

April 28, 2025
Dept. 9
Probate Tentative Rulings

1.	21PR0038	ESTATE OF ROEDIGER
Status		

Pursuant to the Stipulation, which became Order of the Court on September 6, 2024, Petitioner Teri C. Petersen agreed to file her Amended Petition for Final Distribution, including a full fiduciary accounting, on or before January 7, 2025. No Amended Petition has been filed.

Petitioner did file a final Inventory and Appraisal on April 8, 2025.

TENTATIVE RULING #1:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 28, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 27, 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.	23PR0040	ESTATE OF GROVE
Status		

An order for Final Distribution was entered by the Court on April 30, 2024. Petitioner has failed to file receipts of distribution or an Ex Parte Petition for Final Discharge.

Counsel for Petitioner is Nicholas Yonano.

TENTATIVE RULING #2:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 28, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 27, 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.

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.	22PR0075	ESTATE OF MIXON
Status		

Letters of Administration were issued on May 11, 2022. Inventory and Appraisal was filed on January 18, 2023. There is no Petition for Final Distribution in the court's file.

There were no appearances at the hearing on April 29, 2024. Petitioner is pro per.

TENTATIVE RULING #3:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 28, 2025, IN DEPARTMENT NINE.

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4.	23PR0002	ESTATE OF MARDEN
Status		

An Order for Final Distribution was entered by the Court on January 29, 2024. There are no receipts and no Petition for Ex Parte Discharge on file.

There were no appearances at the hearing on April 29, 2024. Counsel for Petitioner is Robert Gonzalez.

TENTATIVE RULING #4:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 28, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 27, 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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5.	22PR0256	ESTATE OF BENAL
Status		

TENTATIVE RULING #5:

AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT ON APRIL 21, 2025, 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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6.	PP20210198	ESTATE OF HARNEY
Status		

Nothing has been filed since May 1, 2023. The Petitioner transferred title to the real property to herself. There is no Ex Parte Petition for Final Discharge on file.

Petitioner is pro per.

TENTATIVE RULING #6:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 28, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 27, 2026, IN DEPARTMENT NINE.

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7.	24PR0043	ESTATE OF MCCLURG SR.
Status		

TENTATIVE RULING #7:

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON APRIL 2, 2025, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, MARCH 23, 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.

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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8.	25PR0056	ESTATE OF MAHAN
Letters of Administration		

Decedent died intestate on January 4, 2025, survived by no known next of kin.

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

The Petition requests that bond not be required pursuant to Probate Code §7261(d) because Petitioner is El Dorado County's Public Administrator.

A Duties/Liabilities Statement (DE 147) was filed on March 13, 2025. The DE-147s is not required for public officers serving as Administrator, pursuant to Local Rule 10.02.10.

Proof of service of notice of the hearing on the Petition was filed on March 20, 2025.

Proof of publication was filed on April 10, 2025.

TENTATIVE RULING #8:

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 27, 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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9.	25PR0057	ESTATE OF WEDDLE
Letters of Administration		

Decedent died intestate on November 28, 2024, survived by no known next of kin.

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

The Petition requests that bond not be required pursuant to Probate Code §7261(d) because Petitioner is El Dorado County's Public Administrator.

A Duties/Liabilities Statement (DE 147) was filed on March 13, 2025. The DE-147s is not required for public officers serving as Administrator, pursuant to Local Rule 10.02.10.

Proof of service of notice of the hearing on the Petition was filed on March 20, 2025.

Proof of publication was filed on April 10, 2025.

TENTATIVE RULING #9:

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 27, 2026, IN DEPARTMENT NINE.

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10.	22PR0074	ESTATE OF HILL
Status		

An Order for Final Distribution was entered by the Court on January 23, 2023. There are no receipts and no Petition for Ex Parte Discharge on file.

There were no appearances at the hearing on May 6, 2024. Counsel for Petitioner is Nicholas Yonano.

TENTATIVE RULING #10:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 28, 2025, IN DEPARTMENT NINE.

