

1. 21PR0038 ESTATE OF ROEDIGER

Status of Administration

Letters of Administration were issued on February 14, 2022. There is no Inventory and Appraisal on file with the court.

TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 29, 2024, IN DEPARTMENT NINE. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 28, 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.

2. 24PR0071 ESTATE OF LaHARGOUE

Letters Testamentary

A Petition to administer decedent's estate was filed on March 19, 2024.

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

Decedent died testate on February 18, 2024. Petitioner is decedent's son.

The Will was lodged with the court on as an exhibit to the Petition, and is admitted to probate.

The Will names Petitioner as Executor and waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on March 19, 2024.

Pursuant to Probate Code § 1201, notice of the hearing is not required because Petitioner is the only beneficiary of the estate.

Proof of publication was filed on April 8, 2024.

TENTATIVE RULING #2: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 28, 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. 23PR0040 ESTATE OF GROVE

**Status of Administration
Petition for Final Distribution**

Letters of Administration were issued on May 12, 2023. Inventory and Appraisal was filed on April 22, 2024.

A Final Inventory and Appraisal was filed on April 22, 2024. Petitioner states that a supplemental Inventory and Appraisal will be filed with the court to include a Ford F150 truck that has been sold.

There are two minor beneficiaries of the estate. Andrew Campoy filed a waiver of account on April 22, 2024 in his capacity as guardian for Jack Charles Campoy. The Petition states that a waiver of account from Jamon Seamon as guardian for beneficiary Levi Grove is attached to that Petition, but that waiver form has not been executed.

Proof of Service of Notice of the hearing on the Petition was filed on February 16, 2024.

The proposed distribution of the estate is two equal shares to the two minor beneficiaries, to be paid into custodial accounts.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. The Final Report of Administrator be settled, allowed and approved;
3. All reported acts and proceedings of Petitioner be confirmed and approved;
4. Petitioner be authorized to pay statutory attorney fees in the amount of \$27,452.58, plus \$1,120.00 for costs advanced to the estate;
5. Petitioner be authorized to pay himself \$27,452.58 in statutory compensation;
6. Petitioner also requests the court to approve costs advanced by Petitioner to the estate in the amount of \$74,575.97, but there is nothing in the Petition that substantiates this amount.
7. Petitioner be authorized to retain \$20,000 in closing expenses and to pay liabilities, and to deliver the unused part to the beneficiaries of the estate without further court order after closing expenses have been paid; however, the Petition indicates that no property taxes or state or federal income taxes are due.

04-29-24
Dept. 9
Probate Tentative Rulings

8. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed to the beneficiaries as set forth in the Petition.

TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 29, 2024, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 28, 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. 22PR0075 ESTATE OF MIXON

Status of Administration

Letters of Administration were issued on May 11, 2022. Inventory and Appraisal was filed on January 18, 2023. There is no Petition for Final Distribution in the court's file.

TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 29, 2024, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 28, 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.

5. 23PR0002 ESTATE OF MARDEN

Status of Administration

TENTATIVE RULING #5: AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON JANUARY 29, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, APRIL 28, 2025, IN DEPARTMENT NINE, BY WHICH TIME THE COURT EXPECTS RECEIPTS AND AN EX PARTE PETITION FOR FINAL DISCHARGE (JUDICIAL COUNCIL FORM DE-295) TO BE FILED 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.

6. 22PR0070 ESTATE OF HURTADO

Status of Administration

TENTATIVE RULING #6: AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT ON APRIL 9, 2024, 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.

7. 23PR0018 ESTATE OF HAINES

Status of Administration

An Order on Petition for Final Distribution on Waiver of Account was filed December 18, 2023. An Ex Parte Petition for Final Discharge and Order, along with receipts for distribution were filed with the court, but the Clerk's note in the file is that "the distribution to the beneficiaries per the attached receipts does not match the percentage split per the order. The difference needs to be explained before the discharge can be granted."

The total estate was stated as \$522,467.96, with 60 percent to go to Kimberly Haines and 40 percent to go to Christopher Haines. The receipts indicate that \$228,550.80 was distributed to Christopher Haines, and \$343,885.74 was distributed to Kimberley Brimer (Haines).

