

**1. 22PR0309 WEBSTER v. WEBSTER**

**OSC Hearing re Contempt**

The court issued an Order on January 9, 2024 imposing a fine of \$1,500 against Timothy Webster under Code of Civil Procedure § 177.5 for failure to comply with the court's prior Order, dated September 21, 2023, requiring him to provide an accounting for the period of time he was acting as the agent of his father, Adrian Webster under a power of attorney. Timothy Webster failed to appear, failed to provide any reason for his failure to appear, and has not provided an accounting or paid the fine, which was due on October 20, 2023. Declaration of Peter Vlautin, III, dated February 26, 2024 (Vlautin Declaration"), at ¶¶2, 6.

Proof of service of notice of the OSC hearing was served by mail and filed on January 16, 2024.

**TENTATIVE RULING # 1: 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.**

**2. 24PR0045 DECLARATION OF TRUST OF THELMA A. DEROSE AND SAM TAVARES TRUST  
Petition to Appoint Successor Trustee**

Probate Code § 17200(a) authorizes a trustee or beneficiary of a trust to petition a court concerning the internal affairs of a trust. Section 17200(b)(10) provides: “Proceedings concerning the internal affairs of a trust include, but are not limited to, . . . [a]ppointing or removing a trustee.”

In this case, Petitioner, Lynda Reposa, is the acting trustee of the Sam Tavares Trust, which was established as a special needs trust for Sam Tavares’ support, care, maintenance and education pursuant to Section 3.02 of the Declaration of Trust of Thelma A. DeRose (“DeRose Declaration of Trust”), attached as Exhibit 1 to the Petition.

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The DeRose Declaration of Trust names a series of successor trustees after the settlor, in the following order: Jon L. Brandes, Lynda Tavares Reposa as co-trustee with Richard Reposa, and finally, the Cupertino National Bank & Trust. Both Jon L. Brandes and Richard Reposa are deceased. The Cupertino National Bank & Trust is no longer in operation, and its successor in interest, Wells Fargo Bank, is “unwilling to decline or accept appointment as Trsuttee”, according to the Petition.

The Petition requests that Theresa Davis ne appointed as trustee of the Sam Tavares Trust. Her acceptance of the appointment is attached to the Petition as Exhibit 2.

Proof of service of the notice of the hearing to all vested contingent beneficiaries was filed on February 28, 2024.

No objections to the Petition have been filed with the court.

**TENTATIVE RULING #2: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).**

**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. 24PR0037 ESTATE OF HEIMBERG**

**Letters of Administration**

Decedent died intestate on April 20, 2023, survived by three 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 the heirs.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on February 8, 2024.

Proof of Service of Notice of the hearing on the Petition was filed on April 26, 2024.

**TENTATIVE RULING #3: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).**

**A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MAY 5, 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. 22PR0336 ESTATE OF STAPLES**

**Status of Administration**

**TENTATIVE RULING #4: A PETITION FOR FINAL DISTRIBUTION HAVING BEEN FILED AND SCHEDULED FOR HEARING ON JUNE 24, 2024, THIS MATTER IS TAKEN OFF 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.**

**5. PP20180237 ESTATE OF KOCHMICH**

**Status of Administration**

Letters of Administration were issued on February 6, 2019.

On July 26, 2022, the Administrator Austyn Copley filed a status report stating that the Administrator was waiting for a communication from the I.R.S. and when that was received a final accounting could be prepared. The status report stated that “[d]isbursements are ready to be made and Estate finalized once confirmation is made from IRS.” That was the last filing in this case.

**TENTATIVE RULING #5: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 3, 2024, IN DEPARTMENT NINE.**

**A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MAY 5, 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. 22PR0256 ESTATE OF BENAL**

**Final Distribution on Waiver of Account**

Letters Testamentary were issued on May 23, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on December 18, 2023.

Petitioner is the sole beneficiary of the Will and has waived accounting. The other named beneficiary, Petitioner's sister, is deceased.

