

1. 23PR0282 ESTATE OF GRUBER

Petition for Letters Testamentary

This matter has been consolidated with Case No. PP20190250 and venue transferred from Department Four to Department Nine pursuant to the court's Order following hearing on January 19, 2024.

TENTATIVE RULING # 1: THE MATTER HAVING BEEN CONSOLIDATED WITH CASE NO. PP20190250 THIS HEARING 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.

2. 22PR0244 ESTATE OF MCREADY

Status of Administration

The Order for Final Distribution was entered on February 26, 2024. To date, there are no receipts for distribution and no ex parte petition for final discharge (Judicial Council Form DE-295) in the court's file.

TENTATIVE RULING #2: A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 17, 2025, 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. PP20200146 ESTATE OF O'SULLIVAN

Status of Administration

The matter was continued from May 4, 2022, September 7, 2022, and March 27, 2023.

The Order for Final Distribution was entered on February 4, 2022. To date, there are no receipts for distribution and no ex parte petition for final discharge (Judicial Council Form DE-295) in the court's file.

TENTATIVE RULING #3: A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 17, 2025, 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. 22PR0307 ESTATE OF ARMSTRONG

Final Distribution on Waiver of Account

Letters Testamentary were issued on March 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on January 18, 2024.

A waiver of account was executed by Petitioner as the sole heir entitled to distributions under the estate.

As Petitioner is the sole heir, Proof of Service of Notice of the hearing is not required pursuant to Probate Code § 1201.

The proposed distribution of the estate is to Petitioner as sole beneficiary under decedent's Will.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. All acts, transactions of the Petitioner be confirmed and approved;
3. Petitioner be authorized to pay statutory attorney fees in the amount of \$20,900.00;
4. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed to Petitioner as set forth in the Petition.
5. Upon filing of receipts that Petition may apply to be discharged and released from all liability that may be incurred hereafter.

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. PP20200103 ESTATE OF SANCHEZ

Status of Administration

TENTATIVE RULING #5: A HEARING ON THE PETITION FOR FINAL DISTRIBUTION HAVING BEEN SET FOR JUNE 10, 2024, THIS HEARING IS DROPPED FROM CALENDAR. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 17, 2025, 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. 22PR0334 ESTATE OF JEFFRIES

Status of Administration

TENTATIVE RULING #6: AN ORDER FOR FINAL DISCHARGE HAVING BEEN ISSUED ON JANUARY 10, 2024, THIS MATTER IS DISMISSED.

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. 23PR0143 ESTATE OF BROWN

Petition for Letters of Administration

Decedent died testate on December 13, 2022. A Petition to administer decedent's estate was filed on July 6, 2023. Petitioners are decedent's daughters. The Petition requests Petitioner Ivy Goessens-Long be appointed Executor and granted full authority under the Independent Administration of Estates Act.

The Petition indicates that the Will of decedent is lost, and that no Executor was named in the Will.

The Petition requests bond be set at \$5,000.

There is no Duties/Liabilities statement (DE 147/DE 147s) on file 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.

Probate Code § 8223 provides:

The petition for probate of a lost or destroyed will shall include a written statement of the testamentary words or their substance. If the will is proved, the provisions of the will shall be set forth in the order admitting the will to probate.

The matter was continued after no parties appeared at the hearing on the Petition held on August 7, 2023. The matter was again continued at the hearing of January 22, 2024 to allow the Petitioner to file the required documents. No new documents have been filed since the prior hearing.

TENTATIVE RULING #7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 25, 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.

8. 22PR0099 ESTATE OF MCNULTY

**Order to Show Cause
Motion for Relief from Order
Review Hearing**

At the hearing of October 2, 2023, the court issued an Order requiring Carrie Schroeder to comply with Requested Orders Nos. 1, 2, 3 and 7 requiring the filing of an accounting for the period from March 4 through October 2, 2023, and turning over certain information and keys to the property and the vehicles that belong to the estate. The court deferred a Requested Order for compliance with Orders Nos. 4, 5 and 6 related to payment of rent and her occupation of the property that is the principal asset of the decedent's estate.

At the hearing of October 16, 2023, counsel for Petitioner Bolduc confirmed compliance with some but not all of the court Orders, and the Order to Show Cause was continued to November 27, 2023.

