

August 18, 2025
Dept. 9
Probate Tentative Rulings

1.	24PR0336	MATTER OF YORK-NORDERHAUG
Petition & Motion		

Regarding the Petition, the parties are ordered to appear to address the Court regarding status. Pending before the Court is also a Motion to Allow the Substitution of Successor in Interest, brought by Petitioner Donna Lee Abreu (“Donna”).

On December 19, 2024, the Conservator, Donna commenced Petition 1. For Financial Elder Abuse; 2. For Order to Transfer Real Property to Conservator and Imposition of Constructive Trust, For Payment of Attorney’s Fees, For Compensatory and Punitive Damages (“The Financial Elder Abuse Petition”). On May 15, 2025, the Conservatee Barbara Jean York-Norderhaug (“Barbara”) died. The Petition named Mary Denise Bond and Thomas Bond Respondents and seeks the recovery of assets taken from Barbara and to impose a constructive trust over the real property at 5055 Arlington that Respondents fraudulently took from Barbara, and the recovery of compensatory and punitive damages and attorney fees from Respondents.

Donna argues she is the successor in interest because she is a named beneficiary of the residue of Barbara’s Trust and the heir at law. There are no assets in the Conservatee’s Trust or Estate, there is no probate of Decedent’s estate pending and there is no Personal Representative of Decedent’s estate, and the only other beneficiary and heir at law of Decedent is the Respondent Mary Denise Bond.

Respondents oppose the merits of the litigation but admit that a successor in interest is permitted to substitute. Respondents argue that Donna’s claim involves an asset of a decedent and is subject to formal probate administration. The Court agrees.

TENTATIVE RULING #1:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, AUGUST 18, 2025, IN DEPARTMENT NINE.

ABSENT OBJECTION THE MOTION TO ALLOW A SUBSTITUTION OF SUCCESSOR IN INTEREST IS GRANTED AS REQUESTED, WITH PETITIONER ORDERED TO OPEN FORMAL PROBATE PROCEEDINGS. 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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2.	24PR0132	ESTATE OF CONINE
Status		

Letters issued on August 19, 2024. A Final Inventory and Appraisal was filed August 20, 2024.

TENTATIVE RULING #2:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, AUGUST 18, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, AUGUST 17, 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.	24PR0111	ESTATE OF COPE
Status		

Letters issued on February 26, 2025. In violation of Probate Code §8800, no Inventory and Appraisal has been filed.

TENTATIVE RULING #3:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, AUGUST 18, 2025, IN DEPARTMENT NINE.

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4.	PP20200222	ESTATE OF GORDON
OSC		

TENTATIVE RULING #4:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, AUGUST 18, 2025, IN DEPARTMENT NINE.

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5.	25PR0177	ESTATE OF STOCKEL
Petition		

TENTATIVE RULING #5:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, AUGUST 18, 2025, IN DEPARTMENT NINE.

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6.	25PR0167	JAMES HUGH MILLER, JR. REVOCABLE TRUST
Petition for Distribution & Petition to Change Venue		

Petitioner, JOANNA M. FULLER, ("Petitioner" or "Trustee"), sister of James Hugh Miller, Jr. ("James" or "Decedent") and Trustee of the James Hugh Miller, Jr. Trust, who died testate on December 24, 2021, brings this Petition pursuant to Probate Code § 17200 seeking to change venue. Cathy Hughes, ("Cathy" or "Respondent" or "Hughes") is one of the beneficiaries of the Trust.

Respondent filed a Petition in El Dorado County for Order Compelling Trustee to Distribute Remaining Trust Assets; To Compel Trustee to Account; Prohibiting Trustee from Using Trust Assets to Defend Action; For Relief from Breach of Fiduciary Duty; and for Surcharge.

Petitioner requests a change of venue to the Superior Court of Santa Clara County, because that is the principal place of administration of the Trust. While Decedent and Respondent lived in a home in El Dorado County which is a trust asset, the Trustee lives in San Jose, which is where the day-to-day activity of the trust administration is occurring.

