

1. PP20210180 ESTATE OF TANIS

Final Distribution Hearing

Letters of Administration were issued on November 12, 2021, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on January 12, 2024.

Proof of Service of Notice of the hearing on the Petition was filed April 17, 2024.

Decedent died intestate and was survived by one living sister, Elise Jeanne Hepler, who subsequently passed away but left living issue. The proposed distribution of the estate includes complete distribution to the Estate of Elise Jeanne Hepler.

Counsel requests payment of extraordinary fees totaling \$7,693.00. Pursuant to Cal. Rules of Ct. 7.702, the services in section 23, paragraphs a and b, are not described in such sufficient detail to demonstrate the productivity of the time spent – namely how telephone and written correspondence required over 8 hours of time, and why the drafting of two status reports and one declaration required over 9 hours of time. Extraordinary fees in the amount of \$3,846.50 are granted.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The First and Final Report and Account be approved;
3. All of the reported acts and proceedings of the Administrator, as presented to this court, be confirmed and approved;
4. Petitioner be authorized and directed to pay statutory attorney fees in the amount of \$9,237.38 for ordinary services and 3,846.50 for extraordinary services rendered or to be rendered to Petitioner and to the estate;
5. Petitioner be authorized and directed to pay the \$1,586.73 for costs advanced for the administration of the estate;
6. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or discovered be distributed to the beneficiaries as set forth in the Petition.

TENTATIVE RULING # 1: ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED, WITH REDUCED EXTRAORDINARY FEES OF \$3,846.50. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043). A STATUS OF

06-10-24
Dept. 9
Probate Tentative Rulings

**ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JUNE 9, 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. PP20190249 ESTATE OF VALENCIA

Status of Administration

An Order for Final Distribution was filed on May 15, 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 #2: AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT MAY 15, 2023, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, JUNE 9, 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.

3. PP20180023 ESTATE OF SHELTON

Status of Administration

Accounting Hearing

Petitioner was appointed as Successor Trustee on September 18, 2023. Included with the Petition is the Twelfth Accounting.

Petitioner requests that:

1. The Twelfth Account and Report be settled, allowed, and approved as filed;
2. That all of the acts as transactions of the Trustee, as set forth in the Twelfth Account and Report be ratified, confirmed, and approved;
3. That bond be increased by the sum of \$141,669.94 to a total bond of \$548,984.39;
4. That Petitioner be authorized to pay himself compensation from the trust in the amount of \$750.00, one-half from Trust income and one-half from Trust principal; and,
5. That Petitioner be authorized and directed to pay attorney's fees from the trust of \$3,075.00, one-half from Trust income and one-half from Trust principal, plus \$484 for reimbursement of advanced filing fees and e-service charge.

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, JUNE 9, 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. PP20200103 ESTATE OF SANCHEZ

Petition for Final Distribution

Letters of Administration were issued on September 23, 2020, granting Petitioner and co-executors Woodring and Covey full authority under the Independent Administration of Estates Act.

A partial Inventory and Appraisal was filed on March 31, 2021. The co-executors agree this represents all assets of the estate and should be considered the final Inventory and Appraisal.

Co-Executors are both beneficiaries and have waived the requirement of an accounting. However, there is no waiver of accounting from the third beneficiary, Susan Carol Sanchez, on file with the court.

Proof of Service of Notice of the hearing on the Petition was filed on March 29, 2024.

The proposed distribution of the estate includes \$500 to Susan Carol Sanchez, 50% to Sandra Woodring, and 50% to Sharon Covey.

