

1. ESTATE OF CHINITZ 22PR0062

Final Distribution

Letters of Administration were issued on May 10, 2022. A Final Inventory and Appraisal was filed on July 20, 2022. Waivers of Account as well as Waivers of Notice were executed by three intestate heirs entitled to distributions under the estate. The proposed distribution of the estate includes \$75,000 to be distributed to Bryan Dalton pursuant to a settlement agreement between the parties that required each of the three heirs to assign \$25,000 from their distribution to Mr. Dalton.

The petition requests: 1) that the estate be closed without the requirement of an accounting, 2) that all acts of the personal representative be approved, 3) that waiver of statutory compensation to the personal representative be approved, 4) approval of distribution of the estate in equal shares to three surviving heirs, less \$25,000 assigned to Mr. Dalton, and distribution of \$75,000 to Mr. Dalton; 5) upon approval of the Ex Parte Petition and Order for Discharge that the fiduciary be discharged.

TENTATIVE RULING #1: ABSENT OBJECTION, THE PETITION 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.

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2. ESTATE OF STEWART PP20200115

Status of Administration

TENTATIVE RULING #2: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JULY 17, 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.

3. ESTATE OF MORTON 23PR0082

Letters Testamentary

A Petition was filed to be appointed as the administrator of decedent's estate, with the Will annexed, on April 14, 2023.

Decedent died testate on January 11, 2023. Petitioner is decedent's spouse.

The Will was lodged with the court on April 24, 2023, with a Proof of Holographic Instrument, Form DE-135.

A waiver of bond has been filed with the court by decedent's spouse (Petitioner), who is the sole beneficiary named in the Will.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on April 14, 2023.

Proof of service of Notice of the Petition was filed on April 24, 2023.

Proof of publication was filed on May 8, 2023.

No executor is named in the Will.

TENTATIVE RULING #3: ABSENT OBJECTION, THE PETITION 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.

4. ESTATE OF CRAGUN 22PR00040

Petition for Final Distribution on Waiver of Account

A Final Report and Petition – Waiver of Accounting, Petition for Distribution and Approval of Statutory Fees was filed on April 19, 2023. Notice of the hearing on the Petition was filed on May 26, 2023.

The Petition proposes 100 percent distribution of the residual estate after payment of fees to Petitioner, who is decedent's spouse.

Petitioner waives statutory compensation, and requests statutory compensation in the amount of \$16,308.46 be paid in attorney fees for services to the estate.

Petitioner further requests that the report be settled and that all acts and transactions of the Petitioner during handling of the estate, statutory fees and distribution to the beneficiary as stated in the Petition be approved, and that the administration of the estate be closed.

TENTATIVE RULING #4: ABSENT OBJECTION, THE PETITION 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.

5. ESTATE OF KOUBA 21PR0053

Petition for Final Distribution on Waiver of Account

On May 16, 2023 Petitioner filed 1) First and Final Account and Report of Administrator; 2) Petition for Order Approving and Directing Payment Of Statutory Attorney Fees, Extraordinary Attorney Fees And Administrator Commission; 3) Petition For Reimbursement of Costs; 4) Petition For Final Distribution To Domiciliary Representative. Notice of the hearing on the Petition was filed on May 18, 2023.

Decedent died in the State of Michigan with real property in El Dorado County, California. Petitioner has been appointed Administrator of her estate in the State of Michigan, and was appointed Special Administrator in the State of California.

Petitioner further requests that:

1. The First and Final Account and Report of Administrator be settled, allowed and approved as filed;
2. All acts and transactions of the Administrator be ratified and approved;
3. The Administrator be authorized to pay statutory attorney fees in the amount of \$11,804.38, attorney fees for extraordinary services in the amount of \$18,424.12, and reimbursement for costs advanced by counsel for the estate in the amount of \$3,382.72;
4. The Administrator be authorized to pay himself \$11,804.38 in statutory compensation;
5. The Administrator be authorized to retain \$2,500 as a reserve for anticipated final expenses, with any remaining funds to be distributed to Petitioner without further order of the court;
6. The Administrator be authorized to distribute the estate in possession of the Administrator remaining for distribution to the Administrator of the estate of Mary Lou Kouba in Michigan;
7. Any other property of the estate not now known or later discovered be distributed to the Administrator of the estate of Mary Lou Kouba in Michigan without further court order;
8. The Administrator be discharged from all liability related to the administration and the surety on the bond be released upon filing of receipts.

TENTATIVE RULING #5: ABSENT OBJECTION, THE PETITION GRANTED AS REQUESTED.

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6. ESTATE OF BEAUPRE 22PR0066

Status of Administration

TENTATIVE RULING #6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JULY 17, 2023, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET AT 8:30 A.M. ON MONDAY, JULY 15, 2024, 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 MARY SBRAGIA 23PR0129

Petition – Spousal Property

Decedent died intestate on September 24, 2022, and is survived by Petitioner (his spouse) and three adult children. Petitioner requests a determination that specified real property pass to the surviving spouse of decedent without administration.

The Petition attaches decedent's Will, which states in Paragraph 2: "I confirm to my spouse her interest in our community property." In Paragraph 3 the Will provides that "I give the remainder of my estate to the then acting trustee of that trust created by me and my spouse and restated the same date as this Will." The trust document is not included in the documents filed with the court.

