

June 23, 2025
Dept. 9
Probate Tentative Rulings

1.	23PR0281	ESTATE OF BAY
Review		

TENTATIVE RULING #1:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 23, 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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2.	22PR0097	ESTATE OF BONSER
Final Distribution		

Letters of Administration were issued on November 2, 2022, granting Petitioner full authority under the Independent Administration of Estates Act.

No Final Inventory and Appraisal is in the Court's file, despite the Petition stating it would be filed concurrently.

Proof of Service of Notice of the hearing on the Petition was filed on May 20, 2025. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes 50% to Marina¹ Bonser, and the remainder divided equally amongst decedent's children – Heidi Hart, Christopher Bonser, Peter Bonser, Stephanie Orlinsky, Patrick Bonser, and April Bonser.

While the Petition details counsel's request for statutory and extraordinary fees, it is completely silent as to Petitioner's statutory fee and whether or not she is waiving payment.

In terms of counsel's statutory fees, he is awarded \$20,136.63 per statute. He is also being awarded costs of \$1,064.59, but is requesting those be paid as part of the extraordinary fees as well. Therefore, the extraordinary fees requested are automatically reduced to \$8,953.00.

While counsel notes \$8,387.50 in attorney fees and \$565.50 in paralegal fees for the period of March 31, 2022 to August 14, 2024, he does not include any documentation as to what those billing entries are for and how they are not part of the \$20,136.63 already awarded. The sale of a decedent's property is generally expected in a probate, and considered in the statutory fee. While interpersonal conflict can complicate things, that alone is not grounds for extraordinary fees. The efforts involved in the distribution of the assets under the Bonser Trust may warrant extraordinary fees, but the Court has no information as to how long that specific work took. Extraordinary fees denied, absent detailed billing entries regarding the Trust administration work.

The Petition also states all personal property taxes due and payable have been paid, all real property taxes due and payable have been paid, all income taxes due and payable have been paid, and that the estate is of insufficient value to require the payment of federal or California estate tax. Despite this, the Petitioner requests to withhold \$3,000.00 for future

¹ The Petition states Maria Bonser, however, Petitioner and decedent's surviving spouse is Marina Bonser.

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unanticipated expenses or administrative expenses, such as possible costs associated with taxes.
Clarification is needed as to why such a high reserve is needed.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The Second and Final Account filed with the Petition be settled, allowed and approved;
3. All acts, transactions, sales and investments of the Administrator be ratified, confirmed and approved;
4. The Administrator be authorized to retain \$3,000.00 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;
5. The Administrator be authorized to pay statutory attorney fees in the amount of \$20,136.63, plus \$1,064.59 for costs advanced to the estate;
6. The Administrator be authorized to pay Santos Walding, LLC in the amount of \$1,089.00 for services rendered on behalf of the estate;
7. The Administrator be authorized to pay Accountings by Jordan in the amount of \$500.00 for services rendered on behalf of the estate;
8. 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.
9. Upon filing of receipts and the Ex Parte Petition for Discharge, Petition may be discharged and released from all liability that may be incurred thereafter.

TENTATIVE RULING #2:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 23, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JUNE 22, 2026, IN DEPARTMENT NINE. PETITIONER OR COUNSEL ARE ORDERED TO PERSONALLY APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

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3.	25PR0112	MATTER OF BRADLEY
Letters Testamentary		

Decedent died testate on March 18, 2025, survived by two adult children. Petitioner is decedent's son.

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

The Will was lodged with the court on May 27, 2025 (25WL0097) and is admitted to probate. Petitioner was named as Executor in the Will. The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on April 28, 2025.

Proof of service of notice of the hearing on the Petition was filed on May 6, 2025.

Proof of publication was filed on May 23, 2025.

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).

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JUNE 22, 2026, IN DEPARTMENT NINE. PETITIONER OR COUNSEL ARE ORDERED TO PERSONALLY APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

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4.	25PR0102	MATTER OF CARLE
Petition to Appoint Successor Trustee		

Petitioner is the sole beneficiary of the Catherine M. Carle Special Needs Trust ("Trust") created on August 31, 2022, under the Carle Family Trust dated June 21, 1993. The current Trustee of the Trust wishes to resign and the Petitioner seeks to appoint a successor Trustee. The current Trustee is a resident of El Dorado, making this county the principal place of administration. Therefore, jurisdiction is proper under Probate Code § 17000(a).

Petitioner's brother, Joseph F. Carle, is the currently acting Trustee. The Trust states that if he is unwilling or unable to act, then Gina Carle and Joyce Harrington are appointed as successor Co-Trustees. However, Gina Carle declines to act and Joyce Harrington died on August 31, 2023. Petitioner seeks to appoint Lora Redman as successor Trustee. Pursuant to the terms of the Trust and Probate Code § 15660, since the Court has jurisdiction over the Trust, it shall appoint one or more Trustees upon application by any former Trustee or the Trust beneficiary.

Notice of the hearing was filed on May 27, 2025.

