

**1. WEBSTER v. WEBSTER 22PR0309****Petition to Compel Accounting by Attorney-in-Fact, Revoke Authority of Attorney-in-Fact**

On November 29, 2022, petitioner Adrian L. Webster filed a petition to compel accounting by attorney-in-fact/respondent Timothy Webster, for a declaration that Timothy's authority as attorney-in-fact is revoked, and for attorney fees.<sup>1</sup> Adrian and Timothy are brothers. Their father, Adrian D. Webster ("father" or "principal") is the principal under a written durable power of attorney executed on February 28, 2019. (Pet., Ex. A.) The principal's spouse is deceased and he has not remarried.

The petition alleges: the principal resides at The Pavilion Memory Care and lacks the capacity to bring the petition or to give or revoke a power of attorney as he has been diagnosed with dementia; Timothy is using his father's assets for his own use and legal obligations and has sold his father's personal property and kept the proceeds for himself; he is using his father's automobiles while his father pays the auto loans of about \$2,000 per month; Timothy lives rent-free in his father's home and he does pay for any utilities, taxes, or insurance. (Pet., ¶ 7.)

Adrian has inquired about Timothy's management of their father's estate, but Timothy has been evasive and will not answer any questions. (*Ibid.*) On August 31, 2022, Adrian's attorney mailed a request for an accounting to Timothy. (*Id.*, Ex. B.) More than 60 days has elapsed and Timothy has not responded to the request or provided an accounting. (*Id.*, ¶ 10.)

The proof of service to the petition declares that the petition was served on Timothy and their father by mail on January 24, 2023. 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 # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 30, 2023, IN DEPARTMENT NINE. IF A PARTY WISHES TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

---

<sup>1</sup> The court will use the parties' first names to avoid confusion.

**2. ESTATE OF CAROLYN SCOTT PP-20210150**

**Petition to Admit Will to Probate (See Related Item No. 12)**

This matter was continued from September 22, 2021, January 5, 2022, February 2, 2022, and March 9, 2022.

At the hearing on September 22, 2021, petitioners stated that the original will was in a safe deposit box that could not be accessed until letters were issued. In the related matter, Estate of Robert Scott, PP-20210149 (see item no. 12), an order for special administration was entered on July 12, 2022, to allow access to the safe deposit box. However, Letters of Special Administration were not submitted or issued. To date, Letters of Special Administration still have not been issued in that estate action.

At the time this tentative ruling was prepared, the original will still has not been lodged with the court.

**TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 30, 2023, IN DEPARTMENT NINE. IF A PARTY WISHES TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

**3. ESTATE OF BERG PP-20180090**

**(1) Status of Administration**

**(2) 1st and Final Account & Report; Petition for Settlement, Compensation, Final Distribution**

In paragraph 22 of the petition, the personal representative states that the Franchise Tax Board (“FTB”) presented a creditor’s claim in the amount of \$20,653.38, but that she anticipated that the claim would be withdrawn by the FTB prior to this hearing. However, on January 6, 2023, the FTB filed an amended creditor’s claim in the amount of \$24,115.77. To date, there is no evidence that the personal representative has either allowed or rejected the claim in whole or part. (Prob. Code, § 9250(a).) The court cannot consider the merits of the account and petition until the FTB’s claim is resolved.

**TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 30, 2023, IN DEPARTMENT NINE. IF A PARTY WISHES TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

**4. ESTATE OF PICKELL 22PR0092**

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

**TENTATIVE RULING # 4: ABSENT OBJECTION, PETITION IS GRANTED AS REQUESTED.**

**5. ESTATE OF HERBERT SHEARER PP-20190068**

**(1) Status of Administration (See Related Item No. 10)**

**(2) Inventory and Appraisal**

**(3) Bond**

The court was informed that the only asset of the estate to be administered is the final distribution from the Estate of Marie Shearer, PC-20170036, and that is premature to file the final inventory and appraisal because no distribution has been received from the Estate of Marie Shearer. Further, bond has not been set due to the lack of a final inventory and appraisal, and therefore there is also no final account and report in the court's file.

In a letter dated January 11, 2023, the personal representative requests a continuance because she recently learned that the petition for final distribution in the Estate of Marie Shearer had not been completed by the previous attorney, and so she needs time to complete and file the petition. The request for continuance is granted.

**TENTATIVE RULING # 5: AT THE REQUEST OF THE PERSONAL REPRESENTATIVE, MATTERS ARE CONTINUED TO 8:30 A.M. ON MONDAY, MARCH 6, 2023, IN DEPARTMENT NINE.**

**6. ESTATE OF LOGAN PP-20190148**

**(1) 1st and Final Account and Report**

**(2) Petition to Close Probate**

**(3) Status of Administration**

**TENTATIVE RULING # 6: ABSENT OBJECTION, THE 1st AND FINAL REPORT IS ALLOWED, SETTLED AND APPROVED AS REQUESTED. PETITION TO CLOSE PROBATE IS GRANTED AS REQUESTED. THE COURT WILL APPROVE THE EX PARTE PETITION FOR FINAL DISCHARGED THAT WAS SUBMITTED FOR SIGNATURE.**

7. ESTATE OF WEBB 22PR0329

Petition for Probate

TENTATIVE RULING # 7: ABSENT OBJECTION, PETITION IS GRANTED. THE WILL IS ADMITTED TO PROBATE. THE COURT SETS A HEARING RE: STATUS OF ADMINISTRATION AT 8:30 A.M. ON MONDAY, JANUARY 29, 2024, IN DEPARTMENT NINE.

