

July 14, 2025
Dept. 9
Probate Tentative Rulings

1.	25PR0126	ESTATE OF MENSING
Letters Testamentary		

Decedent died testate on January 15, 2025, survived by three 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 May 5, 2025, and is admitted to probate. Petitioner is named as Executor in the Will. The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on May 12, 2025.

Proof of service of notice of the hearing on the Petition was filed on June 2, 2025.

Proof of publication was filed on June 5, 2025.

TENTATIVE RULING #1:

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, JULY 13, 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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2.	22PR0066	ESTATE OF BEAUPRE
Status		

Letters issued on July 20, 2022. An amended final Inventory and Appraisal was filed on February 2, 2023. No Petition for Final Distribution has been filed.

At the status hearing on July 17, 2023, counsel for Petitioner updated the Court regarding the home loan and requested a continuance. At the hearing on July 15, 2024, counsel updated the Court regarding a plan to sell the home.

TENTATIVE RULING #2:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JULY 14, 2025, IN DEPARTMENT NINE.

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3.	25PR0122	ESTATE OF HAMILTON
Letters Testamentary		

Decedent died testate on February 22, 2025, survived by four beneficiaries. Petitioner is decedent's stepdaughter.

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

The Will has not been lodged with the Court but is attached to the Petition. Decedent's spouse was named Executor in the Will, but he predeceased Decedent. Petitioner is named as the successor. The Will waives bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on May 8, 2025.

Proof of service of notice of the hearing on the Petition was filed on May 29, 2025.

Proof of publication was filed on June 20, 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).

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4.	25PR0052	ESTATE OF DONAHUE
Letters of Administration		

Decedent died intestate on February 4, 2024, survived by an adult son, who is Petitioner.

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 April 29, 2025. However, Inheritance Funding Company filed a request for special notice on May 21, 2025, and was not served with the notice.

Proof of publication was filed on May 9, 2025.

TENTATIVE RULING #4:

HEARING CONTINUED TO MONDAY, AUGUST 25, 2025, AT 8:30 AM IN DEPARTMENT NINE TO ALLOW PETITIONER TO CURE THE DEFICIENCIES ABOVE.

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5.	25PR0115	ESTATE OF EDGEMON
Petition for Instructions		

Petitioner Albert Edgemon, as settlor and trustee of the Albert Edgemon ("Albert") and Lillian M. Edgemon ("Lilian") Living Trust dated May 28, 2011 ("Trust"), hereby requests orders of this Court determining construction of the trust instrument and instructing the trustee pursuant to California Probate Code § 17200. Venue is proper in this Court pursuant to Probate Code § 17200, as the principal place of administration of the Trust is in El Dorado County.

Albert and Lilian established the Trust on May 28, 2011, and amended the Trust on January 18, 2024. Lilian Died on April 4, 2024, and Albert is the currently acting sole Trustee. The Trust requires the surviving spouse to divide and allocate the Trust's assets between two separate trusts upon the death of the first spouse to die. (Article V, Paragraph B). The primary beneficiary of Lilian's Trust is Albert. (Article VI, Paragraph B). Petitioner is informed and believes, and the trust instrument clearly reflects, that Lilian intended her assets to be distributed to her husband, without restriction, through the medium of the surviving spouse's Trust 2 upon her death. This was certainly Petitioner's intent at the time he executed the Trust had he been the first spouse to die. Petitioner intends to allocate all assets of the Trust to the Albert Edgemon Surviving Spouse's Trust 2 under the Trust, with the power to revoke or amend the Surviving Spouse's Trust 2 at any time during his lifetime.

"[T]he primary rule in construction of trusts is that the court must, if possible, ascertain and effectuate the intention of the trustor or settlor." *Ephraim v. Metropolitan Trust Co.* (1946) 28 Cal.2d 824, 834. "The intention of the transferor as expressed in the [trust] instrument controls the legal effect of the dispositions made in the instrument. Cal. Prob. Code §§21101, 21102." *Crook v. Contreras* (2002) 95 Cal.App.4th 1194, 1206.