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.	25PR0095	EUBANKS FAMILY TRUST
Petition to Determine Trust Assets		

Petitioner is the surviving settlor and sole Successor Trustee of the Eubanks Family Trust ("Trust"), which was established on March 11, 1998. On March 1, 1998, Sharron Norris-Eubanks ("decedent") executed a pour-over Will, giving all real and personal property to the Trust. Decedent and Petitioner executed a First Amendment to the Trust on January 6, 2017, granting the settlors' rights, titles, and interests to all real and personal property to the Trust. Decedent died on November 29, 2024.

In 1998, decedent and her sisters were granted a condominium in San Diego as tenants in common. Petitioner argues that pursuant to the Trust, decedent's Will, and the First Amendment, that the condominium is a Trust asset.

Probate Code § 850 permits a trustee who has a claim to property, the title to or possession of which is held by another, to file a petition requesting that the court make an order pursuant to Probate Code § 856 authorizing and directing the person having title to or possession of real property to execute a conveyance or transfer to a person entitled thereto, or granting other appropriate relief. Probate Code § 851 requires the Petitioner to serve notice of the hearing and a copy of the Petition at least 30 days prior to the hearing to each person claiming an interest in or having title to or possession of the property. When the matter concerns a decedent estate, notice shall also be given to any heir or devisee whose interest may be affected by the Petition in accordance with Probate Code § 1200.

Probate Code § 857 provides that in the event that the court issues such an Order:

- (a) The order is prima facie evidence of the correctness of the proceedings and of the authority of the personal representative or other fiduciary or other person to make the conveyance or transfer.
- (b) After entry of an order that the personal representative, other fiduciary, or other person execute a conveyance or transfer, the person entitled thereunder has the right to the possession of the property, and the right to hold the property, according to the terms of the order as if the property had been conveyed or transferred in accordance with the terms of the order.

Notice of the hearing and a copy of the Petition were mailed at least 30 days prior to the hearing, to each person claiming an interest in or having title to or possession of the property, as well as any heir or devisee whose interest may be affected by the Petition. The notice and Petition were e-mailed and filed on April 23, 2025.

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Pursuant to Probate Code §850 and *Estate of Heggstad* (1993) 16 Cal.App. 4th 943, 947-950, the Court finds sufficient evidence that decedent intended the above-mentioned assets be part of the Trust.

Appearances required to address whether the San Diego condominium should be titled in the name of The Eubanks Family “A” Trust or The Eubanks Family Marital “B” Trust. If the Trust assets have not been divided amongst the A and B Trusts, then a different Petition should have been brought.

TENTATIVE RULING #5:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 23, 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.	24PR0048	ESTATE OF FRIEDLAND
Final Distribution		

Letters of Administration were issued on May 13, 2024, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on March 5, 2025. Waivers of Account were executed by all of the heirs entitled to distributions under the estate.

Proof of Service of Notice of the hearing on the Petition was filed on May 5, 2025. The Franchise Tax Board has filed a request for special notice in this proceeding, and the Proof of Service does not indicate that they were served with notice of this hearing.

The proposed distribution of the estate includes full distribution to Petitioner, Benjamin Chase Friedland.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. All acts and proceedings of the Administrator be confirmed and approved;
3. The Administrator be authorized to pay discounted statutory attorney fees in the amount of \$5,000.00, plus \$499.22 for costs advanced to the estate;
4. 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;
5. Upon filing of receipts and the Ex Parte Petition for Discharge, Petition may be discharged and released from all liability that may be incurred thereafter.

TENTATIVE RULING #6:

HEARING CONTINUED TO MONDAY, JULY 28, 2025, AT 8:30 AM TO ALLOW FOR PETITIONER TO SERVE THE FRANCHISE TAX BOARD.

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.	23PR0011	ESTATE OF GIBSON
Final Distribution		

Letters Testamentary were issued on July 3, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on October 9, 2023.

Proof of Service of Notice of the hearing on the Petition was filed on May 2, 2025.

Appearances required to clarify and confirm the requested distributions.

TENTATIVE RULING #7:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 23, 2025, IN DEPARTMENT NINE.

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8.	23PR0020	ESTATE OF HELWING
Status		

TENTATIVE RULING #8:

AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT ON AUGUST 15, 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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9.	25PR0107	ESTATE OF GRIFFITH
Letters of Administration		

Decedent died intestate on March 8, 2025, survived by two adult children, and two adult grandchildren (issue of a pre-deceased child). Petitioner is decedent's child.

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

Waivers of bond have been filed with the court by the heirs.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on April 25, 2025.

Proof of service of notice of the hearing on the Petition was filed on May 5, 2025.

Proof of publication was filed on May 16, 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).

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10.	PP20170036	ESTATE OF MARIE SHEARER
Final Distribution		

Letters of Administration were issued on April 12, 2017, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on May 26, 2017.

No Proof of Service of Notice of the hearing on the Petition was filed. While Petitioner is the sole beneficiary, she was previously represented by counsel for the majority of probate. Counsel did not file a request for special notice.