**8. ESTATE OF SNOW PP-20200044**

**Status of Administration**

This matter was continued from August 10, 2022.

Letters Testamentary were issued on June 17, 2020. The Final Inventory and Appraisal was filed on October 8, 2020. To date, there is no final account and request for order of final distribution in the court's file.

**TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 30, 2023, IN DEPARTMENT NINE. IF A PARTY WISHES TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**



**9. ESTATE OF COX 21PR0004**

**(1) Letters of Special Administration with General Powers**

**(2) Petition for Removal of Deceased Executor, Appointment of Successor Administrator**

**(3) Status of Administration**

Letters of Special Administration with General Powers

On November 16, 2022, the court granted the petition for probate of special administration with general powers filed by Eric Fleming. Letters of Special Administration with General Powers were issued to Mr. Fleming the same day.

As such, this matter is dropped from the calendar.

Petition for Removal of Deceased Executor and Appointment of Successor Administrator

On January 12, 2022, Letters Testamentary were issued to Jennifer Fleming. The court was informed that the executor died in September 2022.

Pending is a petition for removal of the deceased executor and for the appointment of Eric Fleming, Jennifer Fleming's spouse, as successor administrator. The will of the decedent, Linda Gay Cox, nominates Jennifer Fleming as the executor and the Public Administrator as the successor executor. (Pet., ¶ 5.) Mr. Fleming contacted the Public Administrator about the will's designation, and the Public Administrator declined to act and executed a declination to serve as executor. (Pet., ¶¶ 7–8 & Ex. B.)

Petitioner is the spouse of the former executor, he is aware of the duties and actions that his wife performed as executor, and he is willing and able to act as the administrator. To date, there are no oppositions or objections to the petition in the court's file. All adult beneficiaries named in decedent's will have waived bond. Good cause appearing, and absent objection, the petition is granted.

**TENTATIVE RULING # 9: ABSENT OBJECTION, PETITION IS GRANTED AS REQUESTED. BOND IS WAIVED. THE COURT SETS A HEARING RE: STATUS OF ADMINISTRATION TO 8:30 A.M. ON MONDAY, JANUARY 29, 2024, IN DEPARTMENT NINE.**

**10. ESTATE OF MARIE SHEARER PP-20170036**

**Status of Administration (See Related Item No. 5)**

This matter was continued from November 2, 2022.

Letters of Administration were issued on April 12, 2017. The Final Inventory and Appraisal was filed on May 26, 2017. The 1st Interim Account and Report was approved and settled on October 3, 2018. The 2nd Interim Account and Report was approved and settled on June 26, 2019. To date, there is no final account and request for order of final distribution in the court's file.

The court takes judicial notice of the court's file in Estate of Herbert Shearer, PP-20190068. In that court file, in a letter dated January 11, 2023, the personal representative requests a continuance because she recently learned that the petition for final distribution in this estate action had not been completed by the previous attorney, and so she needs time to complete and file the petition. The request for continuance is granted.

**TENTATIVE RULING # 10: AT THE REQUEST OF THE PERSONAL REPRESENTATIVE, MATTERS ARE CONTINUED TO 8:30 A.M. ON MONDAY, MARCH 6, 2023, IN DEPARTMENT NINE.**

**11. ESTATE OF VISMAN 22PR0301**

**Application for Temporary Restraining Order**

**TENTATIVE RULING # 11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 30, 2023, IN DEPARTMENT NINE. IF A PARTY WISHES TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

**12. ESTATE OF ROBERT SCOTT PP-20210149**

**Inventory and Appraisal (See Related Item No. 2)**

This matter was continued from November 2, 2022.

On March 9, 2022, the court granted the petition to admit the will to probate with authorization to administer the estate under the IAEA. An order for special administration was entered on July 12, 2022, to allow access to a safe deposit box. However, Letters of Special Administration were not submitted or issued. To date, Letters of Special Administration still have not been issued.

To date, there is no Final Inventory and Appraisal in the court's file.

**TENTATIVE RULING # 12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 30, 2023, IN DEPARTMENT NINE. IF A PARTY WISHES TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

**13. MATTER OF THE MINER FAMILY LIVING TRUST 22PR0312**

**Petition for Order Confirming Trust Assets**

**TENTATIVE RULING # 13: ABSENT OBJECTION, PETITION IS GRANTED AS REQUESTED.**

**14. MATTER OF THE 2012 LINDA D. BEAL TRUST PP-20120080**

**Petition for Termination of Michelle L. Pitcher Special Needs Trust with Economically Low Principal**

To date, there is no proof of service of notice of the petition on the beneficiary and remainder beneficiary.

**TENTATIVE RULING # 14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 30, 2023, IN DEPARTMENT NINE. IF A PARTY WISHES TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

**15. MATTER OF THE PARKHURST TRUST PP-20160118**

**Case Management Conference**

**TENTATIVE RULING # 15: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JANUARY 30, 2023, IN DEPARTMENT NINE. IF A PARTY WISHES TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**