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11.	24PR0028	ESTATE OF HENKE
Status		

Letters of Administration were issued on May 6, 2024. A Final Inventory and Appraisal was filed on August 26, 2024. Waivers of accounting have been filed by all living beneficiaries - Gianna Bingham, Alec Bingham, and Phillip Henke. Decedent's mother has since passed away.

There is no Petition for Final Distribution.

TENTATIVE RULING #11:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 28, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, APRIL 27, 2026, IN DEPARTMENT NINE.

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12.	22PR0078	ESTATE OF PEABODY
Status		

Letters of Administration were issued on July 20, 2022. A Final Inventory and Appraisal was filed on January 17, 2023. There is no Petition for Final Distribution on file with the court.

TENTATIVE RULING #12:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 28, 2025, IN DEPARTMENT NINE.

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13.	22PR0043	ESTATE OF COOPER
Status		

An Order for Final Distribution was entered by the Court on September 7, 2023. There are no receipts and no Petition for Ex Parte Discharge on file.

There were no appearances at the hearing on May 6, 2024. Counsel for Petitioner is Alyssa Bolan.

TENTATIVE RULING #13:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 28, 2025, IN DEPARTMENT NINE.

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14.	25PR0052	MATTER OF DONAHUE
Letters of Administration		

Decedent died intestate on February 4, 2024, survived by one adult son. Petitioner is decedent's son.

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

The Petition requests that bond be fixed at \$400,000.00.

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

Proof of service of notice of the hearing on the Petition was filed on March 12, 2025. A request for special notice was filed by Inheritance Funding Company, Inc. on March 21, 2025.

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

TENTATIVE RULING #14:

HEARING IS CONTINUED TO MONDAY, JUNE 16, 2025, AT 8:30 AM IN DEPARTMENT NINE TO ALLOW THE DEFICIENCIES ABOVE TO BE CURED, OTHERWISE THE PETITION WILL BE DENIED.

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15.	25PR0049	MORGAN REVOCABLE TRUST
Petition		

Decedent died testate on June 2, 2021. Her assets were distributed according to the terms of her trust. However, it was later discovered that decedent was listed on title to her daughter's home. Petitioner is decedent's daughter, and the currently acting trustee of her mother's trust. Petitioner is a resident of El Dorado County, which makes the principal place of administration of the trust this county, and therefore the Court has jurisdiction.

Probate Code 5850(a)(3)(B) authorizes a trustee to file a petition requesting that the court make an order for the conveyance of property where the trustee has a claim to real or personal property, title or possession of which is held by another.

In *Estate of Heggstad*, 16 Cal.App.4th 943 (1993)(*Heggstad*), the decedent had executed a declaration of trust, naming himself as trustee and listing a piece of real property in a schedule to the trust instrument. However, the decedent did not execute or record a grant deed transferring the property to himself as trustee. The issue presented to the court by the trustee, by means of a petition for instructions under Probate Code § 17200(b)(1), was whether the real property was part of the trust estate to be distributed pursuant to the terms of the trust instrument, or whether the property was part of decedent's probate estate to be distributed pursuant to the terms of decedent's Will. The appellate court held that a written declaration of trust by the owner of real property, naming himself as trustee, is sufficient to create a trust in the real property, and the law does not require a separate deed transferring the property to the trust (*Id.* at 950). The court in *Heggstad* recited its holding in more general terms as follows: "...a declaration of trust is sufficient to create a trust, without the need of a conveyance of title to the settlor as trustee." (*Id.* at 950-951.)

Pursuant to the terms of her trust, it appears that decedent intended to transfer all ownership she had in any real property to her trust. The trust did include a Schedule A, but it did not list the real property at issue. The decedent also had a Pour-Over Will.

Notice of hearing was filed on March 28, 2025.

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.	24PR0301	MIESCH v. OBRIEN
Petition & Objection		

TENTATIVE RULING #16:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, APRIL 28, 2025, IN DEPARTMENT NINE.

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