

09-30-24
Dept. 9
Probate Tentative Rulings

1.	22PR0201	ESTATE OF PLANT
Trial Confirmation		

See related matter, 22PR0202 Estate of Unruh, No. 8.

TENTATIVE RULING #1:

APPEARANCES ARE REQUIRED AT 9:30 A.M. ON MONDAY, SEPTEMBER 30, 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.	23PR0081	ESTATE OF BETTY LOU LUCY
Petition to Discover Estate Assets and Invalidate Any Illegal Transfers		

Betty Lou Lucy died on March 14, 2023, survived by three adult children and an estranged business partner. Petitioner is the personal representative of decedent's estate. Letters issued on February 6, 2024, granting full authority. All beneficiaries are adults who waived bond.

Petitioner filed a Petition to Discover Estate Assets and Invalidate Any Illegal Transfers. He claims that the decedent exhibited significant vulnerabilities including diagnosed dementia, hearing loss, and physical difficulties. He states these conditions hindered her ability to communicate effectively and comprehend written information.

Brian Lemly was allegedly the decedent's estranged business partner as well as her caregiver. Petitioner claims that Mr. Lemly influenced decedent, separated her from her family, controlled her travel and managed her finances. The Petition claims Mr. Lemly held healthcare power of attorney but does not assert that he had financial power of attorney.

Petitioner claims that decedent transferred the majority of her estate to Mr. Lemly, which was contrary to the decedent's intentions. He also claims that a joint tenancy agreement was executed in a county where the decedent did not reside, which he argues raises concerns about decedent's awareness and consent. Petitioner also takes issue with Mr. Lemly's execution of a Death of Joint Tenant deed, whereby the property passed to Mr. Lemly.

It is unclear what provision(s) of the Probate Code this Petition is brought under, and there are no documents to support Petitioner's contentions. The Petition includes one reference to statute, but it is the Code of Civil Procedure §2030 involving the service of interrogatories. There is no proof of service showing that the necessary parties (namely Respondent) were served with notice of this Petition or the hearing.

TENTATIVE RULING #2:

HEARING IS DROPPED FROM THE 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.

09-30-24
Dept. 9
Probate Tentative Rulings

3.	24PR0211	ESTATE OF CHAD A. MILLER
Letters of Administration		

Decedent died intestate on July 3, 2024, survived by his parents, estranged wife, and two minor children.

Petitioner is decedent's father. The Petition requests full authority under the Independent Administration of Estates Act. A Duties/Liabilities statement (DE 147/DE 147s) was filed on August 8, 2024. Proof of service of notice of the hearing on the Petition was filed on August 8, 2024. There is no proof of publication, and no mention regarding bond.

Decedent's wife filed an objection, arguing that decedent was a resident of Santa Clara County at the time of his death. Subsequent to Petitioner's current Petition, Decedent's wife filed a dueling Petition in Santa Clara County. As decedent's wife, the Court does note she has priority of appointment.

TENTATIVE RULING #3:

APPEARANCES ARE REQUIRED AT 9:30 A.M. ON MONDAY, SEPTEMBER 30, 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.

09-30-24
Dept. 9
Probate Tentative Rulings

4.	PP20200097	ESTATE OF FRANCIS FORNI
Status of Administration and OSC		

This matter was heard on August 31, 2022, and the court found that the Petition for Final Distribution does not state that the personal representative served the mandated notice of administration of the estate on the California Franchise Tax Board, as is required by Probate Code § 9202(c).

The personal representative's counsel previously reported to the court that on August 13, 2021, the standard request had been sent to the Franchise Tax Board with the understanding that the decedent's taxes had already been paid. The hearing has been continued several times. The personal representative did not appear at the October 6, 2021, January 12, 2022, March 2, 2022, May 4, 2022, or August 31, 2022, hearings.

On July 21, 2022, the court relieved counsel of record as the court was notified that counsel had passed away. No new counsel has appeared in the case.

There were no appearances at the hearing on May 1, 2023.

This matter was heard on August 14, 2023, regarding a Petition for Final Distribution, and Petitioner had retained new counsel. An amended Petition was to be filed and has yet to be received.

Appearances were ordered for the hearing on August 12, 2024, and no appearances were made. This hearing is also to address why sanctions should not be imposed against the personal representative for failure to appear.

TENTATIVE RULING #4:

APPEARANCES ARE REQUIRED AT 9:30 A.M. ON MONDAY, SEPTEMBER 30, 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.

09-30-24
Dept. 9
Probate Tentative Rulings

5.	24PR0217	ESTATE OF JIM BLACK
Letters Testamentary		

Decedent died testate on June 30, 2024, survived by two adult children. He was predeceased by his wife and a child who died at birth, leaving no issue. Petitioner is decedent's adult daughter.