Because Petitioner is the sole beneficiary, 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 the sole surviving beneficiary of the Will.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. All acts and proceedings of Petitioner be confirmed and approved;
3. The Administrator be authorized to pay statutory attorney fees in the amount of \$6,162.30;
1. 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 beneficiary as set forth in the Petition.

**TENTATIVE RULING #6: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).**

**A STATUS OF ADMINISTRATION HEARING IS SET FOR 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.**

**7. PP20210198 ESTATE OF HARNEY**

**Status of Administration**

Decedent died on June 30, 2020, survived by his sister and four daughters. A Petition for Letters of Special Administration was filed on September 14, 2021. Letters of Special Administration were issued on November 17, 2021, so that decedent's sister could pay the taxes on the real property that is the sole asset of the estate.

An amended Petition for general administration of the estate was filed on October 11, 2022, and proof of service of notice of that Petition was filed on October 26, 2022.

A second amended Petition was filed on November 4, 2022.

A Final Inventory and Appraisal was filed on April 20, 2022.

A Proof of Holographic Instrument was lodged on October 13, 2021, leaving "all my worldly belongings to my sister, Lynn Cox." The Executor is a 50 percent owner of the real property that is the sole asset of the estate. See attachment to September 14, 2021 Petition for Probate of Will and Letters of Administration (Quitclaim deed recorded on October 22, 2010 granting decedent and Executor each a 50 percent interest in the property as tenants in common.)

On November 16, 2022, the Executor filed an affidavit, stating that she was making a final distribution to herself as sole beneficiary under the Will, and that no creditor claims had been filed following publication of a notice to creditors.

Although decedent had four daughters who survived him, no one other than Petitioner has filed anything with the court. As of May 1, 2023, the court found that notice of the most recent Petition for letters of general administration had been provided as required by law.

At the hearing on May 1, 2023, the Special Administrator appeared. The court found that notice of the hearing had been given as require by law, and that all requirements had been met to issue general Letters of Administration, but that document does not appear in the court's file. The court also admitted the Will to probate.

Nothing additional has been filed since May 1, 2023. Title to the real property has apparently been transferred to the Administrator as the heir pursuant to the Will, although there is no receipt for distribution in the court's file.

There is no ex parte Petition for Final Discharge (Judicial Council Form DE-295) on file with the court.

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**TENTATIVE RULING #7: 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.**



**8. 24PR0034 ESTATE OF FELTON**

**Letters of Administration**

Decedent died intestate on January 1, 2007, survived by an adult son, Melvin Felton, Jr. The Petition states that decedent's son has no known address; however, proof of service of notice of the hearing on the Petition was served on Melvin Felton, Jr., at an address in Bellemont, Arizona.

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

The Petition does not address the issue of a bond. There is no waiver of bond on file with the court.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on February 6, 2024.

Proof of publication was filed on March 11, 2024.

**TENTATIVE RULING #8: 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.**

**9. 23PR0310 ESTATE OF DiGIURCO**

**Petition for Appointment of a Successor Trustee**

Petitioner requests an Order appointing her as successor trustee of the Patsy DiGiurco Revocable Living Trust (“Trust”). The Trust, Section 3.03 appointed Petitioner’s brother, Douglas Frank DiGiurco, who predeceased the settlor. The Trust did not specify a successor trustee after Douglas Frank DiGiurco.

Probate Code § 15660(d) describes the authority of the court to appoint a successor trustee if a vacancy cannot be filled in accordance with the terms of the Trust:

If the vacancy in the office of trustee is not filled [in accordance with the terms of the Trust or by a trust company that has agreed to accept the position with agreement of all beneficiaries] on petition of any interested person or any person named as trustee in the trust instrument, the court may, in its discretion, appoint a trustee to fill the vacancy. If the trust provides for more than one trustee, the court may, in its discretion, appoint the original number or any lesser number of trustees. In selecting a trustee, the court shall give consideration to any nomination by the beneficiaries who are 14 years of age or older.

The two Trust beneficiaries are Petitioner and the spouse of her deceased brother. The Trust waives bond. Trust, Article 3, Section 3.10.

Petitioner also notes that she has spent personal funds for Trust purposes such as property taxes and repairs to Trust property, and anticipated future expenses of Trust administration and requests the court to allow such expenses in an amount to be determined.

