

DECEMBER 9, 2024
Dept. 9
Probate Tentative Rulings

1.	23PR0007	ESTATE OF SMITH
Status		

Letters of Administration were issued to Nathaniel Trevor Moore with full authority to act, on November 7, 2023.

Following trial, the Court issued an oral decision on December 15, 2023, to exclude the Will. Bond was waived.

TENTATIVE RULING #1:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 9, 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.

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2.	22PR0125	ESTATE OF NEELY
Status		

Case was heard on August 12, 2024. This hearing is dropped from calendar.

TENTATIVE RULING #2:

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, AUGUST 14, 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.

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3.	24PR0110	ESTATE OF GOODARD
Final Distribution		

Letters of Administration were issued on June 17, 2024, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on October 16, 2024. The Petition complies with Local Rule 10.07.12.

Waivers of Account were executed by all heirs entitled to distribution under the estate. Proof of Service of Notice of the hearing on the Petition was filed on November 12, 2024. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes complete distribution to Petitioner, Sherri Lynn Smith, Trustee of the Trust of Gordon E. Goddard.

The Petition requests:

1. The First and Final Report filed with the Petition be approved;
2. The administration of the estate be brought to a close without the requirement of an accounting;
3. All reported acts and proceedings of the Executor be confirmed and approved;
4. The Executor be authorized to pay statutory attorney fees in the amount of \$7,887.88, plus \$1,493.34 for costs advanced to the estate;
5. That waiver of statutory compensation and reimbursement for costs of administration 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;
7. 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:

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)

STATUS HEARING SET FOR JUNE 16, 2025, IS DROPPED FROM CALENDAR.

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON DECEMBER 9, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, DECEMBER 8, 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.

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4.	24PR0298	ESTATE OF O'NEILL
Spousal Property Petition		

Petitioner is the surviving spouse of decedent, who died intestate July 9, 2024, survived by Petitioner and two adult children. No petition to administer the estate has been filed.

Probate Code § 100(a) provides that “[u]pon the death of a person who is married or in a registered domestic partnership, one-half of the community property belongs to the surviving spouse and the other one-half belongs to the decedent.”

Probate Code § 6401(a) states: “As to community property, the intestate share of the surviving spouse is the one-half of the community property that belongs to the decedent under Section 100.”

Probate Code § 13500 provides that “when a spouse dies intestate leaving property that passes to the surviving spouse under Section 6401, . . . the property passes to the survivor . . . , and no administration is necessary.”

Probate Code 13650 authorizes a surviving spouse to file a petition requesting an order that administration of all or part of an estate is not necessary because all or part of the estate is property passing to the surviving spouse.

The Petition in this case identifies residential real property that is the subject of the Petition. Notice of the hearing on the Petition was served on decedent’s children and proof of service was filed with the court on November 18, 2024.

TENTATIVE RULING #4:

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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5.	24PR0282	ESTATE OF MASTERS
Letters Testamentary		

Decedent died testate on September 22, 2024, survived by two adult children. Petitioner is decedent's 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 October 24, 2024 (24WL0157) and is admitted to probate.

The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on October 25, 2024.

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

Proof of publication was filed on November 18, 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, DECEMBER 8, 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.

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6.	22PR0159	ESTATE OF CHISHOLM
Status		

Letters issued on March 10, 2023.

A Final Inventory and Appraisal was filed on October 14, 2024.

A Report of Status of Administration was filed, indicating that the real property of the estate is in the process of being sold.

TENTATIVE RULING #6:

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

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7.	23PR0323	ESTATE OF MASHBURN SR.
Status		

TENTATIVE RULING #7:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 9, 2024, IN DEPARTMENT NINE.

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8.	24PR0236	ESTATE OF EVANS III
Letters of Administration		

Letters issued on October 14, 2024. A status of administration is set for October 13, 2025, at 8:30 AM in Department Nine.

TENTATIVE RULING #8:

THIS HEARING IS DROPPED FROM CALENDAR.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, OCTOBER 13, 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.

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9.	24PR0276	ESTATE OF BASKINS
Letters of Administration		

Decedent died intestate on March 6, 2020, survived by three adult siblings. Petitioner is decedent's nephew.

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

Waivers of bond have been filed with the court by the three siblings. There are additional individuals listed on the proof of service (William Watkins, Christina Brigance, Noah Knutson), but they are not listed in paragraph 8 of the Petition and there is no indication of their relationship to decedent.

A Duties/Liabilities Statement (DE 147) was filed on October 22, 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 November 1, 2024.

Proof of publication was filed on November 27, 2024.

TENTATIVE RULING #9:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 9, 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.

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10.	24PR0002	MATTER OF NELSON
Final Distribution		

Letters of Administration were issued on March 11, 2024, granting Petitioner full authority under the Independent Administration of Estates Act. The Petition complies with Local Rule 10.07.12.

A Final Inventory and Appraisal was filed on November 22, 2024. Waiver of Account was executed by the heir entitled to distribution under the estate.

Proof of Service of Notice of the hearing on the Petition was filed on November 13, 2024. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes complete distribution to Daniel Puz, trustee of the 2005 Elizabeth C. Nelson Trust.

