

1. ESTATE OF BRAY 22PR0230

Final Distribution

Letters of Administration were issued on October 17, 2023.

A Final Inventory and Appraisal was filed on November 22, 2023.

Notice of the Petition was filed on June 28, 2023.

The proposed distribution of the estate in accordance with the terms of the decedent's Will and trust includes \$50,000 to Administrator Jennifer Nordell, and the remaining assets after payment of fees is divided equally between the American Heart Association and the American Cancer Association Fund. The decedent's two adult children entered a Stipulation that was filed with the court on September 30, 2023, acknowledging that they are not contesting distribution of the estate assets to the charitable beneficiaries. The Petition requests:

1. The administration of the estate be brought to a close;
2. The First and Final account of Petitioner as Executor be settled, allowed and approved as filed;
3. All reported acts and proceedings of the Petitioner be confirmed and approved;
4. The Executor be authorized to pay statutory attorney fees in the amount of \$23,032.23. This includes \$17,669.73 in statutory fees and \$5,362.50 in extraordinary compensation associated with challenges to the administration of the estate;
5. The Executor be authorized to pay statutory compensation to herself as Administrator in the amount of \$23,032.23. This includes \$17,669.73 in statutory fees and \$5,362.50 in extraordinary compensation associated with challenges to the administration of the estate;
6. The Executor be authorized to retain \$5,000 in closing expenses, and to deliver the unused part to the beneficiaries of the estate without further court order after closing expenses have been paid;
7. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
8. Distribution of the estate in Petitioner's hands and any other property of the decedent or the estate not now known or discovered be made to the persons entitled to it, as set forth in the Petition.

**TENTATIVE RULING #1: 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.**

09-25-23
Dept. 9
Probate Tentative Rulings

2. ESTATE OF BUTTLES 22PR0163

Status of Administration

Letters Testamentary were issued on September 28, 2022. To date, there is no Final Inventory and Appraisal in the court's file.

TENTATIVE RULING #2: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 25, 2023, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET AT 8:30 A.M. ON MONDAY, SEPTEMBER 23, 2024, IN DEPARTMENT NINE.

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3. ESTATE OF BROSEKER 22PR0176

Status of Administration

TENTATIVE RULING #3: AN ORDER APPROVING AND SETTLING FIRST AND FINAL REPORT OF EXECUTOR ON WAIVER OF ACCOUNT HAVING BEEN ENTERED ON AUGUST 8, 2023, THE MATTER IS DROPPED FROM CALENDAR.

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 MADEIRA 23PR0181

Petition for Letters of Administration

Decedent died intestate on June 19, 2023. Petitioner is decedent's mother and sole heir and has executed a bond waiver.

The Petition requests full authority under the Independent Administration of Estates Act.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on July 28, 2023.

Proof of publication was filed on August 28, 2023.

TENTATIVE RULING #4: 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.

5. ESTATE OF ECHEVERRI 22PR0147

Petition for Settlement of Final Account and Distribution

Letters of Administration were issued on October 19, 2023.

A Final Inventory and Appraisal was filed on March 27, 2023.

Notice of hearing on the Petition was filed on August 9, 2023.

Decedent's Will provides for distribution of one-third of the estate to Petitioner, one-third to her sister, who died six days after the decedent. The Petition proposes that one-third of the estate (\$15,117.57) be distributed to Petitioner, that one-sixth of the estate (\$7,558.80) be distributed to each of decedent's two adopted children; and that one-ninth of the estate (\$5,039.20) be distributed to three of decedent's grandchildren who are issue of the sister who is named in the Will but who died soon after the decedent. This distribution is consistent with the terms of the April 28, 2021 Codicil to decedent's Will on file with the court.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The First and Final account of Petitioner be approved as filed;
3. All reported acts, transactions, sales and investments of Petitioner be ratified, confirmed and approved;
4. The Executor be authorized to pay statutory attorney fees in the amount of \$2,453.78;
5. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition.