The Petition requests full authority under the Independent Administration of Estates Act. Petitioner was named as Executor in the Will. The Will was lodged with the court on August 5, 2024, and is admitted to probate.

The Will waives bond. The Petition states all beneficiaries wave bond, but the only waiver included is from the Petitioner.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on August 5, 2024.

Proof of service of notice of the hearing on the Petition was filed on August 12, 2024.

Proof of publication was filed on August 28, 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, SEPTEMBER 29, 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.

09-30-24
Dept. 9
Probate Tentative Rulings

6.	24PR0206	ESTATE OF MAKIN
Letters of Administration		

Decedent died intestate on December 13, 2023, survived by three adult next of kin. Their specific relationship is unknown because it was not stated on the Petition. Petitioner is decedent's granddaughter – Petitioner's mother/decedent's daughter predeceased the decedent.

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

No option regarding bond was marked on the Petition. The estimated (net) value of the estate is \$118,600. Unless bond waivers (DE-111(A-3e)) are signed and filed for all beneficiaries, Petitioner will be required to obtain a bond.

There is no Duties/Liabilities statement (DE 147/DE 147s) on file with the court, as required by Probate Code § 8404.

There is no proof of service of notice of the Petition on file with the court, as required by Probate Code § 8110.

There is no proof of publication on file with the court, as required by Probate Code §§ 8120, 8121.

TENTATIVE RULING #6:

HEARING IS CONTINUED TO MONDAY, NOVEMBER 18, 2024, AT 8:30 AM IN DEPARTMENT NINE, TO ALLOW PETITIONER TO CURE THE DEFICIENCIES NOTED ABOVE.

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.	24PR0222	ESTATE OF PAUL MICHAEL KODELJA
Letters of Administration with Will Annexed		

Decedent died testate on April 20, 2024, survived by a sister and adult stepchild. Petitioner is decedent's stepchild.

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

No Executor was named in the Will. Decedent's holographic will simply contains one sentence as to disposition of all his property to his stepson. The will was witnessed by two Hospice workers. One of the witnesses submitted a proof of subscribing witness.

The Will was lodged with the court on August 13, 2024, and is admitted to probate.

The sole beneficiary is decedent's stepson, who is the Petitioner, and who has also waived bond.

There is no Duties/Liabilities statement (DE 147/DE 147s) on file with the court, as required by Probate Code § 8404.

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

Proof of publication was filed on August 30, 2024.

TENTATIVE RULING #7:

APPEARANCES ARE REQUIRED AT 9:30 A.M. ON MONDAY, SEPTEMBER 30, 2024, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 29, 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.

09-30-24
Dept. 9
Probate Tentative Rulings

8.	22PR0202	ESTATE OF UNRUH
Trial Confirmation		

TENTATIVE RULING #8:

APPEARANCES ARE REQUIRED AT 9:30 A.M. ON MONDAY, SEPTEMBER 30, 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.	24PR0210	MATTER OF STEPHEN EDWARD RUSING
Petition to Determine Succession to Real Property		

Decedent died on April 7, 2023, as a resident of Arizona, but owning real property in California. Proceedings have been commenced in Arizona. He died testate and a copy of the will was attached to the Petition.

No Inventory and Appraisal was filed with the Petition.

Probate Code § 13152(e) requires that Form DE300 also be attached to the Petition, *see* Petition paragraph 8(b). That form is not included with the Petition.

Decedent is survived by two adult children, who are the Petitioners.

Attachment 11 contains the legal description and APN of the real property. It does not indicate whether Petitioners are claiming an ownership interest or if they are claiming an ownership interest on behalf of the trust. Decedent's will gifts his entire estate to the trust.

There is no attachment 14 containing the he names, relationships to decedent, ages, and residence/ mailing addresses, as far as known to or reasonably ascertainable by petitioner, of all persons named or checked in items 1, 9, and 10, all other persons who may be entitled to inherit decedent's property in the absence of a will, and all persons designated in the will to receive any property.

There is no notice filed with the Petition.

TENTATIVE RULING #9:

HEARING CONTINUED TO MONDAY, OCTOBER 28, 2024, AT 8:30 AM IN DEPARTMENT NINE TO ALLOW THE ABOVE-MENTIONED DEFICIENCIES TO BE CURED.

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

09-30-24
Dept. 9
Probate Tentative Rulings

10.	24PR0182	ESTATE OF EVERETT DAVIS LINLEY
Letters Testamentary		

This case was heard on August 26, 2024, but several documents were missing.

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

A notice of hearing was filed on September 16, 2024.

Proof of publication was filed on September 23, 2024.

TENTATIVE RULING #10:

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, SEPTEMBER 29, 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.