At the hearing of November 27, 2023, the court ordered Carrie Schroeder:

1. To provide Tax ID to Attorney Yang by the end of the day; and
2. To meet with Attorney Yang to review accounting and to supply the requested documentation by December 8, 2023.

The hearing to determine compliance with court orders was then continued to January 29, 2024. On January 29, 2024, the court ordered Carrie Schroeder to file and serve an accounting by March 11, 2024, and stated that the court would set an Order to Show Cause hearing regarding sanctions if the accounting was not filed with the court.

No accounting has been filed with the court since the January 29, 2024 hearing. Instead, Schroeder has filed a "Rule 60 Motion for Relief from Order" based on Federal Rule of Civil Procedure 60. On January 18, 2024, Schroeder additionally filed a "Motion for Orders and to Show Cause why Opposing Counsel and Her Client the Personal Representative Should Not Be Held in Contempt." The grounds for this motion are "false statements and in the deceiving of not only this court but I Carrie Schroeder with concealing relevant facts pertaining to this case causing the court's opinion of me to be unjustly swayed against me." Although this last motion was filed prior to the January 29, 2024 hearing, the Clerk set it for hearing on March 25, 2024.

TENTATIVE RULING #8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 25, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 17, 2025, IN DEPARTMENT NINE.

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

9. 24PR0015 ESTATE OF MATTOCH

**Petition to Appoint Guardian Ad Litem
Petition for Letters of Administration**

Decedent died intestate on November 28, 2023, survived by two adult children and one minor child. Petitioner is decedent's daughter.

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

Waiver of bond have been filed with the court by the beneficiaries. Waiver of bond on behalf of the minor was signed by the proposed guardian ad litem.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on January 23, 2024.

Proof of Service of Notice of the hearing on the Petition was filed on February 27, 2024.

Proof of publication was filed on February 21, 2024.

The proposed guardian ad litem for the minor is the mother of the minor.

TENTATIVE RULING #9: ABSENT OBJECTION THE PETITIONS FOR LETTERS OF ADMINISTRATION AND FOR APPOINTMENT OF A GUARDIAN AD LITEM ARE GRANTED AS REQUESTED. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 17, 2025, 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. PP20190232 ESTATE OF REX WIGHT

**Status of Administration
Petition for Final Discharge**

See related Case: Estate of Sherry Wight (PP20190231)

Decedent died on April 13, 2018. Letters of Administration with Will Annexed were issued on July 8, 2020. The Final Inventory and Appraisal was filed on March 30, 2020.

A Petition for Final Distribution was filed on August 26, 2022, and at the hearing on that Petition the court noted that there was no final account on file and continued the hearing. However, on March 30, 2022, the personal representative filed waivers of account for all six potential heirs (adult siblings, children and step-children).

On January 19, 2023, Petitioner filed an ex parte Petition for Final Discharge indicating that all assets had been distributed, but no receipts of distribution are on file. There is no proof of service of notice of the Petition. Although the heirs waived account they did not waive notice.

The Tentative Ruling at the Status of Administration hearing held on March 27, 2023, indicated that there had been no resolution of a claim filed by the Franchise Tax Board (original claim filed July 20, 2020 for \$28,715.74, as well as request for special notice filed July 20, 2020; amended claim filed April 11, 2022 for \$36,947.58) and the matter was continued to March 25, 2024.

The original Petition for Probate states that estate consists of real property valued at \$350,000. The Will that was admitted to probate devises all real property to Petitioner.

Rex Wight is the deceased heir to the estate of his spouse, Sherry Wight, see Item 11 below.

TENTATIVE RULING #10: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 25, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 17, 2025, 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.

11. PP20190231 ESTATE OF SHERRY WIGHT

Status of Administration

Final Distribution on Waiver of Account

See related Case: Estate of Rex Wight (PP20190232)

Decedent died on March 27, 2004. Letters of Administration were issued on July 8, 2020.

The Final Inventory and Appraisal was filed on March 30, 2020.

On March 30, 2022, the personal representative filed two waivers of account.

Proof of Service of Notice of the hearing on the Petition was filed on February 22, 2024.

The proposed distribution of the estate includes equal distribution between the estate of the deceased spouse (deceased April 13, 2018) and decedent's two adult daughters.

TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 25, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 17, 2025, 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. 22PR0310 ESTATE OF COOK

Final Distribution on Waiver of Account

Letters of Administration were issued on February 6, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on April 5, 2023.

Waivers of Account were executed by both heirs entitled to distributions under the estate.

Proof of Service of Notice of the hearing on the Petition was filed on January 31, 2024.

The proposed distribution of the estate was the subject of an agreement between the two heirs, in order to accomplish the division of assets that include both cash and tangible assets, including a vehicle and partial interest in a real property.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. All acts, transactions and proceedings of the Administrator be confirmed and approved;
3. All creditor claims not properly filed with the court and served on the estate be barred;
4. The Administrator be authorized to pay statutory attorney fees in the amount of \$8,017.82;
5. That waiver of statutory compensation to the personal representative be approved
6. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution.

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

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 17, 2025, 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.

13. 24PR0023 IN THE MATTER OF ELMER RAY HAMLET

Petition for Letters of Administration

Decedent died intestate on October 4, 2022, survived by two adult children. Petitioner is decedent's son.

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

Waivers of bond have been filed with the court by both heirs.

A Duties/Liabilities Statement (DE 147) was filed on January 29, 2024, 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 hearing on the Petition was filed on February 26, 2024.

Proof of publication was filed on February 21, 2024.

TENTATIVE RULING #13: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED, CONTINGENT ON THE FILING OF A DE-147S FORM EXECUTED BY PETITIONER WITH THE COURT.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 17, 2025, IN DEPARTMENT NINE.

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14. PP20210122 MATTER OF THE ALHOA JUNE SAUNDERS TRUST

**Review Hearing
Motion for Reconsideration**

Motion for Reconsideration

At a hearing held on October 20, 2023, the court considered various motions to compel Teri Stevens and Andrea Stevens (Petitioners) to respond to discovery. Petitioners represent that they did not contest the Tentative Ruling for that hearing because it did not include an award of sanctions. The court set a hearing on the issue of whether to award sanctions against Petitioners on November 13, 2023.

At the hearing held on November 13, 2023, Petitioners did not appear. The Tentative Ruling for that hearing did not reach any conclusion regarding the imposition of sanctions and ordered the parties to appear. At that hearing the court advised that it was taking the matter of sanctions under submission and would issue a decision by December 1, 2023.

On November 27, 2023, the court issued an ex parte minute order imposing sanctions against Petitioners for misuse of discovery.

On January 22, 2024, the court ordered the parties to meet and confer on pending discovery issues, reserved the issue of further sanctions, set a deadline of March 18, 2024 for any additional filings and continued the matter to March 25, 2024.

On March 18, 2024, the trustee/Respondent filed a report stating that Petitioners had complied with some but not all of the court's discovery Orders, with a specific list of items that remained, including:

1. Payment of \$2,249.70 as monetary sanction ordered on November 27, 2023 for failure to cancel the trustee's deposition, which payment was ordered to be made within 30 days (December 27, 2023), and which was again the subject of an Order by the court at the hearing on January 22, 2024;
2. Payment of \$1045.00 from each Petitioner (total \$2090) for monetary sanctions ordered on January 31, 2024, which were due within 30 days of the Order, on March 3, 2024. This sanction is the subject of the Motion for Reconsideration;
3. Production of Documents for categories 26 and 27 that are not redacted, which the court had ordered to be produced within 14 days of the October 20, 2023, hearing. A partial response was provided on November 21, 2023, not including categories 26 and 27, which seek text messages and emails between the Petitioners. During the January 22, 2024 hearing counsel for Petitioners represented that he had sent these responses,

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but those responses contained objections and redactions of non-privileged material, as well as omissions that Petitioners represent are “irrelevant.”

4. Objection-free responses to Request for Production of Documents, Sets Two and Three, which the court ordered be produced at the hearing on October 20, 2023;
5. Supplemental document production of responsive documents to Request for Production of Documents, Sets Two and Three, that Petitioners acknowledge are in their possession but have not yet provided. Responsive documents were provided on November 6, 2023, and on January 24, 2024, but on January 24, 2024 Petitioner’s counsel informed Respondent that additional documents would be forthcoming and they have not yet been produced. These were to be produced within 14 days of the court’s October 20, 2023 Order.