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

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6. ESTATE OF ODLIN 23PR0184

Petition to Determine Succession to Real Property

Decedent died on May 5, 2023. Her spouse predeceased her.

The real property at issue in the Petition was held by decedent and her husband as husband and wife, joint tenants. Petition, Attachment 11. The Inventory and Appraisal of the property shows a value of less than \$184,500 and was conducted by the Probate Referee as required by Probate Code § 8902. Petition, Attachment 8.

The Will devises the residual estate to four children in equal shares. Petition, Attachment 5. Petitioner is one of the four children named in the will as beneficiary. The other three children named as beneficiaries in decedent's Will have each executed an Assignment of Interest in favor of Petitioner. Petition, Attachment 13.

Probate Code § 13152(e) requires that Form DE300 also be attached to the Petition, *see* Petition paragraph 8(b). However, that form is not included with the Petition.

TENTATIVE RULING #6: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED, PENDING THE FILING OF FORM DE-300 WITH THE COURT.

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 BONSER 22PR0097

Petition for Preliminary Distribution

Decedent died on December 27, 2021. According to the Petition, Decedent's Will was excluded from the probate proceedings by the terms of a settlement between decedent's adult children and Petitioner, and the decedent was deemed to have died intestate and the distribution is subject to the settlement's terms, which was approved by this court.

Letters of Administration were issued to Petitioner on December 27, 2022. The most recent inventory and appraisal was filed on August 11, 2023.

The period for filing creditor's claims has expired, and the only known creditor is the holder of the loan secured by the mortgage on the real property of the estate, which will be satisfied when the real property is sold.

The liquid assets that are the subject of this Petition for Preliminary Distribution are held in a Morgan Stanley account, and the Petition proposes to distribute fifty percent of such assets to decedent's surviving spouse, and the other fifty percent to be divided in equal shares to decedent's seven surviving children (six natural children and one step-son). This is the division of assets anticipated in the parties' settlement agreement.

According to the settlement agreement, the assets that are the subject of the Petition are part of the corpus of Quentin Bonser, MD and Loellen R. Bonser Revocable Living Trust, of which decedent, the child of the settlors, was a beneficiary. Patricia Sanford, decedent's sister, is the current trustee of that Trust but is not a party to the settlement agreement or to the Petition. Patricia Sanford's counsel is included on the service list for notice of the hearing, but it is not clear whether the referenced counsel represents Patricia Sanford in her capacity as trustee of the Quentin Bonser, MD and Loellen R. Bonser Revocable Living Trust.

It is also not clear whether that Trust continues to exist. A portion of the accounts for which statements are attached to the Petition as Exhibit B are held by the "Loellen R. Bonser Survivor's Trust," and the rest are held by the "Quentin Bonser MD Bypass Trust", neither of which is specifically referenced in the Petition. No Trust document is attached to the Petition. Exhibit B to the Petition consists of Morgan Stanley account statements, some pages of the Morgan Stanley account statement (pages containing valuation information) are dated December 27, 2021, and others (pages containing narrative text) are dated March 27, 2023.

TENTATIVE RULING #7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 25, 2023, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET AT 8:30 A.M. ON MONDAY, SEPTEMBER 23, 2024, IN DEPARTMENT NINE.

09-25-23
Dept. 9
Probate Tentative Rulings

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8. ESTATE OF LUCY 23PR0081

Letters Testamentary

Decedent died testate on March 14, 2023. It is not clear whether the Petition requests full or limited authority under the Independent Administration of Estates Act, as both boxes are checked on the DE-111 Form, paragraph 2(c). It appears that the decedent was survived by three adult children, including Petitioner.

The Will was lodged with the court on September 13, 2023, and is admitted to probate. The Petition states that the Will is self-proving, but it does not include the word "Will" or other clear testamentary intent, and while it bears a signature of "Betty L. Lucy" it does not have any witness signatures. A Proof of Holographic Instrument form indicates that Petitioner witnessed decedent writing the document.

The Will does not name an Executor.

