

**1. CONSERVATORSHIP OF DENNIS L., SP20160012**

**Biennial Review of the Conservatorship of the Person**

**TENTATIVE RULING # 1: ABSENT OBJECTION, THE CONSERVATORSHIP SHALL CONTINUE. THE COURT FINDS THAT ASSESSMENT OF THE COURT INVESTIGATOR FEE WOULD CAUSE A HARDSHIP TO THE CONSERVATORSHIP AND WILL NOT REQUIRE REIMBURSEMENT OF THE FEE. THE COURT SETS THE NEXT BIENNIAL REVIEW OF CONSERVATORSHIP AT 8:30 A.M., WEDNESDAY, MAY 7, 2025, IN DEPARTMENT FOUR.**

**2. ESTATE OF IDELL, 23PR0077****Petition to Administer Estate**

Petitioner is a creditor of decedent, who died intestate on July 20, 2022. Petitioner has a pending civil action against decedent's estate for property damage and personal injury to petitioner. Petitioner states that the spouse of decedent is aware of petitioner's creditor's claim and has refused to commence a probate action to resolve the pending lawsuit against the estate.

Petitioner seeks limited authority to administer the estate under the IAEA. She requests that bond be set at \$10,000, although the estimated value of the estate assets is \$255,000.

Decedent's spouse and unknown children and/or any next of kin were served by mail with the notice of hearing on April 25, 2023. The notice does not indicate that a copy of the petition was served along with the notice.

To date, Proof of Publication is not in the court's file. Petitioner also needs to file the mandatory Duties and Liabilities of Personal Representative (Judicial Council Form DE-147). Additionally, the Local Rules also require that petitioner submit the Confidential Supplement to Duties and Liabilities of Personal Representative (Judicial Council Form DE-147S). (El Dorado County Superior Court Local Rules, Rule 10.02.10.)

**TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, MAY 10, 2023, IN DEPARTMENT FOUR.**

**3. ESTATE OF MARQUARDT, 22PR0089**

**Status of Administration**

This matter was continued from May 3, 2023.

Letters Testamentary were issued on May 4, 2022. The order for final distribution was entered on November 9, 2022. To date, there is no receipt of distribution and no Ex Parte Petition for Final Discharge (Judicial Council form DE-295) in the court's file.

**TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, MAY 10, 2023, IN DEPARTMENT FOUR.**

**4. ESTATE OF GARDNER, SP20160020****Status of Administration**

This matter has been continued numerous times since February 2018. The administrators have been working with the IRS to resolve some issues. At the last hearing on February 8, 2023, counsel informed the court that they were still working on a resolution with the IRS and counsel hoped to file receipts of distribution and submit a petition for final discharge within 90 days.

To date, there are no receipts of distribution or Ex Parte Petition for Final Discharge in the court's file.

**TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, MAY 10, 2023, IN DEPARTMENT FOUR.**

**5. ESTATE OF ARANDA DE RAMIREZ, 22PR0258****(1) Petition to Determine Claim to Property****(2) Trial Re-setting**

On March 21, 2023, the personal representative filed Judicial Council form DE-115, which is entitled Notice of Hearing on Petition to Determine Claim to Real Property. But, the personal representative did not file an actual petition. On March 29, 2023, respondent filed an opposition and moved to strike the form as procedurally improper.

The court agrees with respondent that the petition, in the form of a notice of hearing, is procedurally improper. “The court may, upon a motion [to strike] ..., or at any time in its discretion ... [¶] ... [s]trike out all or any part of any pleading not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court. (Code Civ. Proc., § 436, subd. (a).) Accordingly, petitioner’s form DE-115, filed March 21, 2023, is stricken from the court record.

On April 3, 2023, the personal representative filed a Petition to Determine Claim to Real Property pursuant to Probate Code section 850. The notice of hearing is attached to the petition and was not filed separately. Decedent’s heirs were served by mail with the petition on April 3, 2023.

