

06-05-23
Dept. 9
Tentative Rulings

1. **CONSERVATORSHIP OF PATRICIA BARRY 23PR0043**

Appoint Conservator – Person and Estate

Appoint Temporary Conservator – Person and Estate

TENTATIVE RULING #1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 5, 2023, IN DEPARTMENT NINE.

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

2. ESTATE OF FRANKLIN 22PR0101

Review hearing – Status of Administration

An Order for Final Distribution on Waiver of Account was signed and filed on March 24, 2023. An Ex Parte Petition for Final Discharge and Order was filed on May 18, 2023, indicating that 1) no personal property is on hand for distribution or transfer; 2) real property was distributed or transferred and an Order for Distribution was recorded on April 20, 2023 in the Office of the El Dorado County Recorder; and 3) no receipts are required because Petitioner is the sole distributee.

TENTATIVE RULING #2: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED. THE COURT SETS A STATUS OF ADMINISTRATION HEARING ON JUNE 3, 2023 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.

3. ESTATE OF INGHAM PP20170107

Accounting Hearing

TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 5, 2023, IN DEPARTMENT NINE.

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

4. ESTATE OF LAUX PP20200009

Estate Hearing

The Order of Final Distribution was entered on March 3, 2021. There are no receipts of distribution in the court's file. However, an ex parte Petition For Final Discharge was filed on February 17, 2023 indicating that real property was distributed.

TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 5, 2023, IN DEPARTMENT NINE.

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

5. ESTATE OF TAYLOR 22PR0081

Review Hearing - Status of Administration

Letters of Administration were issued following a hearing on May 18, 2022. At a May 4, 2022, hearing on the Petition for Letters of Administration, the court's tentative ruling indicated that the March 23, 2022 Inventory and Appraisal, which listed a single Ameritrade account as the asset of the estate, did not indicate whether it was a partial or final Inventory and Appraisal, and that the probate referee would be required to appraise the property. Probate Code § 8902(b).

No party appeared at the Inventory and Appraisal hearing held on September 14, 2022, and the court's tentative ruling again indicated that the document on file was defective because the stocks in the Ameritrade account had not been appraised by the probate referee and the document had not been executed under penalty of perjury by the personal representative.

No document has been filed in this case since the Letters of Administration were issued.

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

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

6. ESTATE OF KELLER PP20210139

Review hearing – Status of Administration

Letters of Administration were issued on August 25, 2021. Partial Inventory and Appraisal Number 1 was filed on June 30, 2022, and the Final Inventory and Appraisal was filed on November 29, 2022. To date, there is no final account and request for order of final distribution in the court's file.

On March 27, 2023, a rejection of a creditor claim was filed.

TENTATIVE RULING #6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 5, 2023, IN DEPARTMENT NINE.

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

7. ESTATE OF BROYLES 23PR0062

Petition for Probate

Decedent died testate on January 1, 2023. The Will was lodged with the court on April 5, 2023. The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on April 5, 2023. Notice of the Petition was filed on April 6, 2023. Proof of publication was filed on May 1, 2023.

Astrid Willard and Beth Lee were named as Executors in the Will, but both have filed a declination to serve as Executor on April 5, 2023 and nominate Petitioner, decedent's daughter.

TENTATIVE RULING #7: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED. THE COURT SETS A STATUS OF ADMINISTRATION HEARING ON JUNE 3, 2023 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.

8. ESTATE OF VINE PP20200217
Review hearing – Status of Administration
Petition for Final Distribution on Waiver of Account

A petition for Final Distribution was filed on May 16, 2023, along with proof of service of the petition. Distributees have waived account.

The Petition requests:

1. That all prior acts of the Administrator be confirmed and approved;
2. Authority for Petitioner to pay herself \$4,742.83 to reimburse her for attorney fees and estate expenses incurred since the last hearing;
3. Petitioner be authorized to retain \$5,000 to pay for closing expenses including preparation of the 2023 tax return without further court order;
4. Attorney fees in the amount of \$24,349.15 for extraordinary services provided in locating decedent's potential assets and participating in the estate procedures in Georgia and Florida, in addition to \$14,647.66 in statutory fees
5. Final distribution be made to the persons entitled to it pursuant to the Petition for Final Distribution, equally between decedent's wife and two children. Preliminary distributions have been made to the decedent's wife and one child, and the other child will receive his share when he is released from incarceration.

