

May 19, 2025
Dept. 9
Probate Tentative Rulings

1.	22PR0002	ESTATE OF BEEBER
OSC		

On May 5, 2025, counsel for the Administrator filed a response to the probate minutes, stating the April 3, 2023 Order discharged the Administrator. However, at the hearing on April 3, 2023, when the Order was granted, the Court submitted counsel to submit the mandatory Ex Parte Petition for Final Discharge for the Court's approval. (Minutes, 04/03/2025). As part of the April 3, 2025 hearing and minutes, the hearing was also set for a status hearing on March 4, 2024 (mistakenly typed as March 4, 2023). Despite this, nothing has been filed and there were no appearances at the status hearing on March 4, 2024, nor the March 3, 2025 hearing.

Counsel requests a continuance of this hearing date as he states he is unavailable.

TENTATIVE RULING #1:

HEARING CONTINUED TO MONDAY, JULY 7, 2025, AT 8:30 AM IN DEPARTMENT NINE, WHERE APPEARANCES BY COUNSEL OR PETITIONER, VIRTUALLY OR IN PERSON, ARE REQUIRED.

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.	24PR0072	ESTATE OF EGBERT
Status		

Letters of Administration issued on June 13, 2024. In violation of Probate Code § 8800, no Inventory and Appraisal has been filed.

TENTATIVE RULING #2:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 19, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MAY 18, 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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3.	22PR0093	ESTATE OF GALLOWAY
OSC		

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.

There were no appearances by counsel or Petitioner at the hearing on March 18, 2024 or March 10, 2025.

TENTATIVE RULING #3:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 19, 2025, IN DEPARTMENT NINE.

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4.	PP20200222	ESTATE OF GORDON
OSC		

At the hearing on this matter held on March 6, 2023, the Court approved the Petition for Final Distribution and Account filed by the Administrator, and ordered that counsel submit the mandatory Ex-Parte Petition for Discharge for the Court's approval.

There were no appearances at the hearings on March 4, 2024, or March 3, 2025, and no additional documents have been filed.

TENTATIVE RULING #4:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 19, 2025, IN DEPARTMENT NINE.

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5.	PP20190250	MATTER OF GRUBER
Status		

At the hearing on April 14, 2025, the parties informed the Court that settlement agreements were in progress.

TENTATIVE RULING #5:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 19, 2025, IN DEPARTMENT NINE.

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6.	25PR0066	HARTMAN LIVING TRUST
Petition to Confirm Trust Assets		

Petitioner Margaret A. Hartman Sullivan, as successor Trustee of the Gerald and Susan Hartman Living Trust (“Trust”), dated January 6, 2017, seeks an Order Confirming Trust Assets or in the Alternative for Ancillary Probate of Estate With IAEA Powers. Gerald L. Hartman (“Gerald”) and Susan M. Hartman (“Susan”)(collectively “Trustors”) created the Trust. Gerald died on February 15, 2020, and Susan died on September 10, 2024. Susan was a resident of Washington at the time of her death, and she is survived by three children, including Petitioner.

The Trust provides, at Article Three, Section 1: “We hereby transfer, assign, and convey all of our right, title, and interest in and to all of our property that is permitted by law to be held in trust, wherever situated, whether personal or real, tangible or intangible, separate or community, to our Trustee . . .” (Ex A., p. 3-1). The Trust further provides, at Article Three, Section 2: “Additional property interests of all kinds may be transferred to our trust by either of us or any other person in any manner.” (Ex. A, p. 3-1). The Trustors also signed an Assignment of Assets dated January 6, 2017 (“Assignment”), which further evidences their intent that all of their assets be held in the Trust. Along with their Trust, the Trustors executed Pour-Over Wills, giving their entire estates to the Trust.

Despite their intentions that the Trust hold all of their assets, two parcels of real property are titled in Susan’s name. One of the parcels is located in San Diego County and one is in El Dorado County. Decedent was a resident of Washington, and Petitioner is also a resident of Washington. In this situation, Petitioner states that a *Heggstad* petition can generally be filed in the county where the property is located. See Law Review Commission Comments to Probate Code 17005, “Thus, for example, when the principal place of administration of a trust is in another state, but jurisdiction is proper in California, the general rules governing venue apply. See, e.g., Code Civ. Proc. § 392. However, one of the parcels is located in San Diego County and this Court does not have jurisdiction to address that parcel.

A trustee may petition the Court to make an order confirming that an asset is properly a trust asset. (Probate Code §850(a)(3)(B); *Estate of Heggstad* (1993) 16 CA4th 943; *Ukkestad v. RBS Asset Finance, Inc.* (2015) 235 Cal. App. 4th 156.)

Notice of hearing was mailed on March 27, 2025 and filed on March 27, 2025.

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TENTATIVE RULING #6:

ABSENT OBJECTION THE PETITION IS GRANTED AS REQUESTED AS TO THE REAL PROPERTY IN EL DORADO COUNTY ONLY. THE COURT LACKS JURISDICTION OVER THE REAL PROPERTY IN SAN DIEGO COUNTY. ANY PERSON WHO HAS AN OBJECTION MAY MAKE IT ANY TIME, EVEN ORALLY AT THE HEARING (PROBATE CODE § 1043).

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7.	25PR0062	ESTATE OF HAYDEN
Letters Testamentary		

Decedent died testate on January 23, 2025, survived by her spouse, two adult step-children, and two brothers. Petitioner is decedent's husband.

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

Petitioner was named as Executor in the Will.

