

June 30, 2025  
Dept. 9  
Probate Tentative Rulings

1.	25PR0140	ESTATE OF KITAURA
Spousal Property		

Petitioner is the surviving spouse of decedent, who allegedly died testate on February 28, 2025, survived by Petitioner and one adult child. The Petition states decedent's Will is attached as Attachment 4c. However, the Will has not been attached. A Petition for Probate has not been filed and is not being 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 § 13500 provides that "when a spouse dies . . . testate and by his or her will devises all or a part of his or her property to the surviving spouse, 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.

Attachment 7a to the Petition in this case identifies numerous financial accounts and vehicles. Notice of the hearing on the Petition was served on decedent's child and nephew and proof of service was filed with the court on May 28, 2025.

The Court intends to grant the Petition, upon filing of Decedent's Will.

**TENTATIVE RULING #1:**

**HEARING IS CONTINUED TO MONDAY, JULY 14, 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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2.	24PR0258	ESTATE OF SCHURPF aka COSTA
Letters Testamentary		

Decedent died testate on February 28, 2024, survived by four adult siblings. Petitioner is decedent's niece. 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 September 17, 2024, and is admitted to probate.

The two beneficiaries are Petitioner and David Lundin. There is a of bond waiver on file with the Court from David Lundin.

A Duties/Liabilities Statement (DE 147) was filed on September 17, 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.

There is no proof of service of notice of the Petition on file with the court, as required by Probate Code § 8110.

In its November 4, 2024, tentative ruling the Court identified the deficiencies above. There were no appearances at the hearing on November 4, 2024. Petitioner's husband appeared at the hearings on December 16, 2024, and February 24, 2025, but Petitioner did not. Petitioner appeared at the hearing on May 19, 2025, and the deficiencies were again explained to Petitioner.

Proof of publication has since been filed with the Court, but none of the other deficiencies have been cured.

**TENTATIVE RULING #2:**

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

**A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JUNE 29, 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.**

**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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<b>3.</b>	<b>24PR0301</b>	<b>MIESCH v. O'BRIEN</b>
<b>Petition &amp; Objection</b>		

No additional documents have been filed with the Court. The parties are ordered to appear and provide the Court with an update regarding their meet and confer efforts.

**TENTATIVE RULING #3:**

**APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 30, 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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4.	22PR0159	ESTATE OF CHISHOLM
Final Distribution		

Letters of Administration were issued on March 10, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

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

Proof of Service of Notice of the hearing on the Petition was filed on May 22, 2025. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes 1/3 to Danielle L. Miura, 1/3 to Daniel Chisholm, and 1/3 to Richard Chisholm Jr. less \$27,950 deduction.

The Petition states that the Administrator will file fiduciary tax returns for 2024. Per Local Rule 10.07.12 Petitions for final distribution must include a report of the following:

1. That no federal or California estate taxes are payable or that they have been paid;
2. That income taxes and all other taxes (e.g. supplemental real property taxes or personal property taxes, if any, have been paid or otherwise provided for.

If estate taxes are payable or paid: 1) the petition shall set forth whether said taxes were prorated pursuant to Probate Code section 20100, et seq., or the provisions of the will; and 2) the petition must reflect whether or not there are non-probate assets includable in the gross estate for estate tax purposes.

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 Administrator be confirmed and approved;
4. Farmers & Merchants Bank be authorized to unblock account 8875247 and directed to allow Petitioner full access to the account or the funds shall be disbursed to Petitioner, DANIELLE MUIRA to open an estate checking account;
5. The Administrator be authorized to pay herself \$11,822.20 in statutory compensation, plus \$10,736.15 for costs she advanced on behalf of the estate;
6. The Administrator be authorized to pay statutory attorney fees in the amount of \$11,822.20, plus \$725.50 for costs advanced to the estate;

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7. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
8. The Administrator be authorized to retain \$10,000.00 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 1/3 to Danielle L. Miura, 1/3 to Richard Chisholm Jr., and 1/3 to Daniel Chisholm.
10. Upon filing of receipts and the Ex Parte Petition for Discharge, Petitioner may be discharged and released from all liability that may be incurred thereafter.

**TENTATIVE RULING #4:**

**APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JUNE 30, 2025, IN DEPARTMENT NINE TO CLARIFY THE TAX SITUATION.**

**A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JUNE 29, 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.**

**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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5.	24PR0038	ESTATE OF MORZOV
Final Distribution		

Letters of Administration were issued on April 15, 2024, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on October 30, 2024.

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

Proof of Service of Notice of the hearing on the Petition was filed on June 2, 2025. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes equal distribution to Laura Morzov and Amanda Morzov. The Petition notes that Amanda Morzov did receive a preliminary distribution of \$10,000 that will be deducted from her share.

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. All creditor claims not properly filed with the court and served on the estate be barred;
4. The Administrator be authorized to pay statutory attorney fees in the amount of \$8,577.25;
5. The Administrator be authorized to pay herself \$8,577.25 in statutory compensation;
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;
7. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
8. The Administrator be authorized to retain \$2,000.00 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. **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.**

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**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, JUNE 29, 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.**

**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.	25PR0144	ESTATE OF SHEPARD
Letters Testamentary		

Decedent died testate on March 14, 2025, survived by his wife and their two minor children. Petitioner is decedent's wife.

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

The Will was lodged with the court on May 27, 2025, and is admitted to probate. Tanya Rose Shepard was named as Executor in the Will. The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on May 27, 2025.

Proof of service of notice of the hearing on the Petition was filed on June 9, 2025.

Proof of publication was filed on June 20, 2025.

**TENTATIVE RULING #6:**

**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 29, 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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<b>7.</b>	<b>24PR0084</b>	<b>VISMAN FAMILY REVOCABLE TRUST</b>
<b>Petition</b>		

**TENTATIVE RULING #7:**

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

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8.	22PR0298	ESTATE OF WILHELM
Petition for Termination of Proceedings & Discharge of Personal Representative		

Petitioner brings a Petition for Termination of Proceedings and Discharge of Personal Representative under Probate Code § 12251 et seq. Decedent Sharon Wilhelm, also known as Sharon Boyer (“Decedent”) died on April 3, 2022. Letters of Administration were issued on December 28, 2022. The only asset of the estate was Decedent’s interest in real property, that was sold through a foreclosure. Petitioner is the sole beneficiary of the estate.

Petitioner moves for an Order terminating the administration of the Estate of Sharon Wilhelm aka Sharon Boyer and discharging Petitioner as Executor.

**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).**

**THE HEARING ON JULY 14, 2025, IS HEREBY VACATED.**

**IF A PARTY OR PARTIES WISH TO APPEAR BY ZOOM, PLEASE CONTACT THE COURT AT (530) 621-5867 AND MEETING INFORMATION WILL BE PROVIDED.**