Respondent opposes the Motion for Reconsideration and, in a Status Report filed with the court on March 18, 2024, requests the court to:

1. Order Petitioners to pay an additional \$5,775 as further sanctions to reimburse Respondent for his legal fees for seeking compliance to date, with \$500 of that amount to be paid by Petitioner’s counsel;
2. Order Petitioners to pay all outstanding sanction amounts no later than April 25, 2024;
3. Order Petitioners to provide their cell phones to a qualified data extraction service to extract all text and email messages between Petitioners for the requested period;
4. Order Petitioners to provide objection-free responses to Request for Production of Documents, Sets Two and Three and serve all responsive documents by April 25, 2024;
5. Order terminating sanctions if Petitioners do not comply with the above-listed Orders and set a hearing date for those sanctions;
6. Authorize Respondent to depose Petitioners for up to an additional seven hours each with any remaining deposition time from the first depositions to be relaced and superseded by this Order, and such depositions not required to occur prior to the compliance hearing on terminating sanctions

TENTATIVE RULING #14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 25, 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.

15. PP20190250 IN THE MATTER OF THE GRUBER TRUST

Petition for Instructions

Petition to Determine Existence of Trust

Petition for Reclamation of Trust Property, Financial Elder Abuse, Constructive Fraud and Conversion

The Gruber Living Trust (“Trust”) dated August 29, 1989 was established by decedent Adolph Gruber and his wife Christina Gruber. Christina Gruber predeceased the decedent on December 10, 2001, survived by decedent (her husband and surviving settlor), and their two adult children, Peter Gruber and Antonia Gruber-Kramar. At that time, the original Trust required the assets to be divided into three sub-trusts, an irrevocable Marital Trust, and irrevocable Family Trust and the revocable and amendable Survivor’s Trust. By 2005, decedent was co-habiting with Anita Palo.

Decedent filed a Petition to modify the Trust with this court on December 19, 2019, to request a lifetime power of appointment and a testamentary power of appointment over the assets of the Marital Trust and the Family Trust, and that Petition was granted on February 6, 2020, allowing decedent to move assets from those two subtrusts into the Survivor’s Trust.

On August 5, 2020, decedent utilized those powers to move all assets of the two irrevocable Trusts into the Survivor’s Trust, and also executed a pour-over Will dated August 5, 2020. Peter Evenhuis, a close friend of decedent, was named executor in that Will as well as successor trustee of the Trust following decedent’s death.

Decedent married Anita Palo-Gruber on May 6, 2022. On September 8, 2022, he executed a new Will that, according to Palo-Gruber, terminated all prior trusts and subjected the entire estate to distribution through probate. Decedent died on November 6, 2022. On November 9, 2023, Palo-Gruber filed a petition to be appointed executor of his estate.

Substantial cash assets resulting from the sale of real property (the La Crescenta property) that was initiated prior to decedent’s death and closed escrow after his death is being held by Evenhuis pending resolution of the legal disputes surrounding the estate.

Substantial cash assets resulting from the sale of another real property (the Oxford property) that had originally been held as a Trust asset and the title of which decedent had unsuccessfully attempted to transfer into the names of himself and Palo-Gruber as joint tenants, is being held by Palo-Gruber’s attorney in a client trust account pending resolution of the legal issues surrounding the estate. Pursuant to agreement of the parties, the income on those funds is being reported to Palo-Gruber as her income.

Other assets of the Trust, including cash and real properties, are being held by Evenhuis pending resolution of the dispute by settlement or court order. Evenhuis is preparing a first accounting covering the period since the decedent's death and intends to distribute that accounting to the parties in early 2024.

A third property that was owned by decedent at the time of his death is where Palo-Gruber currently resides (3717 Terrace property), and by the terms of the Trust it was to be distributed to Peter Gruber. Evenhuis considers that it needs a new roof but that it would be more profitable to sell the property as-is than to spend money trying to fix it.

The parties entered a Tolling Agreement on December 10, 2022, and later amended on June 29, 2023 and September 29, 2023. The Tolling Agreement expresses the parties' desire to mediate the dispute and agree that the cash proceeds of the real property sales be held in designated accounts until the parties reach a settlement or until a court order provides for distribution of the estate. This mediation has not yet taken place. The Tolling Agreement also prevents Evenhuis from distributing Trust assets until the matter is resolved.