The Buchalter law firm Counsel for co-executor Covey has submitted a separate Petition for Approval of Extraordinary Fees, which requests payment of extraordinary fees in the amount of \$66,028.93. The value of the estate is \$255,107.35. Detailed time entries are attached to the Declaration of Bryan Phipps, dated March 4, 2024, which in turn is attached as Exhibit A to the Petition for Approval of Extraordinary Fees. Work was performed by two attorneys at rates between \$225-400 an hour, and one paralegal at a rate between \$150-215 an hour. The Petition for Approval of Extraordinary Fees attributes the need for extraordinary services to mistrust and resulting disputes between the co-executors, a rejected creditor claim filed by one of the co-executors and a resulting civil suit over that claim, settlement negotiations over the division of the estate's personal property, and a resulting petition to determine the validity of that settlement agreement. The statutory fee for ordinary services was divided equally between the separate counsel maintained by each co-executor in accordance with California Rules of Court, Rule 7.704(a). Based on the size of the estate and the amount of extraordinary work entitled, the court grants \$44,019.29 in extraordinary fees to the Buchalter law firm.

The Petition requests:

1. The administration of the estate be brought to a close without an accounting;
2. The First and Final Report of Petitioner as Co-Executor be settled, allowed and approved;

06-10-24
Dept. 9
Probate Tentative Rulings

3. That all reported acts and proceedings of Petitioner as Co-Executor be confirmed and approved;
4. That Petitioner be authorized to pay attorney Hoffman attorney's fees in the amount of \$4,051.08 as the statutory compensation for ordinary services rendered in the administration of the estate, as well as \$535.00 as reimbursement for costs advanced to the estate;
5. That Petitioner be authorized to pay the Buchalter law firm attorney's fees in the amount of \$4,051.08 as the statutory compensation for ordinary services rendered in the administration of the estate, as well as \$2,005.98 as reimbursement for costs advanced to the estate;
6. That the agreement between the Co-Executors set forth on Exhibit F is approved and Sandra Woodring is authorized and directed to distribute the items set forth on Exhibit F to Sharon Covey;
7. That 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 person entitled to it, as set forth in the Petition;
8. Upon filing of receipts that Petitioner and Ms. Woodring be discharged and released from all liability that may be incurred hereafter.

TENTATIVE RULING #4:

- (1) ABSENT OBJECTION THE PETITION FOR FINAL DISTRIBUTION IS GRANTED AS REQUESTED.**
- (2) THE PETITION FOR APPROVAL OF EXTRAORDINARY FEES IS APPROVED IN THE AMOUNT OF \$44,019.29.**

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, JUNE 9, 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. 24PR0088 ESTATE OF CARTER

Letters of Special Administration

Decedent died intestate and was survived by one adult sibling. The decedent's sibling has executed a bond waiver which was filed with the Petition. Accordingly, no bond is required pursuant to Probate Code § 8543.

Section 8540(a) authorizes the appointment of a Special Administrator "[i]f the circumstances of the estate require the immediate appointment a personal representative. . . to exercise any powers that may be appropriate for the preservation of the estate."

Attachment 3g(3) to the Petition justifies appointing a Special Administrator because the decedent's residence is uninsured and owes back taxes of \$60,000 in addition to other unknown debts. There is a non-paying tenant residing in the residence.

Proof of service of notice of the hearing was filed with the court on May 23, 2024.

TENTATIVE RULING #5: 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, JUNE 9, 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. 22PR0099 ESTATE OF MARK C. MCNULTY

Petition for Sanctions

Petitioner requests \$22,043.76 in sanctions against the Special Administrator (C. Schroeder), and \$5,840 as attorney's fees, for a total of \$28,077.48.

At the hearing on May 22, 2023, the court directed C. Schroeder to cooperate with Petitioner regarding the Inventory and Appraisal. At the hearing on September 11, 2023, counsel for Petitioner addressed C. Schroeder's noncooperation with the Administrator.

At the hearing of October 2, 2023, the court issued an Order requiring C. Schroeder to comply with Requested Order Nos. 1, 2, 3, and 7. The court deferred a decision on Requested Order Nos. 4, 5, and 6. At the hearing of October 16, 2023, counsel for Petitioner confirmed compliance with some but not all of the court Orders. C. Schroeder complied with 1(b), 1(c), 3 and 7 of the October 2, 2023, Orders.