There is no proof of service of notice of the Petition and hearing of the Petition on file with the court; however, waivers of bond were executed on May 17, 2023, by Petitioner's two siblings and have been filed with the court by Petitioner on September 13, 2023.

Duties/Liabilities Statement (DE 147) was filed on September 13, 2023, but there is no DE-147s form on file with the court, as required by Local Rules of El Dorado County Superior Court, Rule 10.02.10.

Proof of publication was filed on September 11, 2023.

There were no appearances at the hearing held on August 7, 2023 and the matter was continued.

The court requires clarification on whether Petitioner seeks full or limited authority under the Independent Administration of Estates Act. Petitioner is also required to file a DE-147s form with the court before the Petition can be approved.

TENTATIVE RULING #8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 25, 2023, IN DEPARTMENT NINE.

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09-25-23
Dept. 9
Probate Tentative Rulings

9. ESTATE OF MORTON 23PR0086

Letters of Administration

TENTATIVE RULING #9: THIS MATTER IS DROPPED FROM CALENDAR BECAUSE THIS CASE HAS BEEN CONSOLIDATED WITH ESTATE OF MORTON, 23PR0082.

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09-25-23
Dept. 9
Probate Tentative Rulings

10. IN THE MATTER OF THE VANDER VEEN FAMILY TRUST

23PR0176

Petition for Instructions

TENTATIVE RULING #10: THE PARTIES HAVING ENTERED INTO A STIPULATION TO CONTINUE THIS HEARING, THE HEARING IS CONTINUED TO 8:30 A.M. ON MONDAY, OCTOBER 30, 2023, IN DEPARTMENT NINE.

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11. TRUST OF ARTHUR E. AND ELIZABETH J. PIPER 22PR0100

Accounting

A Petition for an Accounting, for Suspension and Removal of the Trustee, for Surcharge of the Trustee, for Transfer of Property, and for Appointment of a Professional Fiduciary as Successor Trustee was filed On April 7, 2022. Among the allegations of the Petition are that the trustee kept rental income from the trust property for herself, took out a loan against the Trust's real property and gave it to her boyfriend to buy a house, after which the boyfriend died holding title, subjecting the interest in the property to his creditors. See Notice of Related Case: PP2021- 0098 (Estate of Hickman). Further, that the Trustee has failed to provide any accounting.

At a hearing held on July 13, 2022, the court ordered the trustee to file an accounting by September 15, 2022, to cover the period from the date of death to July 2022; the parties were to meet and confer by October 31, 2022, and a hearing was set for November 30, 2022.

An account was filed with the court on September 15, 2022. The proof of service, filed with the court on September 19, 2022, states that the account was served by mail on September 15, 2022 to five of the six remainder beneficiaries of the Trust and the trustee/remainder beneficiary of the Trust. There are no objections to the account in the court's file.

This matter was continued from November 30, 2022, and March 6, 2023. The court's tentative ruling for the November 30, 2022, hearing questioned why remainder beneficiary Teresa Piper advanced to herself \$103,918.10 in Trust assets in "her beneficial capacity" between July 23, 2009, and October 8, 2022, as stated in Schedule D Disbursements and Schedule I of the account. There were no such advances to the other five beneficiaries. In addition, the trustee/beneficiary received her equal share of the distributions she made as trustee to all six beneficiaries in 2009 and 2010. (See Schedule F – Distributions). Additionally, she paid herself a \$21,171.37 trustee fee on July 31, 2022, as ten percent of the Trust receipts.

Since the last hearing, no status update about the issues raised in the November 30, 2022, tentative ruling has been provided to the court. There is nothing in the court's file as to whether the parties have met and conferred about the account.

On June 12, 2023, a hearing on the status of the account was continued to September 25, 2023.

09-25-23
Dept. 9
Probate Tentative Rulings

TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, SEPTEMBER 25, 2023, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET AT 8:30 A.M. ON MONDAY, SEPTEMBER 23, 2024, IN DEPARTMENT NINE.

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