The Petition requests:

1. All acts and transactions of the Personal Representative be confirmed and approved and no accounting is required;
2. The Final Report on Waiver of Account and Petition of Petitioner be allowed and approved;
3. Petitioner be authorized to pay statutory attorney fees in the amount of \$13,671.30, plus \$2,469.74 for costs advanced to the estate;
4. That waiver of statutory compensation to the Personal Representative be approved;
5. Petitioner be authorized to retain \$0.00 for any unexpected costs that arise;
6. 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 #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)

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON DECEMBER 9, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, DECEMBER 8, 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.

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11.	24PR0275	MATTER OF PETERSON-MURRAY
Letters of Administration		

Decedent died intestate on May 26, 2022, survived by her parents. Petitioner is decedent's father, who nominates professional fiduciary David Buehler to serve as Administrator.

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

Bond will be fixed.

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

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

Proof of publication was filed on November 18, 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, DECEMBER 8, 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.

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12.	24PR0287	MATTER OF KAIN
Petition		

Petitioner, Judy Yong Kain, Trustee of the Kain Revocable Trust (“Trust”), submits this Petition for Order Approving Termination of Exemption Trust and Allocation of Trust Property Under Probate Code §§ 15409 and 17200(b)(13).

Jerry Lee Kain and Judy Yong Kain established the Trust on December 20, 2001, for their benefit during their lifetimes, and then the benefit of their three children. Mr. Kain died on January 1, 2010. Upon his death, the Trust directs the Trustee to divide the estate into three separate Trusts – By-Pass Trust, Survivor Trust, and Residuary Trust. As of the date of the Petition, no such division has been made.

Petitioner seeks to allocate all assets to the Survivor’s Trust. The mandatory allocation of assets between a credit shelter trust and a survivor’s trust are unnecessary and cost-prohibitive in light of the current estate tax exclusion amount, and the primary concern of the Trustors was the avoidance of estate tax.

Declarations of Consent were executed and filed by the three children of the Trustors. Notice of Hearing was filed on December 3, 2024 and the Petition was served on October 30, 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).

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13.	24PR0272	MATTER OF ELLIOTT
Petition to Modify Trust		

Petitioners, Llyod Elliott and Irene Elliott, co-Trustees of the Jacob L. Elliott 1998 Special Needs Trust (“Trust”), an irrevocable trust created for the benefit of their son, seek to modify the trust terms to ensure compliance with the rules and regulations of a “first party special needs trust” provided in 42 United States Code §1396p(d)(4)(A) thereby protecting and preserving his eligibility for Supplemental Security Income and In-Home Support Services, along with other Medi-Cal benefits.

The beneficiary of the Trust, Jacob Elliott (“Jacob”), is a 45-year-old quadriplegic, resulting from a motorcycle accident when he was 19 years old. He has two children and is going through a divorce. He does not currently receive SSI or Medi-Cal, but after his dissolution is finalized, he will become eligible. The Trust was created in 1998 to ensure that the injury settlement would not impact his eligibility for government benefits and would also provide Jacob with the ability to use the assets for his needs. After his divorce is finalized, the Trust will need to be provided to the Social Security Administration for their review and determination of compliance with current rules. As currently written, the Trust does not comply with the Social Security Administration’s rules for qualifying first party special needs trusts and will prevent Jacob from qualifying for SSI.

Sections 1.5 and 7.7 of the Trust along with Probate Code §17200, allow the trustee to amend with trust with the Court’s approval. The proposed modification is included with the Petition. Notice of the Petition was filed on October 22, 2024.

TENTATIVE RULING #13:

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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14.	24PR0010	MATTER OF CHANG
Final Distribution		

Letters of Administration were issued on June 10, 2024, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on October 4, 2024.

Waiver of Account was executed by the beneficiary entitled to distribution under the estate. Proof of Service of Notice of the hearing on the Petition was filed on November 5, 2024. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes complete distribution to Marjorie S. Chang Fuller, Trustee of The Chang Family Revocable Living Trust of 2008.

The Petition requests:

1. Notice of the Petition has been given as required by law;
2. The administration of the estate be closed without an accounting;
3. All acts and transactions of the Executor be ratified, confirmed and approved;
4. The Executor be authorized to pay statutory attorney fees in the amount of \$9,257.36, plus \$1,367.25 for costs advanced to the estate;
5. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
6. 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 #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).

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON DECEMBER 9, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, DECEMBER 8, 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.

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15.	PP20210061	ISAAC YOON SPECIAL NEEDS TRUST
Accounting		

Petitioner files her Second Account and Report for the Isaac Yoon First Party Special Needs Trust (the "Trust") to be settled, allowed, and approved, and all its acts and transactions set forth in the account and report be ratified and confirmed. Petitioner also seeks to decrease the Court ordered surety bond of the trustee, in order to reflect the current assets on hand, and to fix and allow trustee fees and attorneys' fees and costs for services rendered to the trustee.

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).

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16.	PP20190250	GRUBER TRUST
Status		

TENTATIVE RULING #16:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 9, 2024, IN DEPARTMENT NINE.

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17.	23PR0176	VANDER VEEN FAMILY TRUST
Petition and Status		

TENTATIVE RULING #17:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 9, 2024, IN DEPARTMENT NINE.

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