

1. 23PR0242 ESTATE OF TERRELL

Letters of Administration

Decedent died intestate on March 22, 2023, survived by two adult children. Petitioner is decedent's son. Gabe Terrell, Petitioner's brother, filed a waiver of bond on October 3, 2023.

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

A Duties/Liabilities Statement (DE 147) was filed on October 3, 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 service of Notice of the Petition was filed on October 3, 2023.

Proof of publication was filed on October 27, 2023.

TENTATIVE RULING #1: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED, PENDING PETITIONER'S FILING OF A DE-147S FORM WITH THE COURT. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, DECEMBER 16, 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.

2. 23PR0236 ESTATE OF MILLER

Letters of Administration

Decedent died intestate on October 21, 2018, survived by her spouse and two adult children. Petitioner is decedent's spouse. The Petition requests full authority under the Independent Administration of Estates Act.

The Petition indicates that bond should be waived because all beneficiaries are adults and have filed a waiver. A waiver of bond is on file with the court from Petitioner and one of decedent's children, but no waiver is on file from decedent's son Gary William Miller.

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

Proof of service of Notice of the Petition was filed on October 30, 2023.

Proof of publication was filed on October 27, 2023.

TENTATIVE RULING #2: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 11, 2023, IN DEPARTMENT NINE TO DETERMINE WHETHER A BOND SHOULD BE REQUIRED.

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. 22PR0112 ESTATE OF WILLIAMS

Petition for Final Distribution – First and Final Account

Letters of Administration were issued on November 30, 2022, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on March 14, 2023.

Proof of Service of Notice of the hearing on the Petition was filed on October 30, 2023.

The proposed distribution of the estate includes distribution in equal shares to each of the four surviving adult children. From these shares Petitioner proposes to deduct amounts from two of the heirs who remained resident on decedent's property for the fair market value of back rent since decedent's death in 2015, utilities, legal fees for eviction and the cost of removal of junk cars after one of the heirs was evicted. Allison Williams share will be reduced by \$22,971.37 and Terry Williams share will be reduced by \$38,481.79 to cover these outstanding debts and expenses to the estate.

Petitioner requests reimbursement of \$5,851.00 for costs of work performed for the estate to prepare the real property for sale. This is in addition to \$26,131.34 in costs for such work that has already been reimbursed to Petitioner from estate assets. Much of this work was required to restore the property to a saleable condition after two of the beneficiaries moved out nearly eight years after decedent's death. Because the principal asset of the estate was the real property, there were no estate funds available to cover these costs.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The First and Final Account filed with the Petition be settled, allowed and approved;
3. All acts, transactions and proceedings of the Personal Representative be confirmed and approved;
4. The Personal Representative be authorized to pay statutory attorney fees in the amount of \$9,810.42;
5. The Personal Representative be authorized to pay himself \$9,810.42 in statutory compensation;
6. The Personal Representative be authorized and directed to reimburse himself \$5,851.00 for costs advanced to and work performed on behalf of the estate.

TENTATIVE RULING #3: 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.

4. 22PR0124 ESTATE OF COLOMBO

Petition for Final Distribution

At the hearing held on July 31, 2023, the court ordered the Petition for Final Distribution to be filed by September 30, 2023, and set a final distribution hearing for October 30, 2023. At the hearing on October 30, 2023, there were no appearances, and the court continued the matter to December 11, 2023.

No Petition for Final Distribution has been filed with the court.

TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 11, 2023, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, DECEMBER 16, 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.

5. 23PR0274 IN THE MATTER OF THE DAREH HAGHVIRDI SPECIAL NEEDS TRUST
Trust Petition

The trust documents to create the Dareh Haghvirdi Special Needs Trust (“Trust”) were executed on October 18, 2023, the Trust to be funded with settlement funds in the amount of \$3,462,437.00 for the minor beneficiary with special needs. The trustee, Mia Ehsani, is a professional trustee with offices in El Dorado County, where the trust is being administered.

The Trust is funded under Probate Code §3600 (compromise of a minor’s claim) and as such, is a “trust funded by court order” which must be made subject to the continuing jurisdiction of the court. California Rules of Court, Rule 7.903(a)(1); Rule 7.903(b).