The proposed distribution of the estate includes distribution to Lori Lomax, Personal Representative of the Estate of Herbert Charles Shearer, Jr.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. The First and Final Report filed with the Petition be settled, allowed and approved;
3. All acts, transactions and proceedings of the Administrator be ratified, confirmed and approved;
4. The Administrator be authorized to retain \$5,000.00 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;
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 and the Ex Parte Petition for Discharge, Petition may be discharged and released from all liability that may be incurred thereafter.**

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).

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11.	PP20190068	ESTATE OF HERBERT SHEARER JR.
Final Distribution		

Letters of Administration were issued on June 26, 2019, granting Petitioner full authority under the Independent Administration of Estates Act.

No Inventory and Appraisal has been filed, as the Court's records indicate that the estate's only asset will be distribution pursuant to the Estate of Marie Shearer (No. 10 above). Therefore, the Petition for Final Distribution in this matter is premature as an Inventory and Appraisal will be necessary, and the distribution of the Estate of Marie Shearer needs to occur first.

Once the distribution has occurred, Petitioner shall file an Inventory and Appraisal in this case, and an Amended Petition for Final Distribution.

TENTATIVE RULING #11:

THIS HEARING IS DROPPED FROM CALENDAR.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JUNE 22, 2026, IN DEPARTMENT NINE. PETITIONER OR COUNSEL ARE ORDERED TO PERSONALLY APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

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12.	23PR0165	ESTATE OF HENDERSON
Status		

Order for Final distribution was granted on June 24, 2024. Receipts of Distribution and ex parte Petition for Final Discharge have not been filed, as required.

Appearances are required or the matter will be set for an Order to Show Cause Hearing to address suspension or removal of the Personal Representative, and/or monetary sanctions against the Personal Representative.

TENTATIVE RULING #12:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 23, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JUNE 22, 2026, IN DEPARTMENT NINE. PETITIONER OR COUNSEL ARE ORDERED TO PERSONALLY APPEAR, OR FILE A STATUS UPDATE WITH THE COURT AT LEAST TWO WEEKS BEFORE THAT HEARING.

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13.	23PR0082	ESTATE OF MORTON
Status		

Order for Final Distribution was granted on June 24, 2024. Receipts of Distribution and ex parte Petition for Final Discharge have not been filed, as required.

Appearances are required or the matter will be set for an Order to Show Cause Hearing to address suspension or removal of the Personal Representative, and/or monetary sanctions against the Personal Representative.

TENTATIVE RULING #13:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 23, 2025, IN DEPARTMENT NINE.

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14.	25PR0108	ESTATE OF JENNER
Letters Testamentary		

Decedent died testate on February 20, 2025, survived by two adult children. Petitioner is decedent's daughter.

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

The Will was lodged with the court on April 29, 2025, and is admitted to probate. Petitioner was named as Executor in the Will. The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on April 25, 2025.

Proof of service of notice of the hearing on the Petition was filed on May 5, 2025.

Proof of publication was filed on May 21, 2025.

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).

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15.	25PR0109	ESTATE OF SMITH
Letters Testamentary		

Decedent died testate on November 6, 2024, survived by his wife and three adult children. Petitioner is decedent's wife.

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

A copy of the Will was filed with the court on April 25, 2025, and is admitted to probate. Petitioner filed a Declaration regarding decedent's lost Will. Petitioner was named as Executor in the Will. The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on April 25, 2025.

Proof of service of notice of the hearing on the Petition was filed May 5, 2025.

Proof of publication was filed on May 21, 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.	23PR0068	ESTATE OF TANIZAWA
Status		

Letters of Administration were issued on June 26, 2023. In violation of Probate Code § 8800, there is no Inventory and Appraisal on file with the court.

TENTATIVE RULING #16:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 23, 2025, IN DEPARTMENT NINE.

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17.	24PR0113	ESTATE OF CLIFFORD
Petition for Final Distribution		

Letters of Administration were issued on June 24, 2024, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on May 15, 2025. Waivers of Account were executed by all of the heirs entitled to distributions under the estate.

Proof of Service of Notice of the hearing on the Petition was filed on May 23, 2025. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes equal distribution amongst decedent's three daughters – Gretchen Clifford, Heidi Clifford, and Kirsten Clifford.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. The Report and Petition be allowed and approved;
3. All acts and proceedings of the Administrator be ratified, confirmed and approved;
4. The Administrator be authorized to pay statutory attorney fees in the amount of \$10,220.00 , plus \$1,611.98 for costs advanced to the estate;
5. The Administrator be authorized to pay himself \$5,000.00 in statutory compensation;
6. The Administrator be authorized to retain \$4,000.00 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;
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; and,
8. **Upon filing of receipts and the Ex Parte Petition for Discharge, Petition may be discharged and released from all liability that may be incurred thereafter.**

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.	24PR0117	ESTATE OF CAMPBELL
Status		

Letters of Administration issued on July 8, 2024. The Final Inventory and Appraisal was filed on October 17, 2024.

There is no Petition for Final Distribution on file with the Court.

TENTATIVE RULING #18:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 23, 2025, IN DEPARTMENT NINE.

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