The real property that is the subject of this petition references a single property located on 46th Street in Sacramento, but, by listing one-half of the interest in the property under Paragraph 7a of the DE-221 Form (Spousal Property Petition) the Petition indicates that half interest as decedent's separate property, and the other half interest is listed under paragraph 7b of the DE-221 Form as community property.

The result may differ depending on whether the real estate is held as separate or community property, or, as the Petition seems to indicate, is held in part as separate property and in part as community property. The Will specifies that anything that does not pass without administration to decedent's spouse through community property laws is to be distributed to the Trust, which could result if half of the real estate is held as decedent's separate property. The nature of the title to the real estate must be determined before the Petition can be granted. See Probate Code § 13656.

TENTATIVE RULING #7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JULY 17, 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. ESTATE OF OWEN 23PR0088

Petition – Spousal Property

Decedent died intestate on March 2, 2023, and is survived by Petitioner (his spouse) and two adult children. Petitioner requests a determination that specified real property owned by the decedent pass to the surviving spouse of decedent without administration.

The Petition alleges that 1/3 interest in the real property passes to Petitioner as decedent's spouse, and that 2/3 of the real property interest passes to decedent's two children in equal shares by law pursuant to Probate Code § 6401(c)(3)(A). That statute provides:

(a) As to community property, the intestate share of the surviving spouse is the one-half of the community property that belongs to the decedent under Section 100.

* * *

(c) As to separate property, the intestate share of the surviving spouse is as follows:

* * *

(3) One-third of the intestate estate in the following cases:

(A) Where the decedent leaves more than one child.

With the Petition were filed two Assignments of Interest in the real property to Petitioner by the surviving children, that assigned to Petitioner any interest that the children might have inherited by operation of law.

TENTATIVE RULING #8: ABSENT OBJECTION, THE PETITION 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.

9. ESTATE OF STOLP PP20210037

Petition for Final Distribution on Waiver of Account

On May 9, 2023, Petitioner filed a Petition to Approve Final Distribution. Petitioner is one of two surviving adult children of decedent, both of whom are named as beneficiaries in decedent's Will. Notice of the hearing on the Petition is not on file with the court.

The Petition requests that:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. All acts and transactions of the Administrator be confirmed and approved;
3. The Administrator be authorized to pay statutory attorney fees in the amount of \$6,220.18;
4. The Administrator be authorized to pay himself \$6,220.18 in statutory compensation;
5. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed made to the beneficiaries as set forth in the Petition.

Probate Code § 10954 requires a written waiver of account from each person entitled to distribution from the estate in order to waive the requirement of a final account. There is no waiver of account on file with the court for either of the two beneficiaries.

TENTATIVE RULING #9: THIS MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, AUGUST 28, 2023, IN DEPARTMENT NINE TO ALLOW TIME FOR FILING OF PROOF OF SERVICE OF NOTICE OF THE HEARING AND AN ACCOUNT, OR WAIVERS OF ACCOUNT FROM ALL BENEFICIARIES.

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 REES 23PR0052

Petition for Determination of Entitlement to Estate Distribution

Decedent died on May 25, 2022. A Petition for Letters of Administration was filed by decedent's daughter Kelsey Walkover, stating that the decedent died intestate, but adds:

A purported will has been discovered and was lodged with the Court. Objections were made to the probate of that purported Will on the basis that it was procured by fraud and undue influence. As a result, Petitioner is now petitioning to administer the estate intestate. All potential beneficiaries of the purported Wil [sic] have consented to this Petition for Probate, which consents will be filed separately.

No Will has been lodged with the court, not are any consents to the Petition for Probate on file with the court. The Petition stated that all heirs had waived bond, but only Petitioner has filed a bond waiver with the court. The proof of service is addressed to Petitioner and three other individuals, Timothy Rees, Jeffery Rees, and Christine Kelly, in addition to counsel.

At the hearing on the Petition for Letters of Administration on May 15, 2023, the court granted the Petition and Letters of Administration were issued to Kelsey Walkover.

In response to the Petition for Letters of Administration, on May 8, 2023 a Petition for Determination of Entitlement to an Estate Distribution (Probate Code § 11700) and Statement of Interest (Probate Code § 11702) was filed on May 8, 2023, by decedent's stepson, Timothy Rees. That Petition alleges that the purported Will is invalid, and that the estate should be divided equally among the four children of the marriage between decedent and his father, Stanton Albert Rees.

The Petition requests that the court deny the Petition for intestate probate, that the court recognize Petitioner's entitlement to an equal share of the estate with the decedent's daughter Kelsey Walkover and decedent's other two stepchildren, Christine Kelly and Jeffery Rees.

This case is related to a prior case that was dismissed pursuant to a Request for Dismissal filed by Kelsey Walkover on March 1, 2023 (22PR0164) following filing of an objection by Timothy Rees accusing Kelsey Walkover of having procured the Will through the exercise of undue influence.

TENTATIVE RULING #10: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JULY 17, 2023, IN DEPARTMENT NINE.

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11. ESTATE OF HARTMAN 22PR0088

Status of Administration

TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JULY 17, 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.

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12. ESTATE OF CARVER 22PR0053

Status of Administration

TENTATIVE RULING #12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JULY 17, 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.