

05-08-23
Dept. 9
Tentative Rulings

1. **CONSERVATORSHIP OF SARAH MANDAP** **PP20150197**

Review Hearing – Status of Conservatorship

TENTATIVE RULING #1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 8, 2023, IN DEPARTMENT NINE.

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2. ESTATE OF ROEDIGER 21PR0038

(1) Review hearing – Status of Administration

(2) Inventory and Appraisal

Letters of Administration were issued on February 14, 2022. At the hearing on March 3, 2023, a Request for Continuance was granted because the Probate Referee's report was not ready. There is no Inventory and Appraisal on file with the court.

TENTATIVE RULING #2: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 8, 2023, IN DEPARTMENT NINE.

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3. ESTATE OF GROVE 23PR0040

Petition for Probate

Decedent died intestate on February 13, 2023, survived by two minor children and a sister. Petitioner, decedent's mother, has filed a Duties/Liabilities statement (DE 147) and has requested a bond amount be set. Proof of publication was filed with the court on March 27, 2023. There is no proof of service of the Petition in the court's file.

TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 8, 2023, IN DEPARTMENT NINE. THE COURT SETS A STATUS OF ADMINISTRATION HEARING ON APRIL 29, 2024 AT 8:30 A.M. IN DEPARTMENT 9.

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4. ESTATE OF FELTS PP20200050

(1) Status of Administration

(2) Final Distribution on Waiver of Account

A Petition for Final Distribution on Waiver of Account was filed on January 12, 2023.

Caryn Lynette Pflieger, sole beneficiary of the estate and the only beneficiary of decedent's will, filed a waiver of account on January 12, 2023.

A supplemental filing to the Petition, filed on March 28, 2023, states that tax returns for 2020 and 2021 have been filed and no federal or state taxes are due. The executor has waived statutory payment for services.

The Petition requests:

1. The estate be brought to a close without the requirement of an accounting;
2. Approval and confirmation of the executor's acts;
3. Approval of payment of statutory attorney's fees in the amount of \$5,471.52 to be divided as indicated in the Petition between the estate of the former attorney and the current attorney representing the estate, and costs in the amount of \$435;
4. Approval of final distribution of the estate as set forth in the Petition, to Caryn Lynette Pflieger.

TENTATIVE RULING #4: ABSENT OBJECTION, THE PETITION IS GRANTED.

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5. ESTATE OF MIXON 22PR0075

Status of Administration

A Final Inventory and Appraisal was filed on January 18, 2023. There is no Petition for Final Distribution in the court's file.

TENTATIVE RULING #5: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 8, 2023, IN DEPARTMENT NINE.

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6. ESTATE OF MARDEN 22PR0002

Petition for Probate

Decedent died intestate on November 20, 2021, survived by her spouse and three adult children. Petitioner, decedent's daughter, requests a bond be fixed. Notice of the Petition was filed on February 27, 2023. Proof of publication was filed on March 13, 2023.

Petitioner filed a Duties/Liabilities statement (DE 147/DE 147s) on April 28, 2023. Proof of publication was filed with the court on March 27, 2023.

TENTATIVE RULING #6: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED. THE COURT SETS A STATUS OF ADMINISTRATION HEARING ON APRIL 29, 2024 AT 8:30 A.M. IN DEPARTMENT 9.

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7. ESTATE OF HURTADO 22PR0070

Review Hearing

Decedent died intestate on October 8, 2021. He was survived by one adult son, Evan Hurtado, and his former partner, Lisa Aylesworth. Evan Hurtado filed a waiver of bond as well as a nomination of personal representative, nominating Petitioner Lisa Aylesworth. Letters were issued on May 24, 2022. A Final Inventory and Appraisal was filed on July 28, 2022.

On November 7, 2022, Probate Advance, LLC filed a Notice of Assignment, pursuant to which Evan Hurtado assigned his interest in the estate to Probate Advance, and a Request for Special Notice.

There is no Petition for Final Distribution in the court's file.

TENTATIVE RULING #7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 8, 2023, IN DEPARTMENT NINE.

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8. ESTATE OF CASSELL 22PR0008

Letters of Administration

Decedent died testate on December 17, 2022, survived by Petitioner, her brother. Petitioner filed a waiver of bond on January 19, 2023, along with a Duties/Liabilities statement (DE 147/DE 147s). Notice of the Petition was filed on January 27, 2023. Proof of publication was filed on February 21, 2023. No will has been lodged with the court.

TENTATIVE RULING #8: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED. THE COURT SETS A STATUS OF ADMINISTRATION HEARING ON APRIL 29, 2024 AT 8:30 A.M. IN DEPARTMENT 9.

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9. ESTATE OF HAINES 22PR0018

Letters of Administration

Decedent died testate on November 13, 2022, survived by her spouse and three adult children. The will, dated March 2, 2011, was lodged with the court on February 3, 2023. The will waives bond. The will names Thomas Williams as Executor, but Mr. Williams has filed a declination and nominates Petitioner to serve as Executor.

Petitioner filed a Duties/Liabilities statement (DE 147/DE 147s) on February 3, 2023. Notice of the Petition was filed on March 9, 2023. Proof of publication was filed on March 27, 2023.

TENTATIVE RULING #9: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED. THE COURT SETS A STATUS OF ADMINISTRATION HEARING ON APRIL 29, 2024 AT 8:30 A.M. IN DEPARTMENT 9.