Probate Code § 17005 (a)(1) states: "The proper county for commencement of a proceeding pursuant to this division is... in the case of a living trust, the county where the principal place of administration of the trust is located." The Court has also held that when the internal affairs of a trust are at issue, then the principal place of administration is the proper venue. *Capra v. Capra* (2020) 58 Cal.App.5th 1072.

Based on these facts, Santa Clara County has jurisdiction over this matter.

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).

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7.	PP20200228	ESTATE OF KAMINE
OSC		

TENTATIVE RULING #7:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, AUGUST 18, 2025, IN DEPARTMENT NINE.

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8.	25PR0000	ESTATE OF BUCHANAN
Letters of Administration		

This Petition was initially heard in February. The Petition did not indicate whether full or limited authority was being requested and made no indication as to whether bond should be required. The Petitioner did not file a Duties/Liabilities statement, as required by Probate Code § 8404, and there was no proof of publication as required by Probate Code §§ 8120 and 8121.

Petitioner since filed proof of publication on April 4, 2025. Petitioner also filed an Amended Petition requesting full authority. There is still no valid indication regarding bond, but it appears Petitioner is the sole heir and may be able to waive bond.

Petitioner filed a DE-147 attached to the Amended Petition but is still missing the DE-147S.

TENTATIVE RULING #8:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, AUGUST 18, 2025, IN DEPARTMENT NINE.

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9.	24PR0258	ESTATE OF SCHURPF aka COSTA
Letters Testamentary		

This Petition was heard on June 30, 2025. Petitioner has now filed all required documents and Letters can issue.

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.	24PR0345	ESTATE OF MARKER, JR.
Final Distribution		

Letters of Administration were issued on February 10, 2025, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on June 5, 2025. Although box 5 of the Inventory and Appraisal is not marked, the Petition states that § 480 of the California Revenue and Taxation Code has been complied with and that a change of ownership report was filed.

The proposed distribution of the estate includes full distribution to Petitioner.

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. The Administrator be authorized to pay statutory attorney fees in the amount of \$14,626.89, plus \$675.00 for costs advanced to the estate;
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 the Ex Parte Petition for Discharge, Petitioner 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.	22PR0201	ESTATE OF PLANT
Review		

On June 6, 2025, the Court entered an Order for Final Distribution. Thereafter, Sylvia Plant filed an Ex Parte Motion for Order Compelling Distribution.

TENTATIVE RULING #11:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, AUGUST 18, 2025, IN DEPARTMENT NINE.

AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON JUNE 6, 2025, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, JUNE 5, 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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12.	23PR0243	SALLY ARNOLD CARUSO TRUST
Petition		

The Sally Arnold Caruso Trust ("Trust") was established in 1991. Following the settlor's death in 2004 the estate of the settlor was maintained in trust for the benefit of her son, Richard E. Arnold, who died on October 16, 2022, without issue. Petitioner has collected all assets and paid the debts of the Trust and seeks to terminate the Trust and distribute its assets. On December 4, 2023, the Court issued an Order determining the beneficiaries entitled to distributions. All of the Trust estate has been distributed except a small reserve that was withheld for final administrative expenses and the share for beneficiary Michael Dyer aka Michael Phoenix. The check was mailed to Michael Dyer, who returned it, saying he was the wrong person. Petitioner used a search firm to confirm it was sent to the correct person, but other family members have indicated that he does not want any contact with or concerning his family. Petitioner seeks to have her accounting for these funds approved by the Court and to obtain court authorization to have all funds held for this beneficiary and any future distributions to which he would be entitled, deposited with the El Dorado County Treasurer in the manner authorized under Probate Code § 11850 et. seq.

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).

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13.	24PR0157	MATTER OF SOUDYN
Status		

Letters issued on October 24, 2024. No Inventory and Appraisal has been filed but counsel represents that there are no assets at this time.

Counsel filed a Status Report, indicating that there is ongoing litigation and that the Administration needs at least another year to finalize that.

TENTATIVE RULING #13:

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, AUGUST 17, 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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14.	PP20200225	ESTATE OF THARRAT
Petition to File Late Creditor's Claim		

The parties filed a Stipulation to continue the hearing to September 17, 2025, which is granted.

TENTATIVE RULING #14:

THE HEARING IS CONTINUED TO MONDAY, SEPTEMBER 17, 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.