Pursuant to the authority granted to the court to instruct a trustee on the internal affairs of a trust, under Probate Code § 17200(b)(6), the Petition requests the court to establish the Trust by court order and bring the Trust within the continuing jurisdiction of the court. The trustee requests authorization to use up to \$1,000,000 of the Trust funds to acquire a residence for the beneficiary, who is six years old, and his family, with further authorization to spend up to \$150,000 on accessibility modifications. The trustee hopes to spend less than this on a house, but to date suitable homes that have been identified in the market the Los Angeles area are in this price range and will provide a stable home for lifetime of the beneficiary, and for his family. The purchase of residential real estate will also be an investment for the Trust. Further, there are ample remaining funds in the Trust to support the beneficiary’s needs.

The beneficiary’s parents will contribute utility expenses and either pay rent or provide in home care for the beneficiary in lieu of rent. The beneficiary’s mother is currently his IHSS in-home care provider and is anticipated to be able to provide more personalized and cost-efficient care than other providers. Although the parents have a legal duty of support, Family Code § 3900, Petitioner argues that the proposed financial arrangement is within the parents’ limited economic means and in the best interest of the beneficiary. Petitioner argues that under the circumstances, a child’s assets may be used to supplement the parents support to provide a higher standard of living for the child. Armstrong v. Armstrong, 15 Cal.3d 942, 947 (1976).

The Petition further requests authorization to pay attorney’s fees for legal services to the trustee in connection with preparing the Petition.

The Petition requests the court to:

1. Find that all notices have been given as required by law;
2. Establish the trust and order its execution by the settlor;

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3. Order that Mia Ehsani shall serve as the initial trustee with bod to be set in the amount of \$3,728,000, and that she shall be allowed interim fees based on her current fee schedule to be confirmed by the court at the next scheduled accounting;
4. Order that the Trust shall be under the continuing jurisdiction of the court;
5. Order that after payment of the personal injury Medi-Cal lien, if any, all monies due to the beneficiary be paid directly to the trustee of the Trust;
6. Order that the trustee is authorized to invest in mutual funds and bonds with maturity dates greater than five years;
7. Order that the trustee shall provide the court with a biennial Account and Report of the Trust, beginning with the period one year from the date the court approves establishment of the Trust and every two years thereafter;
8. Find that Dareh Haghvirdi has a disability that substantially impairs his ability to provide for his own care or custody and constitutes a substantial handicap;
9. Find that Dareh Haghvirdi is likely to have special needs that will not be met without the Trust;
10. Find that money to be paid to the Trust does not exceed the amount that appears reasonably necessary to meet Dareh Haghvirdi's special needs;
11. Authorize the trustee to spend up to \$1,000,000 for the purchase of a primary residence and \$150,000 for accessibility modifications to the residence, and that the parents shall pay all utilities and rent or provide caregiving services in lieu of rent;
12. Authorize the trustee to spend up to \$85,000 for the purchase of a modified vehicle for the primary purpose of transporting Dareh Haghvirdi, with title of the vehicle to be held in the name of Sevada Haghvirdi or Sevana Davidian and the trustee to be a lien holder on the vehicle;
13. Order that the trustee shall file a petition to bring the Trust under the supervision of the El Dorado County Superior Court within 30 days of the Order;
14. Approve and direct the trustee to pay \$3,973.50 in attorney's fees for legal services to Petitioner;
15. Order the submission of a Notice of Commencement of Proceeding for a Court Supervised Trust on LASC Form 044 within 60 days of the court's Order;
16. Order an Order to Show Cause hearing in this Department to ensure that the probate case has been opened and the appropriate bond has been filed.

TENTATIVE RULING #5: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED. AN ORDER TO SHOW CAUSE HEARING IS SET FOR HEARING IS SET FOR 8:35 A.M. ON MONDAY, FEBRUARY 5, 2024, IN DEPARTMENT NINE.