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10. ESTATE OF REID 21PR0036

Petition for Final Distribution

Amended Letters of Administration were issued on April 7, 2022. The Final Inventory and Appraisal were filed on June 23, 2022.

On September 12, 2022, the personal representative filed a Petition for an order approving the final report, for final distribution and for allowance of compensation. Petitioner is the sole beneficiary and waives the necessity of an account.

The Petition requests:

1. Authority to pay statutory compensation in the amount of \$18,371.84 to Petitioner's attorney that Petitioner proposes to pay from non-probate assets in order to avoid liquidating investments and assets held by the estate. Petitioner waives statutory compensation;
2. Final distribution of the entire estate to Petitioner as the sole beneficiary;
3. That any other property of the decedent not now known or discovered be distributed to Petitioner without necessity of further court order;
4. That all prior acts of the Administrator be confirmed and approved;
5. That the estate be closed.

TENTATIVE RULING #10: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED.

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11. ESTATE OF CHISHOLM 22PR0159

Inventory and Appraisal

There is no Inventory and Appraisal on file with the court.

TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 8, 2023, IN DEPARTMENT NINE

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12. ESTATE OF PEABODY 22PR0078

Review Hearing – Status of Administration

A Final Inventory and Appraisal was filed on January 27, 2023. There is no Petition for Final Distribution on file with the court.

TENTATIVE RULING #12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 8, 2023, IN DEPARTMENT NINE.

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13. ESTATE OF MEYERS 23PR0034

Petition for Probate

Decedent died testate on January 5, 2023. The will, dated March 18, 2016, was lodged with the court on February 14, 2023. The will waives bond and names Petitioner as Executor.

Petitioner filed a Duties/Liabilities statement (DE 147/DE 147s) on February 14, 2023. Notice of the Petition was filed on March 9, 2023. Proof of publication was filed on April 3, 2023.

TENTATIVE RULING #13: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED. THE COURT SETS A STATUS OF ADMINISTRATION HEARING ON APRIL 29, 2024 AT 8:30 A.M. IN DEPARTMENT 9.

IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.

14. ESTATE OF KODER 23PR0034

Petition for Probate

Decedent died testate on January 8, 2023, survived by two adult daughters. The Petition states that the heirs have waived bond, but no bond waiver is attached to the petition or on file with the court.

Petitioner filed a Duties/Liabilities statement (DE 147) on January 18, 2023. Notice of the Petition was filed on January 24, 2023. Proof of publication was filed on February 22, 2023.

TENTATIVE RULING #14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 8, 2023, IN DEPARTMENT NINE.

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15. ESTATE OF CAUSEY 23PR0055

Petition for Probate

Decedent died intestate on November 15, 2022, survived by Petitioner, his daughter. Petitioner has executed a bond waiver that is attached to the Petition and that was separately filed on March 13, 2023. Petitioner filed a Duties/Liabilities statement (DE 147/DE 147s) on March 13, 2023. Notice of the Petition was filed on April 17, 2023. There is no proof of publication on file with the court.

TENTATIVE RULING #15: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 8, 2023, IN DEPARTMENT NINE.

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16. IN RE THE STEPHEN LAWRENCE KALLAI LIVING TRUST

22PR0338

Petition to Establish Claim of Ownership Over Property

Decedent died on July 10, 2022, and Petitioner Susan Didriksen succeeded to the position of sole trustee. In a Petition filed on December 5, 2022, Petitioner requests an Order transferring ownership of Fisher Investment Account number xxx-41, (which Petitioner alleges is the same as Account number xxx5741) to Susan Didriksen, Trustee of the Stephen Lawrence Kallai Living Trust, as an asset of the Trust. The Petition states that this Order is necessary because the account was not held in the name of the Trust at the time of decedent's death. Notice of the Petition and proof of service were filed on April 12, 2023.

Counsel for the Trustee, Robin C. Bevier, Esq., filed a Declaration, dated December 15 2022, that supplements the Petition by attaching complete copies of relevant documents. The Trust document, dated July 27, 2021, is attached as Exhibit A. Schedule A of the Trust identifies "Fisher Investments (UBS) Brokerage Account ending in -5741" as one of the assets that are part of the "Initial Trust Funding", in addition to "Any and all bank, stock, bonds, and investment accounts of every kind and description and wheresoever situated."

Ms. Bevier's Declaration also attaches as Exhibit B a partial Fisher Investments account statement dated June 30, 2022 for an account in the name of "Stephen Kallai (XX-XXXX41)".

Exhibit C to the Declaration is the Last Will and Testament of Stephen Lawrence Kallai, dated July 27, 2021, which, in Article 3.B bequests the remainder of his estate after estate expenses to the Trust.

The court finds that it is consistent with the expressed intention of the settlor of the Stephen Lawrence Kallai Living Trust, dated July 27, 2021, as well as with the terms of the Last Will and Testament of Stephen Lawrence Kallai, dated July 27, 2021, that the Fisher Investments investment account ending in -41 or -5741 and held in the name of Stephen Kallai at the time of his death be transferred to Susan Didriksen in her capacity as Trustee of the Stephen Lawrence Kallai Living Trust, and that it be confirmed as an asset of the Trust.

TENTATIVE RULING #16: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED.

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