TENTATIVE RULING #8: A PETITION FOR FINAL DISTRIBUTION HAVING BEEN FILED WITH THE COURT, THE STATUS OF ADMINISTRATION HEARING IS DROPPED FROM CALENDAR. ABSENT OBJECTION, THE PETITION FOR FINAL DISTRIBUTION IS GRANTED AS REQUESTED. THE COURT SETS A STATUS OF ADMINISTRATION HEARING ON JUNE 3, 2023 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.

9. ESTATE OF VAN NESS PP20210129

Review hearing – Status of Administration

Letters of Administration were issued on June 8, 2022. No documents have been filed with the court since Letters of Administration were issued. There were no appearances at a hearing on April 10, 2023.

TENTATIVE RULING #9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 5, 2023, IN DEPARTMENT NINE.

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

10. ESTATE OF GOOD 23PR0042

Petition for Probate

Decedent died intestate on July 7, 2022. Petitioner is decedent's brother.

A Duties/Liabilities Statement (DE 147) was filed on March 2, 2023. Notice of the Petition was filed on March 2, 2023. Proof of publication was filed on May 2, 2023.

There is no DE 147s form on file as is required by the Local Rules of El Dorado County Superior Court, Rule 10.02.10.

TENTATIVE RULING #10: ABSENT OBJECTION AND PENDING THE FILING OF A FORM DE-147S WITH THE COURT, THE PETITION IS GRANTED AS REQUESTED. THE COURT SETS A STATUS OF ADMINISTRATION HEARING ON JUNE 3, 2023 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.

11. ESTATE OF LUCY 23PR0081

Petition for Probate

Decedent died testate on March 14, 2023. Petitioner requests appointment as executor, but as yet there is no Will filed with the court, no proof of service or publication notice of the Petition, and no DE-147/147s form on file.

TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 5, 2023, IN DEPARTMENT NINE.

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

12. IN THE MATTER OF BETTY R. CAMPBELL LIVING TRUST 23PR0063

Petition for Confirm Trust Assets

David E. Campbell and Betty R. Campbell, husband and wife, executed a revocable living trust in 2002 ("the 2002 Trust"), attached to the Petition as Exhibit C. When David Campbell died on March 25, 2022, Betty R. Campbell was advised by a legal services business that she should revoke the 2002 Trust, create a new Trust and transfer her real property to the new Trust. The new Trust, dated June 27, 2022, is attached to the Petition as Exhibit A.

On the same day the Betty R. Campbell executed a new Trust document, she also executed and notarized a grant deed transferring her residence to the new 2022 Trust. See Petition, Exhibit B.

When Betty R. Campbell died on October 1, 2022, it was discovered that the recorded title remained in the 2002 Trust.

Petitioner represents that Betty R. Campbell had the power as surviving Settlor of the 2002 Trust to revoke the 2002 Trust and transfer its assets to the 2022 Trust, and that but for the mistaken legal advice she received her residential property would already have been transferred to the 2022 Trust in accordance with her true intentions.

Proof of Service of Notice of the Petition was filed on May 3, 2023.

Petitioner requests the court:

1. Confirm that the Betty R. Campbell Living Trust executed on June 27, 2022, by Betty R. Campbell as Settlor, and Betty R. Campbell and Danny L. Ribolin as Co-Trustees, is valid;
2. Confirm that the real property located as 3520 Wildwood Lane, Placerville, CA is a trust asset subject to the management and control of Danny L. Ribolin as Successor Trustee of the Betty R. Campbell Living Trust dated June 27, 2022.

TENTATIVE RULING #12: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED.