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**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. 23PR0154 MATTER OF THE DEL VECCHINO FAMILY REVOCABLE TRUST

Petition for Removal of Co-Trustee

Decedent died on June 7, 2023, and was survived by four adult children, including Petitioner and Respondent, who were named co-trustees of the Del Vecchio Family Revocable Trust ("Trust"), executed on December 19, 2006, and restated as of April 24, 2023. The Trust states that trustees may only be removed for cause upon petition of a beneficiary to the court. Trust, Section 3.03.

The verified Petition requests the court for an Order removing Respondent Kristen Marsh as successor co-trustee. Petitioner declares that Respondent is a resident of the State of Florida.

In light of Respondent's alleged conduct and the fact that Respondent is not a resident of California and as such is not able to actively participate in the Trust administration, Petitioner requests removal of the Respondent as co-trustee. In the alternative, Petitioner requests appointment of a professional fiduciary to act as co-trustee with Petitioner.

Probate Code § 15642 provides, in pertinent part:

(a) A trustee may be removed in accordance with the trust instrument, by the court on its own motion, or on petition of a settlor, co-trustee, or beneficiary under Section 17200.

(b) The grounds for removal of a trustee by the court include the following:

(1) Where the trustee has committed a breach of the trust.

* * *

(3) Where hostility or lack of cooperation among co-trustees impairs the administration of the trust.

(4) Where the trustee fails or declines to act.

* * *

(9) For other good cause.

* * *

(e) If it appears to the court that trust property or the interests of a beneficiary may suffer loss or injury pending a decision on a petition for removal of a trustee and any appellate review, the court may, on its own motion or on petition of a co-trustee or beneficiary, compel the trustee whose removal is sought to surrender

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trust property to a co-trustee or to a receiver or temporary trustee. The court may also suspend the powers of the trustee to the extent the court deems necessary.

At the hearing held on this Petition on September 11, 2023, the Petition for an accounting was denied, and the hearing on the Petition for removal of a co-trustee was continued and the parties were ordered to meet and confer.

A Status Report was filed with the court on December 7, 2023, which states:

1. The attorneys for the co-trustees attempted to agree on a neutral attorney to be retained in lieu of existing counsel for the co-trustees, but that counsel for Kristen Marsh indicated that he is attempting to contact a neutral attorney and did not communicate further, and so that was as far as the meet and confer efforts proceeded.
2. Citing Section 6.04 of the Trust, which provides for the creation of a special trust with the proceeds of a Wells Fargo account to regularly place flowers on the grave of the settlor's wife, the Status Report states that Kristen Marsh distributed the funds in the Wells Fargo account to herself and selected a flower plan herself, without involving the other co-trustees.¹ The Status Report questions whether these funds are held by Kristen Marsh as trustee and whether they are held in a separate account and notes that this information has not been provided to co-trustees.
3. The Status Report continues to call for removal of Kristen Marsh as co-trustee, and that both counsel that there should be a neutral attorney to represent the co-trustees, and that Kirsten March should not continue to use the same law firm that has represented her but not the interests of the other o-trustees.

TENTATIVE RULING #6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 11, 2023, IN DEPARTMENT NINE.

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¹ The language of that section of the Trust states that "As soon as practicable after my death, my Trustee shall distribute the assets of my Wells Fargo Saving Account to Kristen Marsh, as special trustee of a trust established to specifically pay for the costs of my funeral and burial. The trust . . . shall be used to maintain a graveside flower plan to regularly place flowers on the grave of my deceased wife, . . . The trustee shall have full discretion to choose a plan that is substantially similar to the current flex-plan I have in place with Cemetery Flowers Company." Trust, Section 6.04.

7. 23PR0240 ESTATE OF COOK

Letters of Administration

Decedent died intestate on August 15, 2023, survived by two adult children. Petitioner is decedent's daughter.

The Petition requests full authority under the Independent Administration of Estates Act. Both surviving heirs have waived bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on October 3, 2023.

Proof of service of Notice of the hearing on the Petition was filed on November 22, 2023.

Proof of publication was filed on October 27, 2023.

TENTATIVE RULING #7: ABSENT OBJECTION, THE PETITION IS GRANTED AS REQUESTED. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, DECEMBER 16, 2024, IN DEPARTMENT NINE.

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8. PP20170176 ESTATE OF FIELDS

Trial Setting

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

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