

06-26-23
Dept. 9
Tentative Rulings

1. ESTATE OF ARMSTRONG 22PR0307

Inventory and Appraisal

Decedent died testate on December 20, 2020. The Will was admitted to probate and Letters Testamentary were issued on March 2, 2023.

There is no Inventory and Appraisal on file with court.

TENTATIVE RULING #1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 26, 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 TANIZAWA 23PR0068

Petition for Probate

Decedent died intestate on December 9, 2022, survived by Petitioner and two siblings. Petitioner is decedent's spouse. The estate is valued at \$860,000, and Petitioner posted a bond for that amount that is on file with the court.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on March 23, 2023.

Proof of service of Notice of the Petition was filed on April 27, 2023.

Proof of publication was filed on May 8, 2023.

TENTATIVE RULING #2: ABSENT OBJECTION, THE PETITION GRANTED AS REQUESTED. THE COURT SETS A HEARING RE: INVENTORY AND APPRAISAL AT 8:30 A.M. ON MONDAY, OCTOBER 30, 2023. THE COURT FURTHER SETS A HEARING RE: STATUS OF ADMINISTRATION AT 8:30 A.M. ON MONDAY, JUNE 24, 2024.

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3. ESTATE OF SMITH 23PR0007

Petition for Probate

Decedent died intestate on February 20, 2022, survived by two adult children.

Petitioner Ahumada states that she is decedent's daughter and requests to be appointed Administrator of the estate pursuant to the Petition that she filed on January 18, 2023.. Petitioner Ahumada has not filed a Duties/Liabilities statement (DE 147/DE 147s) with the court. There is no proof of service of Notice of the Petition on file with the court. There is no proof of publication on file with the court.

Petitioner Ahumada subsequently filed a Notice of Petition to Determine Claim to Property on February 3, 2023 and served notice of that Petition on decedent's other surviving adult child, Nathaniel Moore.

Petitioner Roser filed a competing Petition on April 10, 2023, requesting that Nathaniel Moore be appointed Executor pursuant to a Will of decedent that is attached to the Petition. With respect to this second Petition, there is no Duties/Liabilities statement (DE 147/DE 147s) proof of service of Notice of the Petition or proof of publication on file with the court.

The Will, dated June 7, 2019, identifies Nathaniel Moore as decedent's only child, nominates him as Executor and distributes the entire estate to him. Petitioner Roser is identified as one of the two witnesses to the execution of the Will. The Will does not waive bond.

Petitioner Roser attaches a letter to the Petition directed to the court explaining that she was entrusted with an original of the Will by the decedent but suffered from major medical issues that prevented her from filing the Will until March, 2023.

TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 26, 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 STEWART PP20200115

Review Hearing - Status of Administration

Review Hearing – Inventory and Appraisal

This matter was continued from November 2, 2022.

Letters of Administration were issued on November 13, 2020. The Sixth and Final Inventory and Appraisal was filed on May 27, 2022. The Final Inventory and Appraisal having been filed, that matter is dropped from the calendar.

There is a Final Account and Request for Order of Final Distribution that was filed on May 27, 2022, which stated it was set for hearing on July 20, 2022. In the tentative ruling for the hearing on November 2, 2022, the court indicated there was no notice of the hearing and the account on the interested persons in the court's file. Further, the court also indicated the final account was not placed on calendar for hearing on the July 20, 2022, or any other date.

At the hearing on November 2, 2022, the personal representative requested a continuance. To date, there is still no proof of service of the notice of the hearing and of the Final Account on the interested persons in the court's file.

TENTATIVE RULING #4: THE INVENTORY AND APPRAISAL HAVING BEEN FILED, THAT MATTER IS DROPPED FROM CALENDAR. APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 26, IN DEPARTMENT NINE. THE COURT SETS A HEARING RE: STATUS OF ADMINISTRATION AT 8:30 A.M. ON MONDAY, JUNE 24, 2024.

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5. ESTATE OF CAMPAGNA 22PR0300

Review Hearing – Inventory and Appraisal

A Final Inventory and Appraisal having been filed on June 13, 2023, the matter is dropped from calendar.