The Order to Show Cause was continued to November 27, 2023.

At the hearing of November 27, 2023, the court ordered C. Schroeder to:

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

The hearing to determine compliance was continued to January 29, 2024. At that hearing, the court determined that C. Schroeder had provided the Tax ID to counsel but failed to comply with the court Order to meet with Attorney Yang, which added significant work to the Personal Representative and Attorney Yang. C. Schroeder was instructed by the court to submit an accounting by March 11, 2024. C. Schroeder failed to submit an accounting by March 11, 2024, and to date has not submitted an accounting, in direct violation of the Court's order.

An audit of transactions completed the Administrator revealed that C. Schroeder changed ownership of two estate cars into her name and withdrew \$11,060 from the estate. The Petition alleges that C. Schroeder incurred \$1,312.77 in improper expenses. Additionally, C. Schroeder appears to have incurred \$1,350.85 in out-of-pocket expenses that should be credited to her. According to the Administrator the balance owed to the estate is \$11,021.88. Declaration of Teresa Lynn Bolduc, dated May 8, 2024.

Based on Probate Code § 859, Petitioner requests sanctions amounting to twice the value of the property unlawfully taken by C. Schroeder, or \$22,043.76. Petitioner also requests costs of \$193.00 and attorney's fees of \$5,840.

06-10-24
Dept. 9
Probate Tentative Rulings

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, JUNE 9, 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.

7. 24PR0064 ESTATE OF ROSE

Petition to Administer Estate

Decedent died testate on January 27, 2024, survived by two adult siblings. Petitioner's relationship to decedent is unknown.

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

Ollie Mack was named as Executor in the Will.

The Will was lodged with the court on March 8, 2024, and is admitted to probate.

The Will waives bond.

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

Proof of service of notice of the hearing on the Petition was filed on April 5, 2024.

Proof of publication was filed on April 8, 2024.

TENTATIVE RULING #7: 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, JUNE 9, 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. 24PR0055 ESTATE OF HALL

Petition to Determine Succession to Real Property

The personal property at issue is a mobile home located in Folsom with a value less than \$184,500. The decedent died intestate on April 20, 2023, and is survived by three adult children. The Petition is brought by one of the decedent's children.

Probate Code § 6402(a) provides that any share not passing to a spouse would be divided equally among decedent's children. The Petition appears to request that only one of decedent's children should inherit the property. There is no assignment of interest by the other two children of decedent on file with the court.

No Inventory and Appraisal as required by Probate Code § 8902(b) has been filed with the court.

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.

At the hearing of June 3, 2024, the court continued the matter to allow Petitioner an opportunity to collect the missing documents.

TENTATIVE RULING #9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 10, 2024.

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. 22PR0277 ESTATE OF MORGAN

Status of Administration

Letters of Administration with Will Annexed were issued on June 20, 2023.

There is no Inventory and Appraisal on file with the court.

TENTATIVE RULING #9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 10, 2024. A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JUNE 9, 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. 23PR0074 IN THE MATTER OF MARIA EURDES FONSECA DRYDEN

Order Confirming Estate Assets

The Petition relates to \$501,387.86 in insurance settlement proceeds from Integon National Insurance Company.

The funds represent insurance proceeds received when the decedent's home was damaged in a fire. The mortgage to the home was held by U.S. Bank, which had insured the home against fire loss. The insurance proceeds were issued on May 25, 2023, and were sent to U.S. Bank Loss Department. By the time US Bank received the insurance settlement it had sold the mortgage to Select Portfolio Servicing ("SPS"), and so U.S. Bank returned the check to Integon. (Petition Exhibit A)

Petitioner, as the personal representative of decedent, requested Integon to stop payment and re-issue a check. Petitioner is informed that Integon has stopped payment on the check and is waiting for instructions from SPS or the court as to how to proceed. Other than issuing a notice of default to the estate for non-payment of the mortgage, SPS has been unresponsive to Petitioner's repeated inquiries beyond acknowledging receipt of Petitioner's correspondence.

