

March 10, 2025
Dept. 9
Probate Tentative Rulings

1.	22PR0020	ESTATE OF BERG
Status		

Letters of Administration were issued on May 4, 2022. A Final Inventory and Appraisal was filed December 2, 2022. Decedent was survived by parents and siblings. Decedent's domestic partner was appointed as Administrator.

On September 18, 2023, the Administrator filed an ex parte Petition for final discharge and Order which was not signed by the court. The ex parte Petition indicates that the Administrator is the sole distributee as the domestic partner of the decedent and states that all property has been distributed.

The real property was held in joint tenancy and Petitioner acquired title by right of survivorship.

Probate was opened in order to determine distribution of a stock portfolio held in decedent's name alone. There was also a bank account, and these two accounts were designated as "community property" in the inventory and appraisal. The combined value of the two accounts is \$161,932.94.

There are no proofs of service of the proposed Order of Final Discharge. Although decedent's parents filed waivers of notice there is nothing to indicate that they have waived their interest in their intestate share of the estate.

At the hearing on March 11, 2024, there were no appearances and nothing new has been filed.

TENTATIVE RULING #1:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 9, 2026, 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.	22PR0235	ESTATE OF PEAK
Status		

Letters of Administration were issued on March 13, 2023.

At the hearing on March 11, 2024, counsel requested a continuance. The Inventory and Appraisal has still not been filed, in violation of Probate Code §8800.

TENTATIVE RULING #2:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.

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3.	23PR0110	ESTATE OF SKINKLE
Final Distribution & Removal		

Letters of Administration were issued on September 7, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on February 18, 2025. At the time the inventory and appraisal is filed, you must also file a change of ownership statement with the county recorder or assessor in each county where the decedent owned real property at the time of death, as provided in section 480 of the California Revenue and Taxation Code. There is no indication on any of the Inventory and Appraisals if this was completed.

Proof of Service of Notice of the hearing on the Petition was not filed. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes equal distribution to Rachael Miner and Wilhelm E. Derksen.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The First and Final Account filed with the Petition be settled, allowed and approved;
3. All acts and proceedings of the Petitioner be ratified, confirmed and approved;
4. The Petitioner be authorized to pay statutory attorney fees in the amount of \$16,584.00, plus \$1,248.50 for costs advanced to the estate;
5. The Petitioner be authorized to pay herself \$16,584.00 in statutory compensation;
6. Approval of Petitioner's decision not to pursue claims of the estate relating to the alleged theft of tangible personal property items;
7. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
8. The Petitioner be authorized to retain \$15,000.00 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;
9. 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.

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10. Upon filing of receipts and an Ex-Parte Petition for Discharge that Petitioner may be discharged and released from all liability that may be incurred hereafter.

TENTATIVE RULING #3:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.

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4.	23PR0314	ESTATE OF FISK
Status		

Letters of Administration issued on March 11, 2024.

A Final Inventory and Appraisal was filed on May 30, 2024.

The Department of Health Care Services filed a creditor's claim on April 8, 2024, in the amount of \$4,109.88 and filed a request for special notice. The Administrator allowed the claim.

TENTATIVE RULING #4:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.

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5.	22PR0184	ESTATE OF AKABA
Status		

TENTATIVE RULING #5:

THIS HEARING IS DROPPED FROM CALENDAR.

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON APRIL 18, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, APRIL 14, 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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6.	23PR0318	ESTATE OF GILBERT
Status		

Letters Testamentary issued on March 18, 2024.

Though untimely, a Final Inventory and Appraisal was filed on February 27, 2025.

TENTATIVE RULING #6:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 9, 2026, IN DEPARTMENT NINE.

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7.	22PR0093	ESTATE OF GALLOWAY
Status		

Petitioner's counsel filed a Declaration on September 5, 2023, requesting that the matter be continued until after March 11, 2024, to allow Petitioner to accomplish the sale of the real property that is the principal asset of the estate. The hearing was continued to March 18, 2024, and there were no appearances.

The Court does note that counsel filed a Declaration on March 14, 2024, requesting additional time to complete the sale of the house.

TENTATIVE RULING #7:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 9, 2026, IN DEPARTMENT NINE.

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8.	22PR0292	ESTATE OF WILKINSON
Status		

An Order for Final Distribution was entered on September 18, 2023.

No receipts and no Ex-Parte Petition for Discharge have been filed.

There were no appearances at the hearing on March 18, 2024.

TENTATIVE RULING #8:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 9, 2026, IN DEPARTMENT NINE.

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9.	23PR0259	ESTATE OF FOX
Status		

Letters of Administration issued on March 21, 2024. In violation of Probate Code §8800, no Inventory and Appraisal has been filed.