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

13. IN THE MATTER OF THE CHARLES B. HUNT TRUST 23PR0049

Petition for Modification and Amendment of Trust

Petitioner and her husband were Settlers of the Charles B. Hunt Trust ("Trust") which was originally established on October 14, 1999, and was amended on June 8, 2006, and was amended again on July 24th, 2010. Under Section 3.4 of the Trust as of the 2010 amendment, Petitioner was to be granted a life estate in the Settlers' principal residence, and upon her death was to be divided equally between five named beneficiaries. Petition, Exhibit 1, section 3.4.

On October 2, 2018, the Trust was again amended to make a single change: altering Petitioner's life estate if she survived her husband to allowing her to live in the residence for the period of one year from the date of the death of Charles Hunt. Petition, Exhibit 2, section 3.4.

The Petition attaches medical records from 2021 indicating that Charles Hunt "has a history of dementia" and hallucinations due to late onset dementia, and that his wife reports that he "gets angry/agitated" with her. Petition, Exhibit 4. At the time she signed the 2018 amendment to the Trust Petitioner states that she did not understand the implications of the amendment and was engaging in a continuing effort to "soothe an agitated and distressed Decedent", who was 89 years old, s was "irate and unpredictable", and was suffering from dementia, hallucinations, memory impairment and chronic depression.

Probate Code § 17200 provides, in pertinent part:

(a) Except as provided in Section 15800, a trustee or beneficiary of a trust may petition the court under this chapter concerning the internal affairs of the trust or to determine the existence of the trust.

(b) Proceedings concerning the internal affairs of a trust include, but are not limited to, proceedings for any of the following purposes:

* * *

(3) Determining the validity of a trust provision.

Probate Code § 15404 provides, in pertinent part:

a) If the settlor and all beneficiaries of a trust consent, they may compel the modification or termination of the trust.

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(b) If any beneficiary does not consent to the modification or termination of the trust, upon petition to the court, the other beneficiaries, with the consent of the settlor, may compel a modification or a partial termination of the trust if the interests of the beneficiaries who do not consent are not substantially impaired.

Charles Hunt died on June 18, 2022, and if the Petition is not granted, Petitioner will have to vacate the home in about two weeks from the date of this hearing and she will receive a one-sixth share of the value of the property along with the other five Trust beneficiaries.

Petitioner notes that if the Petition is granted, five Trust beneficiaries will receive a proportionally larger share of the value of the residence upon Petitioner's death, which they would otherwise have to share with Petitioner, and that, in accordance with the statutory requirement of Probate Code § 15404, the interests of the beneficiaries will not be substantially impaired.

Proof of service of Notice of the Petition was filed on May 5, 2023. No beneficiary of the Trust has filed a consent or an objection to the Petition.

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

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. IN THE MATTER OF THE MCLEES FAMILY TRUST 22PR0155

Petition Hearing

On June 2, 2022 Petitioner filed this Petition for Instructions regarding Funding of Trust Assets and Regarding Net Income Distributions Pursuant to Terms of Trust. The matter was set for hearing on August 31, 2022. The Tentative Ruling at that hearing indicated that Petitioner needed to file a declaration describing his efforts to locate one of the beneficiaries. That hearing was continued to resolve the issues of notice to the beneficiaries.

This matter was continued from March 20, 2023 because a response to the Petition was filed on January 3, 2023. Finding that this is a contested matter, the court on March 20, 2023, continued the hearing in order to require appearances for the purpose of setting dates for an evidentiary hearing, issues conference, and mandatory settlement conference.

TENTATIVE RULING #14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 5, 2023, IN DEPARTMENT NINE.

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15. IN THE MATTER OF THE SADDLE ROAD TRUST PP20210130

Petition to Suspend Trustee Powers

According to the Tentative Ruling dated January 12, 2022, declarations of unsuccessful due diligence attempts to personally serve the respondent trustee/beneficiary were filed on July 21, 2021. At the hearing on November 3, 2021, the court granted Petitioner's oral motion to serve the respondent by publication.

This matter was continued from January 9, 2023, and again from March 27, 2023.

To date there is still no proof of service by publication of the notice of hearing or service of a copy of the Petition on respondent in the court's file.

TENTATIVE RULING #15: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 5, 2023, IN DEPARTMENT NINE.

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