Notice of the hearing was given to all interested parties, and filed on May 12, 2025.

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).

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.	24PR0186	ESTATE OF JOHNSON
Final Distribution		

Letters Testamentary were issued on October 4, 2024, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on January 3, 2025.

Proof of Service of Notice of the hearing on the Petition was filed on June 27, 2025. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes full distribution to Harry E. Johnson, Jr., as Trustee of the Matthew D. Johnson Testamentary Trust, for the benefit of Alexander D. Johnson and Allison M. Johnson.

The Petition does not comply with 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 Report filed with the Petition be approved;
3. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
4. All acts, transactions, sales, and investments of the Executor be ratified, confirmed and approved;
5. The accounting of the estate is allowed and approved;
6. The Petitioner be authorized to take a statutory fee of \$12,507.38;
7. The Petitioner be authorized to pay statutory attorney fees in the amount of \$12,507.38;

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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; and,
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 #6:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JULY 14, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JULY 13, 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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7.	PP20180214	ESTATE OF WALLACE
Status		

An Order for Final Distribution was entered by the Court on June 17, 2024. No receipts or ex parte Petition for Discharge have been filed.

TENTATIVE RULING #7:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JULY 14, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, JULY 13, 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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8.	24PR0120	ESTATE OF KNIGHT
Final Distribution		

The Petition for Final Distribution was initially heard on June 16, 2025. The Court identified two deficiencies which have since been cured. Therefore, the Petition is granted.

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, JULY 13, 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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9.	25PR0060	WAYNE A. MCFADDEN REVOCABLE TRUST
Petition for Instructions		

TENTATIVE RULING #9:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JULY 14, 2025, IN DEPARTMENT NINE.

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11.	PP20210149	ESTATE OF SCOTT
Final Distribution		

Letters Testamentary were issued on January 3, 2024, granting Petitioners as Co-Executors full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on June 18, 2025. Waivers of Account were executed by all of the heirs entitled to distributions under the estate.

There is no proof of service; however, notice is not required pursuant to Probate Code § 1201 as the two Petitioners are also the only beneficiaries.

The proposed distribution of the estate includes full distribution to Steven Robert Scott and Vicki Lynette Reese, co-trustees of the Robert H. Scott and Carlyon J. Scott Living Trust, dated September 8, 1997.

The Petition requests:

1. The administration of the estate be brought to a close;
2. The Waiver of Accounting of Petitioners as the beneficiaries be allowed;
3. All acts and proceedings of the Petitioners be confirmed and approved;
4. All creditor claims not properly filed with the court and served on the estate be barred;
5. The Petitioners be authorized to pay statutory attorney fees in the amount of \$12,479.03;
6. That waiver of statutory compensation to the Petitioners be approved;
7. Approval of distribution of the personal property of the estate together with any other property of the decedent not now known or discovered to the persons entitled to it pursuant to the Petition for Final Distribution;
8. The Estate of Carolyn Scott, Case Number PP20210150 be dismissed; and,
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 #11:

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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12.	23PR0053	ESTATE OF SEARLES
Petition/Status		

A final Inventory and Appraisal was filed on June 7, 2024, showing an estate value of \$0.00. Letters of Administration are necessary in order to assert and maintain a mass tort lawsuit and potentially enter into a settlement agreement. A civil law action is pending and the estate is not in a condition to be closed at this time.

Petitioner requests:

1. The report be approved;
2. All acts and proceedings performed by the Administrator be confirmed and approved; and,
3. Authorization to extend the estate administration for an extra twenty-four months, until May 13, 2027.

TENTATIVE RULING #12:

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, JULY 12, 2027, 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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14.	PP20200127	ESTATE OF ARANDA
OSC		

Letters Testamentary were issued on October 7, 2020. The Final Inventory and Appraisal was filed on May 19, 2021. There is no Petition for Final Distribution on file with the Court.

There were no appearances at the hearing on April 21, 2025.

Petitioner is represented by attorney Nathaniel Wilson.

TENTATIVE RULING #14:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, JULY 14, 2025, IN DEPARTMENT NINE.

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