TENTATIVE RULING #9:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MARCH 9, 2026, IN DEPARTMENT NINE.

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10.	22PR0073	ESTATE OF HELWIG
Status		

An Order for Final Distribution was entered on March 24, 2023.

No receipts and no Ex-Parte Petition for Discharge have been filed.

Counsel did appear at the March 18, 2024 hearing, but no additional documents have been filed.

TENTATIVE RULING #10:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.

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11.	22PR0014	ESTATE OF LORENE STURGESS
Status		

TENTATIVE RULING #11:

**AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT ON JUNE 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.**

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12.	23PR0320	ESTATE OF EARLE
Final Distribution		

Letters of Testamentary were issued on March 11, 2024, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on January 21, 2025.

Waivers of Account were executed by all heirs entitled to distributions under the estate.

Proof of Service of Notice of the hearing on the Petition was not filed. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes full distribution to Petitioner.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The First and Final Report and Waiver of Account filed with the Petition be allowed and approved;
3. All reported acts and proceedings of the Personal Representative be confirmed, ratified, and approved;
4. That waiver of statutory compensation to the Petitioner be approved;
5. The Administrator be authorized to pay statutory attorney fees in the total amount of \$13,025.28 as follows: \$9,768.96 to Law Offices of Alyssa Eriko Chow, PC, and \$3,256.32 to Law Office of Ed Fong;
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 #12:

UPON RECEIPT OF A NOTICE OF HEARING, AND 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, MARCH 9, 2026, 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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13.	24PR0134	ESTATE OF JOHNSON
Spousal Property Petition		

Petitioner is the surviving spouse and personal representative of decedent, who died intestate April 20, 2024, survived by Petitioner and one adult daughter. A 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 § 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, bank accounts, and a promissory note, that are the subject of the Petition.

There is no Notice of Hearing filed, and notice is required to those who stand to inherit under the estate. While Petitioner is the surviving spouse and the Petition alleges that the real and personal property at issue are community property, decedent was survived by a daughter. If there is an argument that any of the property was separate property, then decedent’s daughter would stand to inherit.

There were no appearances at the hearing on February 10, 2025. Subsequently, Petitioner did file a final Inventory and Appraisal, and two creditor’s claims have been filed. No documents curing the errors above have been filed by Petitioner.

TENTATIVE RULING #13:

- 1. PETITION DENIED.**
- 2. APPEARANCES REQUIRED ON MONDAY, MARCH 10, 2025, AT 8:30 AM OR THE COURT WILL SET A HEARING TO ADDRESS REMOVAL OF THE ADMINISTRATOR.**

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14.	PP20210179	ESTATE OF ROBERT STURGESS
Status		

TENTATIVE RULING #14:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.

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15.	PP20110054	ESTATE OF WALZ
Status		

Letters were issued on July 27, 2016. There have been several continuances, beginning in 2021.

Counsel has still not filed a motion to withdraw, there is no Final Inventory and Appraisal, and no Petition for Final Distribution.

At the hearing on March 20, 2023, counsel requested a continuance. There were no appearances at the hearing on March 18, 2024.

TENTATIVE RULING #15:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.

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16.	22PR0319	ESTATE OF DEFAZIO
Status		

Letters of Administration issued on June 22, 2023, and reissued without expiration on March 11, 2024.

In violation of Probate Code §8800, no Inventory and Appraisal has been filed.

TENTATIVE RULING #16:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.

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17.	25PR0026	DONALD MILLER 2019 TRUST
Appointment of Trustee		

On September 25, 2019, Donald Miller (“Settlor”) executed The Donald Miller 2019 Trust (“Trust”). Settlor died on September 5, 2024.

Paragraph 6.1(a) of the Trust provides the Court with authority to appoint a successor trustee when one has not been designated, among other reasons. The sole beneficiary of the Trust is Settlor’s daughter, Veronica Miller. The Trust expressly omits Settlor’s other children, namely Patricia Miller, Rhonda Miller and Michelle Miller.

The Trust fails to name a successor trustee; however, the Will names Veronica Miller as Executor. Probate Code §15660, along with Paragraph 6.1(a) of the Trust, grants this Court the authority to select a successor Trustee.

TENTATIVE RULING #17:

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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18.	24PR0002	MATTER OF NELSON
Status		

TENTATIVE RULING #18:

THIS HEARING 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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19.	23PR0212	ESTATE OF STRICKLER
Status		

Letters Testamentary issued on May 24, 2024.

In violation of Probate Code §8800, no Inventory and Appraisal has been filed.

TENTATIVE RULING #19:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MARCH 10, 2025, IN DEPARTMENT NINE.

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