Petitioner seeks to fulfill her duty to marshal the assets of the estate by having the insurance proceeds declared to be part of the estate of the decedent so she can pay off the mortgage and clean up and sell the property. Allowing SPS to proceed with foreclosure is likely to prejudice the estate. The homeowners' association and neighbors would like the debris removed from the property.

Proof of service of notice of the hearing in the Petition was filed with the court on February 21 and February 26, 2024. US Bank, SPS and Integon were all provided with notice of the hearing on the Petition.

Probate Code § 850 provides:

(a) The following persons may file a petition requesting that the court make an order under this part:

* * *

(2) The personal representative or any interested person in any of the following cases:

* * *

(D) Where the decedent died having a claim to real or personal property, title to or possession of which is held by another.

The Petition requests the court to:

- (1) Find that all proper notice has been provided;
- (2) Find that the facts set forth in the Petition are true and correct;

06-10-24
Dept. 9
Probate Tentative Rulings

(3) Order Integon National Insurance Company to issue an insurance settlement payment in the amount of \$501,387.86 to Petitioner as personal representative of decedent's estate within 14 days of service of the court's order;

(4) Find that US Bank, in failing to object to this Petition, has waived its rights and interests in and to the fire insurance settlement for damage to decedent's real property;

(5) Find that SPS, in failing to object to this Petition, has waived its rights and interests in and to the fire insurance settlement for damage to decedent's real property.

At the hearing on April 22, 2024, counsel for Petitioner indicated that the matter was resolved and requested a continuance.

TENTATIVE RULING #10: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 10, 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.

11. 24PR0012 IN THE MATTER OF RONALD DWIGHT PEPIN

Petition to Confirm Title to Real Property

The Trust was executed on August 27, 1996 by Ronald and Virginia Pepin. The Trust states that the Trust property is listed on Schedule A, but no Schedule A was attached to the original Declaration. Petitioner has been unable to locate any Schedule A.

The Trust provided that upon the death of the one of the settlors, the Trust would be divided into a Survivor's Trust, a Marital Trust and a Residual Trust. The Trust further provided that the surviving spouse could amend or revoke the Survivor's Trust, but that the Marital Trust and the Residual Trust would become irrevocable. However, the Trust was never divided after the death of Ronald Pepin.

On March 27, 2015, Virginia Pepin acquired the real property at issue in the Petition. Following her husband's death, Virginia Pepin amended the Trust Declaration six times. The Fourth Amendment provides that decedent sold one piece of real property and acquired the subject real property. The Final/Sixth Amendment revoked Amendments 1 through 5.

The Final Amendment includes an updated Schedule A, which specifically identifies and references the real property described in Exhibit C to the Petition.

Petitioner requests an Order confirming title to the real property as described in Exhibit C to the Petition, as held by Ronald Dwight Pepin, Trustee of The Pepin Family Trust.

Proof of service of notice of the hearing was filed January 23, 2024.

There is no objection to the Petition on file with the court.

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).

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. 24PR0010 IN THE MATTER OF VIRGINIA C. CHANG

Petition for Letters Testamentary

Decedent died testate on December 8, 2022, survived by two adult children. Petitioner is decedent's daughter.

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

Marjorie S. Chang Fuller was named as Executor in the Will.

The Will has not yet been lodged with the court.

The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on January 16, 2024.

Proof of service of notice of the hearing on the Petition was filed on March 13, 2024.

Proof of publication was filed on February 16, 2024.

TENTATIVE RULING #12: 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.

13. PP20210122 THE ALOHA JUNE SAUNDERS TRUST

Status of Compliance

Based on the Joint Stipulation and Order, the April 25, 2024, deadline for production was extended to May 9, 2024.

The parties and court are to set a new motion hearing date and briefing schedule at the June 10, 2024, hearing.

TENTATIVE RULING #13: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 10, 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.