TENTATIVE RULING #7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 29, 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. 24PR0043 ESTATE OF McCLURG

Petition for Letters Testamentary

A Petition to administer decedent's estate was filed on February 20, 2024.

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

Decedent died testate on November 28, 2023. Petitioner is decedent's son.

The Will was lodged with the court as an attachment to the Petition, and is admitted to probate.

The Will waives bond, and nominates Petitioner as Executor.

A Duties/Liabilities Statement (DE 147) was filed on February 20, 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 March 7, 2024.

Proof of publication was filed on March 25, 2024.

TENTATIVE RULING #8: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED, CONDITIONAL UPON PETITIONER FILING A DE-147S FORM WITH THE COURT.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 28, 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.

9. 23PR0042 ESTATE OF GOOD

**Letters of Administration
Removal Hearing**

Decedent died intestate on July 7, 2022. Letters of Administration were issued to Kevin Good on July 31, 2023.

On February 13, 2024 Diane DeGray and Stephen Good, the Administrator's siblings, filed a Petition to remove the Administrator.

On February 21, 2024, Diane DeGray filed a Petition to Administer the estate.

TENTATIVE RULING #9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 29, 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.

10. 22PR0078 ESTATE OF PEABODY

Status of Administration

A Final Inventory and Appraisal was filed on January 17, 2023. There is no Petition for Final Distribution on file with the court.

TENTATIVE RULING #10: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 29, 2024, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 28, 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. 23PR0034 ESTATE OF MEYERS

Status of Administration

Final Distribution on Waiver of Account

TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 29, 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.

12. 24PR0084 IN THE MATTER OF THE VISMAN FAMILY REVOCABLE TRUST
Petition for Instruction

TENTATIVE RULING #12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 29, 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.

13. 23PR0145 THE ZAROW TRUST

**Petition for Settlement and Approval and for Trustee Fees
Hearing on Objection to Petition
Review Hearing**

Decedent, settlor of the Zarow Trust (“Trust”), dated October 17, 1985, and restated on April 4, 2017 (Petition, Exhibit A), died on May 18, 2021. Petitioner Angela Christensen was appointed co-trustee on June 27, 2018, which is the date that the settlor executed a First Amendment to the Trust. Petition, Exhibit B. While the Trust is not subject to continuing court supervision, Petitioner requests court approval of the final account and distribution proposed by the Petition. There are eight Trust beneficiaries, including Petitioner, who are the surviving children of the settlor.

Exhibits D, E and F to the Petition are the accounts of the administration of the Trust for the years 2021, 2022 and 2023, respectively.

Notice of the hearing on the Petition was filed on July 14, 2023.

The proposed distribution of the estate includes:

1. Reimbursement to Petitioner/Trustee

Petitioner has submitted a Declaration, dated July 3, 2023 (“Christensen Declaration”), in which she details the need for her expenditure of \$51,041.83 for which she claims reimbursement from the Trust between 2019 and 2021. See Christensen Declaration, Exhibit A. A catalogue of travel and the reasons required for travel and other expenses is detailed in Christensen Declaration, Exhibit B. Payment of attorney’s fees for legal services to the estate are also included in these amounts. Essentially, Petitioner served as her mother’s caregiver since 2019 and managed the estate assets after her mother’s death in 2021, all of which required frequent travel between her home in El Dorado County to her mother’s home in Southern California. Petitioner has already reimbursed herself partially from the Trust in the amount of \$31,667.00 and requests the court’s authorization to reimburse herself the additional \$19,403.48.

2. Payment of Trustee

Petitioner seeks the court’s approval of a payment to her of \$22,500 on November 5, 2021, an amount that is not included in the reimbursement calculation above. This amount is authorized by the Trust ¶ 4.03:

In lieu of Trustee compensation, the Trustee shall distribute the sum of Twenty-Two Thousand Five Hundred Dollars (\$22,500) to the person who shall then be serving as the Trustee of this Trust.