Petition to Determine Existence of Trust

Anita Palo-Gruber seeks an Order determining the existence of the Trust, taking the position that all trusts have been terminated and the estate should be distributed through probate of the September 2022 Will.

Petition for Reclamation of Trust Property, Financial Elder Abuse, Constructive Fraud and Conversion

Peter Gruber and Antonio Gruber-Kramar ("trust beneficiaries") have filed a petition alleging financial elder abuse, constructive fraud and conversion, and seek an order compelling Palo-Gruber to transfer property in her control back to the Trust, issuing a writ of attachment under Welfare and Institutions Code § 15657.01 for financial abuse of an elder, finding that Palo-Gruber holds wrongfully taken assets as constructive trustee for the benefit of the Trust; and awarding punitive damages pursuant to Welfare and Institutions Code § 15657.5(a) and Civil Code § 3294, attorney's fees and costs, compensatory, special, exemplary and punitive damages.

Petition for Instructions

Evenhuis seeks instructions from the court on the following matters:

1. Evenhuis requests a court order instructing him to retain all assets in trust until further order of the court;

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2. Evenhuis requests a court order instructing Palo-Gruber's counsel to retain the proceeds of the sale of the Oxford property in trust until further order of the court, and clarifying whether those funds are Trust assets or not;
3. As to the 3717 Terrace property, where Palo-Gruber currently resides, Evenhuis requests instruction from the court as to whether he should:
 - a. retain title to the property and allow Palo-Gruber to continue to reside there, or
 - b. whether to distribute it to Peter Gruber pursuant to the terms of the Trust, and if so whether that distribution should be made subject to Palo-Gruber's continued right of occupancy and/or subject to each party's respective obligations, if any, to pay past or future rent, utilities, taxes, insurance and any other property expenses;
4. As to the 3717 Terrace property, to instruct as to:
 - a. The duration of Palo-Gruber's occupancy, if it is to be limited in time;
 - b. Whether Palo-Gruber is required to pay rent and if so to whom;
 - c. Who is responsible for property expenses during her occupancy; and
 - d. Whether Evenhuis should replace the roof or not.
5. Evenhuis requests costs, expert witness fees, and attorney's fees as authorized by the Trust
6. Evenhuis requests the court to order the parties to engage in mediation in accordance with the terms of the Tolling Agreement;
7. Evenhuis requests the court to confirm that he is not obligated in any capacity to defend or oppose Palo-Gruber's claims or petitions before the court or to expend Trust assets to do so.

TENTATIVE RULING #15: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 25, 2024, IN DEPARTMENT NINE.

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16. 22PR0096 IN THE MATTER OF MATTHEW LITRELL IRREVOCABLE SPECIAL NEEDS TRUST
Fifth Account and Report

The venue of this Trust was transferred to El Dorado County from Solano County by Order of the Solano County Superior Court.

The Fourth Account and Report was approved by the court at a hearing held on November 2, 2022, and a hearing date was set on October 30, 2023, for a hearing on the Fifth Account and Report. At the hearing on October 30, 2023, no party appeared and there was no Fifth Account and Report on file with the court. The matter was continued to December 18, 2023.

The Trust calls for accountings “in the manner and frequency required by Probate Code § 1060 and 2620, or as ordered by the Court.” Probate Code § 2620(a) provides that accountings are required “not less frequently than biennially, unless otherwise ordered by the court to be more frequent, . . .” Although the court initially set a review hearing for the Fifth Accounting one year after the Fourth Accounting, there is no requirement in the Trust or the Probate Code to generate an annual accounting.

At the hearing on December 18, 2023, the court continued the matter to Monday, December 16, 2024.

On January 19, 2024, the Trustee filed a Petition for approval of the Fifth Account and Report of Trustee. In addition, the Petition requests:

1. Approval of the waiver of trustee fees;
2. Approval of the payment of attorney’s fees in the amount of \$4,760 for services to the Trust, as documented in Exhibit C to the Petition.

TENTATIVE RULING #16: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. A REVIEW HEARING FOR THE SIXTH ACCOUNT AND REPORT IS SET FOR 8:30 A.M. ON MONDAY, MARCH 16, 2026, 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.