TENTATIVE RULING #5: THE INVENTORY AND APPRAISAL HAVING BEEN FILED WITH THE COURT, THE MATTER IS DROPPED FROM CALENDAR. THE COURT SETS A HEARING RE: STATUS OF ADMINISTRATION AT 8:30 A.M. ON MONDAY, JUNE 24, 2024.

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6. ESTATE OF CAMPBELL 23PR0058

Letters Testamentary

Decedent died intestate on January 28, 2023, survived by the adult children of his pre-deceased siblings. The Will, dated January 19, 1994, was lodged with the court as an attachment to the Petition for probate on March 2, 2023. Petitioner is a beneficiary of the Will.

The Will waives bond for the named Executors, John Jewell, or Pulaksi Bank and Trust. There are bond waivers on file for four of the five named beneficiaries of the Will, but there is no waiver on file from beneficiary Michael Flanner.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on March 2, 2023.

Proof of service of notice of the Petition was filed on May 10, 2023. Proof of publication was filed on May 18, 2023.

John Jewell, or Pulaksi Bank and Trust are named as Executors in the Will. The Petition states that they have declined to serve but there is no declination to serve as Executor on file with the court.

TENTATIVE RULING #6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 26, IN DEPARTMENT NINE. THE COURT SETS A HEARING RE: STATUS OF ADMINISTRATION AT 8:30 A.M. ON MONDAY, JUNE 24, 2024.

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7. ESTATE OF CHISHOLM 22PR0159

Review Hearing – Inventory and Appraisal

On May 4, 2023, the Administrator of the estate filed a verified report with the court on the status of administration, in which a continuance of twelve weeks was requested to allow time to assemble the information necessary for the Inventory and Appraisal.

TENTATIVE RULING #7: THE MATTER IS CONTINUED TO 8:30 A.M., AUGUST 21, 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.

8. IN THE MATTER OF PAULA MARIE HUTSON LIVING TRUST OF 2011 23PR0067

Petition to Remove Trustee

Petitioner is one of two beneficiaries of the Paula Marie Hutson Living Trust of 2011 ("Trust"). The settlor of the Trust died on July 30, 2017 and Eric Wayne Criswell, the other beneficiary, became successor trustee ("Trustee").

According to the verified Petition, the Trustee has taken no action to distribute the Trust estate pursuant to the terms of the Trust. The Petition alleges that the Trustee has breached his duty to the beneficiaries, converted Trust assets for his own use, and has failed to provide an accounting.

The Trust names John Hill as successor trustee but according to the Petition he is not interested in serving. Accordingly, the Petition requests that Petitioner be named successor trustee following removal of the current Trustee.

The Trust waives bond for any named or appointed trustee.

A probate citation with notice of the hearing date and was served on Trustee by personal service on April 21, 2023 and was filed with the court on June 7, 2023.

The Petition requests:

1. That the current Trustee be removed;
2. That Petitioner be appointed successor trustee to serve without bond;
3. That the current Trustee be ordered to provide an accounting within 120 days; and
4. That the court order the current Trustee to pay Petitioner's attorney fees in the amount of \$3,500 to be paid directly to Petitioner's attorney and such amount be deducted from the current Trustee's share of the Trust estate.

TENTATIVE RULING #8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 26, IN DEPARTMENT NINE.

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

Petition for Modification and Amendment of Trust

Petitioner and her husband were Settlor 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 Settlor's 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, 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 and 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.

At the hearing of June 5, 2023, beneficiary Steven Hunt appeared and objected to the Petition. The court continued the hearing and directed the parties to meet and confer regarding the Petition and the objection to the Petition.

TENTATIVE RULING #9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 26, IN DEPARTMENT NINE.

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10. IN THE MATTER OF THE EDNA EARL REVOCABLE LIVING TRUST 22PR0116

Review Hearing

**TENTATIVE RULING #10: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 26,
IN DEPARTMENT NINE.**

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621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

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11. IN THE MATTER OF EDGAR J. THIBODEAU 22PR0311

Inventory and Appraisal

TENTATIVE RULING #11: THE COURT CONTINUES THE HEARING RE: INVENTORY AND APPRAISAL TO 8:30 A.M. ON MONDAY, AUGUST 21, 2023. THE COURT FURTHER SETS A HEARING RE: STATUS OF ADMINISTRATION AT 8:30 A.M. ON MONDAY, JUNE 24, 2024.

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