14. 24PR0058 MATTER OF THE DON W. DAVIS REVOCABLE TRUST

Petition to Ascertain Beneficiaries and Instruct Trustee on Distribution

This is a Petition for Instructions as to the internal affairs of a trust pursuant to Probate Code § 17200. Specifically, Petitioner, son of the decedent and trustee of the Don W. Davis Revocable Trust (“Trust”) requests the court to determine the beneficiaries of the Trust because the section of the Trust providing for distribution to beneficiaries is blank.

The Trust was established on December 11, 2008. The Settlor died on January 28, 2024. At the time of execution, all five of decedent’s children were alive. At the time of death, decedent had four living children and one deceased child with issue. Petitioner is one of decedent’s children and is named as the first Successor Trustee. All beneficiaries are adults.

The Trust includes Section 5.3, which provides that: “On the settlor’s death, the remaining trust estate shall be disposed of as follows:” but is blank as to the specific instructions for distribution. The absence of distribution instructions seems to be an error by the drafting attorney. There is written correspondence from the drafting attorney to the decedent noting the estate would be left in equal shares to his five children, or the survivors among them. It also details the trustee succession as it then appears in the Trust.

There is a draft Trust in the drafting attorney’s file, which states the estate is to be divided in equal shares to the five children who survive him. The Petition does not include a copy of the pour over Will, which the drafting attorney noted was part of decedent’s estate plan. The Will may contain insight as to the final distribution scheme.

The Petition requests an Order ascertaining the beneficiaries of the Trust and instructing the Successor Trustee to distribute the Trust’s assets as proposed in the Petition.

Notice of the hearing on the Petition was filed with the court on March 13, 2024. There are no objections to the Petition on file with the court.

TENTATIVE RULING #14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 10, 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. 24PR0099 MATTER OF THE IRREVOCABLE TRUST FOR THE BENEFIT OF JUDITH E. GRAHAM

Termination of Trust

The Trust was created by decedent for the benefit of her daughter. At all times, Petitioner, a licensed professional fiduciary, has served as Trustee. The Trust was established to provide a residence for the beneficiary. When the Trust was created, the estate held approximately \$50,000 in cash as a reserve for administrative expenses and for major repairs on the residence. Upon the death of the settlor, the trust received an additional \$25,000. In the 11 years since the Trust was established, most of the cash was used for repairs and administrative costs. At the time of the Petition, only \$8,838.61 of the cash remains.

The beneficiary has capacity and has been paying most of the expenses related to the residence. The Petition states that the beneficiary is “able and willing to take on the responsibility for the remaining expenses relating to the residence so that she can continue to live there.”

Probate Code §15408

(a) On petition by a trustee or beneficiary, if the court determines that the fair market value of the principal of a trust has become so low in relation to the cost of administration that continuation of the trust under its existing terms will defeat or substantially impair the accomplishment of its purposes, the court may, in its discretion and in a manner that conforms as nearly as possible to the intention of the settlor, order any of the following:

- (1) Termination of the trust.
- (2) Modification of the trust.
- (3) Appointment of a new trustee.

The Petition requests an Order:

- 1) Terminating the Irrevocable Trust for The Benefit of Judith E. Graham; and,
- 2) Authorizing and directing the Trustee to distribute the real property owned by the trust and any remaining cash, to the Beneficiary.

TENTATIVE RULING #15: 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.

16. 22PR0309 WEBSTER v. WEBSTER

OSC Hearing

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.

At the hearing on May 6, 2024, the court issued a bench warrant for the arrest of Respondent Timothy Webster, and ordered counsel for Adrian Webster to prepare the warrant and provide notice of the next hearing, including the Minute Order from the May 6, 2024 hearing.

TENTATIVE RULING #16: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 10, 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.

**17. 23PR0154 IN THE MATTER OF THE DEL VECCHINO FAMILY REVOCABLE TRUST
Trial Confirmation**

TENTATIVE RULING #16: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 10, 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.