A copy of the Will was attached to the Petition, but no original was lodged with the Court and no explanation was given.

The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on March 20, 2025.

Proof of service of notice of the hearing on the Petition was filed on March 26, 2025.

Proof of publication was filed on April 11, 2025.

TENTATIVE RULING #7:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 19, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MAY 18, 2026, IN DEPARTMENT NINE.

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8.	24PR0065	ESTATE OF HAYNES
Status		

Letters Testamentary issued on May 20, 2024. In violation of Probate Code § 8800, no Inventory and Appraisal has been filed.

TENTATIVE RULING #8:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 19, 2025, IN DEPARTMENT NINE.

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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.	22PR0020	ESTATE OF BERG
OSC		

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 hearings on March 11, 2024 and March 10, 2025, there were no appearances and nothing new has been filed.

TENTATIVE RULING #9:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 19, 2025, IN DEPARTMENT NINE.

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10.	25PR0075	ESTATE OF LAMPARTER
Letters Testamentary		

Decedent died testate on March 4, 2025, survived by one adult son, who is the Petitioner.

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

The Will was lodged with the court on April 2, 2025, and is admitted to probate. The Will waives bond. Petitioner was named as Executor in the Will.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on April 2, 2025.

Proof of service of notice of the hearing on the Petition was filed on May 1, 2025; however, it is unclear why the three individuals were served or what their relation to the Decedent is.

Proof of publication was filed on April 30, 2025.

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, MAY 18, 2026, IN DEPARTMENT NINE.

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11.	PP20170036	ESTATE OF MARIE SHEARER
OSC		

This hearing is dropped from calendar. The Petition for Final Distribution remains set on calendar on June 23, 2025, at 8:30 AM in Department Nine.

See related case, Estate of Herbert Shearer PP20170036 (No. 12).

TENTATIVE RULING #11:

THIS HEARING IS DROPPED FROM CALENDAR.

THE CASE REMAINS ON CALENDAR ON JUNE 23, 2025, AT 8:30 AM 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.	PP20190068	ESTATE OF HERBERT SHEARER
OSC		

On January 30, 2023, the matter was continued at Petitioner's request to allow time for filing of a Final Account and Petition for Final Distribution. At the hearing held on March 6, 2023, the Petitioner requested a continuance, and the hearing date was continued to March 4, 2024. No appearances were made on March 4, 2024.

Nothing new has been filed in this case since the prior hearing. There were no appearances on March 3, 2025.

TENTATIVE RULING #12:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 19, 2025, IN DEPARTMENT NINE.

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13.	23PR0081	ESTATE OF LUCY
Motion to Continue Trial		

Petitioner moves for a continuance of the trial readiness conference and trial currently scheduled in this case, to allow time for filing of a motion for summary judgment and to respond to newly served discovery. Continuances in probate proceedings are governed by the court's discretion and must be supported by good cause. (See Cal. Rules of Court, Rule 3.1332). Petitioner states that the factors to consider include the proximity of the trial date, whether there is a valid reason for the request, whether the continuance would prejudice any party, and whether previous continuances have been granted.

There is no opposition timely filed by Respondent.

TENTATIVE RULING #13:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 19, 2025, IN DEPARTMENT NINE.

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14.	24PR0258	ESTATE OF SCHURPF
Petition		

A Petition for Letters was filed on September 17, 2024. In its November 4, 2024, tentative ruling the Court identified several deficiencies with the filing. There were no appearances at the hearing on November 4, 2024. Petitioner's husband appeared at the hearing on December 16, 2024 and the hearing on February 24, 2025. No additional documents have been filed.

The Petition is denied.

TENTATIVE RULING #14:

THE PETITION IS DENIED.

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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15.	24PR0325	ESTATE OF MITCHELL
Letters of Administration		

TENTATIVE RULING #15:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 19, 2025, IN DEPARTMENT NINE.

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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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16.	21PR0010	ESTATE OF MURPHY
OSC		

Letters of Administration were issued on February 9, 2022. The Final Inventory and Appraisal was filed on June 2, 2022. To date, there is no Final Account or Petition for Final Distribution on file with the Court.

There were no appearances at the hearing on March 6, 2023, March 4, 2024, or March 3, 2025.

TENTATIVE RULING #16:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 19, 2025, IN DEPARTMENT NINE.

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17.	23PR0314	ESTATE OF FISK
OSC, Final Petition		

Letters of Administration 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 May 30, 2024. 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. It is unclear whether this was completed as no box was checked on the Inventory and Appraisal.

Proof of Service of Notice of the hearing on the Petition was filed on April 28, 2025. Department of Health Care Services filed a request for special notice, which was subsequently withdrawn on March 24, 2025.

The proposed distribution of the estate includes 1/5 to each of decedent's siblings: Robert L. Keene, Charles F. Keene, Gary D. Keene, Karlon F. Oliver, and Dennis R. Keene.

The Petition requests:

1. The administration of the estate be brought to a close and the First and Final Account filed with the Petition be settled, allowed and approved;
2. All acts and proceedings of the Administrator be settled, confirmed and approved;
3. The Administrator be authorized to pay herself \$3,001.04 in statutory compensation, plus \$1,105.75 for costs advanced on behalf of the estate;
4. The Administrator be authorized to retain \$200.00 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;
5. 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; and,
6. **Upon filing of receipts that Petition may apply to be discharged and released from all liability that may be incurred hereafter.**

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TENTATIVE RULING #17:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, MAY 19, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, MAY 18, 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.