04-29-24
Dept. 9
Probate Tentative Rulings

The Trust (Petition Exhibits A and B) provides for payment of “as much of the principal of the trust property as is necessary in the Trustee’s discretion for the Trustor’s proper health, support, maintenance comfort and welfare.” Article 3, ¶3.01. 3.

3. Disbursement to Heirs

The Petition proposes dividing the remainder of the estate, after deductions for reimbursement detailed above, equally between the eight children of the settlor, which amounts to a payment of \$36,899.75 to each surviving child, including Petitioner. The Petition requests the court for:

1. Settlement and allowance of the First and Final Account and Report and approval and confirmation of the acts of Petitioner as Trustee
2. Approval and confirmation of all reported acts and transactions of Petitioner as Trustee
3. Authorization for Petitioner to pay herself the sum of \$19,403.48 and for reimbursement of additional expenses
4. Authorization for Petition to distribute \$35,899.75 to each of the eight beneficiaries.

Objection to First and Final Account/Report of Trustee and Petition for Approval & Trustee Fees

Three trust beneficiaries, Chris Zarow, Diana Gazzolo and Mary Southern, have filed an Objection to the trustee’s Account and Petition for Settlement. The Objection lists a general objection that there is no purpose specified for each of the disbursements. The Objection lists the following specific objections:

1. Objectors request an inventory of all assets on hand from the decedent’s date of death.
2. Objectors request a copy of each bank statement, credit card statement and all cancelled checks from all trust accounts.
3. Objectors request that all reimbursement requests for caregiving of the decedent prior to decedent’s death be denied.
4. Objectors request receipts for all reimbursement requests and an explanation for each request.
5. Objectors request an explanation for the reimbursement of \$25,667.05 as detailed in Petition Exhibit D, Schedule C, page 12.

04-29-24
Dept. 9
Probate Tentative Rulings

6. Objectors request a statement from PNA Life Insurance, which they believe amounted to \$5,000, and not the \$4,145.23 as stated in the accounting.

7. Objectors request a final closing statement for the sale of the real property.

8. Objectors request receipts for distributions made, including receipts for carpet cleaning, Target purchases and other purchases made on behalf of the Trust.

9. Objectors request a detailed description of the airline travel and restaurant purchases throughout the accounting period, including restaurant charges and those made after the decedent's death.

10. Objectors request clarification for charges for Legacy Box.

11. Objectors request clarification as to why trustee is requesting reimbursement for dates prior to the decedent's death which should have been covered by the \$22,500 payment made to the trustee.

With respect to Specific Objection #3, the court notes that the trust expressly provides that during the lifetime of the Trustor, "[i]f at any time, the Trustor has become physically or mentally incapacitated, . . . the, Trustee shall . . . apply for the Trustor's benefit, the net income of the trust property . . . or . . . as much of the principal of the trust property as is necessary in the Trustee's discretion for the Trustor's proper health, support, maintenance, comfort and welfare." Petition, Exhibit A, Trust Section 3.01. With respect to Specific Objection #11, the court notes that the \$22,500 that is to be distributed to the Trustee is "in lieu of compensation." Petition, Exhibit A, Trust Section 4.03(A). Section 5.01(m) separately authorizes the trustee to advance funds to the Trust for any purpose, and that such advances are to be paid out of the principal or income of the Trust. Further, Probate Code § 15680 states that "if the trust instrument provides for the trustee's compensation, the trustee is entitled to be compensated in accordance with the trust instrument." The Probate Code distinguishes trustee compensation from reimbursement to the trustee of "expenditures that were properly incurred in the administration of the trust." Probate Code § 15684.

This matter was heard on October 9, 2023, and was continued at the request of the parties. The matter was heard again on February 5, 2023, and was again continued after the court ordered the parties to meet and confer.

TENTATIVE RULING #13: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 29, 2024, IN DEPARTMENT NINE.

04-29-24
Dept. 9
Probate Tentative Rulings

**IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530)
621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**

14. 23PR0092 IN THE MATTER OF THE SALE AESCHLIMAN LIVING TRUST
Review Hearing

TENTATIVE RULING #14: A STIPULATED ORDER APPROVING SETTLEMENT OF THE MATTER HAVING BEEN ENTERED ON MARCH 12, 2024, 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.