revocable Trust Agreement dated April 12, 2022, in its entirety;
3. Suspending Mr. Cobian’s powers as trustee, removing him as trustee, and appointing a neutral successor trustee or other qualified fiduciary to administer the Trust;
4. Compelling Mr. Cobian to render a full accounting of the Trust and of his administration, including all transfers of trust property, from the date of Mary Y. Ventura’s death to the present;

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5. Awarding Petitioners compensatory and punitive damages against Mr. Cobian for financial elder abuse, according to proof; and
6. Awarding costs and reasonable attorney's fees according to proof.

TENTATIVE RULING #13:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 19, 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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14.	26PR0259	IN RE THE MATTER OF: THE 2005 PAUL H. SEIDLER REVOCABLE TRUST, DATED OCTOBER 4, 2005
PETITION HEARING		

On September 11, 2026, Petitioner, Spencer Eric Seidler (“Petitioner”) filed a Verified Petition to 1) Compel Trustee to Account and Report; 2) Compel Production of Information and Documents; 3) Remove or Suspend Trustee and Appoint Successor; 4) Restrain Disposition of Trust Property and Block Sale Proceeds; and 5) For Other Relief – Request for Immediate Interim Orders Re Auction Sales Set for September 14 and September 18, 2026 (the “Petition”).

On September 21, 2026, Petitioner filed a Motion to Transfer Venue to the Superior Court of California, County of Alameda, with a hearing date of November 9, 2026.

In the interest of judicial economy, the Court on its own motion continues the hearing on the Petition to November 9, 2026.

TENTATIVE RULING #14:

THE HEARING ON THE PETITION IS CONTINUED TO NOVEMBER 9, 2026, AT 8:30 A.M. 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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15.	26PR0230	IN THE MATTER OF AMY ELIZABETH SMITH
ESTATE HEARING		

On August 4, 2026, Petitioner, Amy Elizabeth Smith ("Petitioner" or "Trustee"), filed a Petition for Court Order Settling, Allowing, and Approving Trustee's Account; Settling and Approving Trustee's Reported Actions; and Authorizing, Finding Reasonable, and Approving Trustee Fee.

Petitioner requests the Court finds:

1. All facts stated in the Petition are true and that all notices required by law have been duly given;
2. This account and report is settled, allowed, and approved, and all acts and transactions of Petitioner set forth in it, or relating to the matters set forth in it, are ratified, confirmed, and approved as set forth in this Account and Report;
3. The Trustee fees are waived;
4. The reasonable amount that Petitioner should pay the Trust in Rent is \$26,000.00; and
5. The liability of the Trust to Petitioner is \$71,343.40.

Petitioner further requests the Court order the following:

1. The Trustee is authorized and directed to reimburse Petitioner for her out of pocket expenses in the amount of \$45,343.40; and
2. The Trustee is authorized and directed to distribute the remaining property on hand, less \$20,000.00 withheld for ongoing Trust expenses, as follows:
 - a. 5% of the balance of the Trust, outright and free of Trust to Stacy Anne Geisler;
 - b. 25% of the balance of the Trust, outright and free of Trust to Amy Elizabeth Smith; and
 - c. 70% of the balance of the Trust, outright and free to Amy Elizabeth Smith, as Trustee of the Kathleen Diane Stewart Special Needs Trust.

Upon review of the Petition, the Court finds good cause to grant all of the requests.

TENTATIVE RULING #15:

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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16.	26PR0256	IN RE G & S SMITH FAMILY REVOCABLE LIVING TRUST OF 2021
PETITION HEARING		

On September 4, 2026, Petitioner, Susan Smith ("Petitioner" or "Trustee"), filed a Petition for Order Confirming Trust Asset.

On March 22, 2021, Gordon John Smith ("Settlor") executed The G&S Smith Family Revocable Living Trust of 2021 (the "Trust"). At the time of Settlor's death, Settlor owned a Vanguard brokerage account no. 5859 (the "Vanguard account") titled in his name individually. The Petition does not contain a brokerage account statement identifying Settlor as the owner of the Vanguard account.

Petitioner is under the belief that Settlor assumed his interest in the Vanguard account was held in the Trust was the Trust was executed.

Section 2.01 of the Trust provides:

Initial Trust Property. The property described in the attached listing of "Initial Trust Property" marked "Schedule A," is now held by the Trustees in Trust. This property and any other property later transferred to the Trust is hereafter referred to as the Trust property and shall be held, administered, and distributed as provided in this document and any subsequent amendments to this document.

Schedule A of the Trust includes Settlor's investment, stock, bond and other accounts held in financial institutions.

Section 2.02 of the Trust instructs:

Additions to Trust. The Trustee(s) may accept additions to this Trust from any source. All such additions shall become part of the Trust estate on written acceptance of it by the Trustee(s), and shall be held, administered, and distributed in accordance with the terms of this instrument. 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(s), as Trustee(s) of this Trust, or any alternate or successor Trustee acting under this instrument, shall be deemed to be 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 Trust estate.

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Petitioner requests the Court confirm the Vanguard account is a trust asset subject to the management and control of Trustee.

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.

The Court is inclined to grant Petitioner's request upon receipt of documentary evidence establishing the Vanguard account belongs to Settlor.

TENTATIVE RULING #16:

CONTINGENT UPON RECEIPT OF DOCUMENTARY EVIDENCE ESTABLISHING THE VANGUARD ACCOUNT BELONGS TO SETTLOR 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).

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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17.	26PR0104	N THE MATTER OF DOLBY & TAMZIA MARPLE TRUST
REVIEW HEARING		

On July 6, 2026, the Court ordered, in part, that Trustee provide to Petitioner an accounting within 60 days and to distribute the trust assets within 90 days of the Court's Order. A review hearing was set for October 19, 2026. To date, nothing further has been filed.

TENTATIVE RULING #17:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 19, 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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18.	23PR0147	IN THE MATTER OF INGRID HELGA NOBLE
STATUS OF ADMINISTRATION		

Letters Testamentary were issued on September 6, 2022. Amended Letters Testamentary were issued on April 18, 2024.

An Inventory and Appraisal was filed on January 3, 2024. The Inventory and Appraisal is silent as to whether the requirements of Revenue and Taxation Code section 480 have been complied with.

A Petition for Final Distribution was filed on March 7, 2024.

An Order for Final Distribution was filed on May 13, 2024.

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 #18:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, OCTOBER 19, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, OCTOBER 18, 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