Petitioner alleges that the subject properties were purchased with decedent’s money and title was placed in respondent’s name, but that title was to be returned to decedent’s name or under a family trust.

Although, to date, there are no oppositions or objections to the petition in the court’s file, an objection can be made at any time, even orally at the hearing. (Prob. Code, § 1043.) Therefore, appearances are required.

**TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, MAY 10, 2023.**

**6. ESTATE OF CARLSEN, SP20170045**

**Petition for Final Distribution on Waiver of Account**

**TENTATIVE RULING # 6: ABSENT OBJECTION, PETITION IS GRANTED AS REQUESTED. THE COURT SETS A HEARING RE: STATUS OF ADMINISTRATION AT 8:30 A.M., WEDNESDAY, AUGUST 16, 2023, IN DEPARTMENT FOUR, AT WHICH TIME THE COURT EXPECTS THAT RECEIPTS OF DISTRIBUTION WILL HAVE BEEN FILED AND AN EX PARTE PETITION FOR FINAL DISCHARGE SUBMITTED TO THE COURT FOR ITS APPROVAL.**

**7. GUARDIANSHIP OF ISABELLA M., SP20110001****Annual Status Review Hearing**

Letters of Guardianship of the person were issued on May 5, 2011. The annual guardianship status report (Judicial Council Form GC-251) concerning the ward was submitted by the guardians. Having read and considered the report, the court finds and orders that the guardianship remains necessary and shall continue.

**TENTATIVE RULING # 7: THE GUARDIANSHIP SHALL CONTINUE. THE COURT SETS THE NEXT ANNUAL STATUS REVIEW HEARING AT 8:30 A.M., WEDNESDAY, MAY 8, 2024, IN DEPARTMENT FOUR.**

**8. ESTATE OF LANGER, 22PR0313**

**Inventory and Appraisal**

Letters of Administration with Will Annexed were issued on January 9, 2023. Partial Inventory and Appraisal Number One was filed on April 27, 2023. To date, the Final Inventory and Appraisal is not in the court's file.

**TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, MAY 10, 2023, IN DEPARTMENT FOUR.**



**9. GUARDIANSHIP OF AIDEN L., SP20190045**

**Annual Status Review Hearing**

Letters of Guardianship of the person were issued on March 25, 2020. The annual guardianship status report (Judicial Council Form GC-251) concerning the ward was not submitted by the guardian.

**TENTATIVE RULING # 9: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, MAY 10, 2023, IN DEPARTMENT FOUR.**

**10. MATTER OF THE EDWARD W. DUNN & MIRA Y. DUNN TRUST, SP20210034**

**Motion for Summary Judgment**

On the court's own motion, matter is continued to May 17, 2023. Due to the lack of judicial resources, the court finds good cause to re-set the hearing to less than 30 days prior to the contested hearing. The court apologizes for any inconvenience to the parties.

**TENTATIVE RULING # 10: MATTER IS CONTINUED TO 8:30 A.M., WEDNESDAY, MAY 17, 2023, IN DEPARTMENT FOUR.**

**11. ESTATE OF INGERSOLL, SP20210043****OSC Re: Final Distribution**

This matter was continued from April 12, 2023.

Letters of Administration were issued on November 29, 2021. The administrator subsequently passed away. Letters of Administration were then issued to the successor administrator on August 26, 2022. The Partial Inventory and Appraisal, Number One was filed November 2, 2022, and the Final Inventory and Appraisal was filed November 17, 2022. To date, there is no final account and request for order of final distribution in the court's file.

The successor administrator failed to appear at the last hearing, despite being ordered to do so. The court set this hearing for an OSC why the successor administrator and/or counsel should not be sanctioned for failing to appear and explain why no final account and report or petition for final distribution has been filed.

**TENTATIVE RULING # 11: APPEARANCES ARE REQUIRED AT 8:30 A.M., WEDNESDAY, MAY 10, 2023, IN DEPARTMENT FOUR.**