The Petition requests:

1. Appointment of Petitioner as successor trustee;
2. Allowance of reasonable expenses incurred in the administration of the Trust;
3. Bond be waived in accordance with the terms of the Trust;
4. Authorization to transfer Trust assets to herself as trustee of the Trust.

**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. 22PR0074 ESTATE OF HILL**

**Status of Administration**

Letters of Administration were issued on July 7, 2022.

An Inventory and Appraisal was filed on November 18, 2022.

An Order for Final Distribution was filed on January 23, 2023.

There are no Receipts of Distribution on file with the court.

There is no ex parte Petition for Final Discharge (Judicial Council Form DE-295) 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. 24PR0028 ESTATE OF HENKE**

**Letters of Administration**

Decedent died intestate on January 11, 2024, survived by his mother, two adult siblings and a niece and nephew. Petitioner is decedent's sister.

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

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

A Duties/Liabilities statement (DE 147/DE 147s) was filed on January 31, 2024.

Proof of Service of Notice of the hearing on the Petition was filed on April 8, 2024.

Proof of publication was filed on April 25, 2024.

**TENTATIVE RULING #11: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).**

**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.**

**12. 24PR0061 ESTATE OF MICHOFF**

**Letters of Administration**

Decedent died intestate on November 10, 2023, survived by two adult daughters. Petitioner is decedent's daughter.

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

The Petition states that the heirs have waived bond, but there are no waivers on file with the court.

A Duties/Liabilities Statement (DE 147) was filed on April 23, 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 26, 2024.

Proof of publication was filed on May 2, 2024.

**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. 22PR0043 IN THE MATTER OF CHERYL ANN COOPER**

**Status of Administration**

Letters of Administration were issued on May 6, 2022.

An Inventory and Appraisal was filed on February 6, 2023.

An Order for Final Distribution was filed on September 7, 2023.

There are no Receipts of Distribution on file with the court.

There is no ex parte Petition for Final Discharge (Judicial Council Form DE-295) on file with the court.

**TENTATIVE RULING #13: 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.**

**14. 24PR0062 IN THE MATTER OF THE SALE HEDY CARAISCO TRUST**

**Petition to Determine Title to Real Property**

The Petition requests an Order confirming that title to real property belonging to decedent as an asset of the Hedy Caraisco Revocable Living Trust ("Trust") asset.

The Trust was created on November 3, 2022. Decedent died on April 21, 2023. Decedent's pour-over will leaves all assets to the Trust. See Petition, Exhibit B. Schedule A of the Trust expressly lists this real property as a Trust asset. See Petition, Exhibit A. Petitioner alleges that the omission was inadvertent and a mistake, and that it was decedent's intent to include the real property as a Trust asset.

Probate Code § 850 permits a trustee who has a claim to property, the title to or possession of which is held by another, to file a petition requesting that the court make an order pursuant to Probate Code § 856 authorizing and directing the person having title to or possession of real property to execute a conveyance or transfer to a person entitled thereto, or granting other appropriate relief. Probate Code § 851 requires the Petitioner to serve notice of the hearing and a copy of the Petition at least 30 days prior to the hearing to each person claiming an interest in or having title to or possession of the property. When the matter concerns a decedent estate, notice shall also be given to any heir or devisee whose interest may be affected by the Petition in accordance with Probate Code § 1200.

Probate Code § 857 provides that in the event that the court issues such an Order:

(a) The order is prima facie evidence of the correctness of the proceedings and of the authority of the personal representative or other fiduciary or other person to make the conveyance or transfer.

(b) After entry of an order that the personal representative, other fiduciary, or other person execute a conveyance or transfer, the person entitled thereunder has the right to the possession of the property, and the right to hold the property, according to the terms of the order as if the property had been conveyed or transferred in accordance with the terms of the order.

Proof of service of notice of the hearing on the Petition on March 14, 2024, was filed on March 28, 2024.

**TENTATIVE RULING #14: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).**

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**IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM PLEASE CONTACT THE COURT AT (530)  
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