

August 25, 2025
Dept. 9
Probate Tentative Rulings

1.	22CV1461	ERECE v. STARDUST LODGE
Attorney Withdrawal		

Counsel for the Plaintiff has filed a motion to be relieved as counsel pursuant to Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362.

A declaration on Judicial Council Form MC-052 accompanies the motion, as required by California Rules of Court, Rule 3.1362, stating that there has been a breakdown in the attorney-client relationship.

Code of Civil Procedure § 284(2) and California Rules of Court, Rule 3.1362 allow an attorney to withdraw after notice to the client. Proof of service of the motion on the Plaintiff at his last known address and on counsel for Defendant was filed on July 10, 2025.

All upcoming hearing dates are listed in the proposed Order as required by California Rules of Court, Rule 3.1362(e).

TENTATIVE RULING #1: ABSENT OBJECTION, THE MOTION IS GRANTED. COUNSEL IS DIRECTED TO SERVE A COPY OF THE SIGNED ORDER (FORM MC-053) ON THE CLIENT AND ALL PARTIES THAT HAVE APPEARED IN THE CASE IN ACCORDANCE WITH CALIFORNIA RULES OF COURT, RULE 3.1362(e).

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.	22PR0002	ESTATE OF BEEBER
OSC		

TENTATIVE RULING #2:

AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT ON AUGUST 18, 2025, THE MATTER IS DROPPED FROM CALENDAR.

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3.	24PR0190	ESTATE OF BENNY
Status		

Letters issued on September 3, 2024. No Inventory and Appraisal has been filed, in violation of Probate Code § 8800.

TENTATIVE RULING #3:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, AUGUST 25, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, AUGUST 24, 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.	23PR0074	ESTATE OF DRYDEN
Status		

Petitioner provided a status update, stating that since the last update, the real property was sold, Social Security counsel was retained to litigate a claim, and Petitioner reached an agreement with Select Portfolio Servicing, Inc. for the recovery of fire loss insurance proceeds which were transferred to the estate. There is still pending litigation against Integron Insurance Company for additional fire insurance proceeds. Petitioner requests a one year continuance.

TENTATIVE RULING #4:

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, AUGUST 24, 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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5.	24PR0186	ESTATE OF JOHNSON
Status		

TENTATIVE RULING #5:

THIS HEARING IS DROPPED FROM CALENDAR. THE STATUS HEARING ON JULY 13, 2026, AT 8:30 AM IN DEPARTMENT NINE REMAINS ON CALENDAR.

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6.	25PR0182	ESTATE OF SCHNEIDER
Letters of Administration		

Decedent died intestate on January 5, 2024, survived by three adult nieces. Petitioner is decedent's niece.

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 July 10, 2025.

Proof of service of notice of the hearing on the Petition was filed on August 14, 2025.

Proof of publication was filed on August 6, 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).

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7.	22PR0061	ESTATE OF GRISHAM
Status		

8.	PP20200066	CONSERVATORSHIP OF GRISHAM
Status		

TENTATIVE RULING #7 AND 8:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, AUGUST 25, 2025, IN DEPARTMENT NINE.

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9.	24PR0301	MIESCH v. O'BRIEN
Petition		

TENTATIVE RULING #9:

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10.	24PR0325	ESTATE OF MITCHELL
Status		

TENTATIVE RULING #10:

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11.	22PR0017	ESTATE OF OLSON
Status		

No parties appeared at the hearing on July 7, 2025. Appearances are required or the case will be set for an OSC. Petitioner is represented by attorney Paul Estrada.

TENTATIVE RULING #11:

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12.	24PR0140	ESTATE OF LIONBERGER
Status & Final Distribution		

Letters Testamentary were issued on July 15, 2024, granting Petitioner full authority under the Independent Administration of Estates Act. A Final Inventory and Appraisal was filed on March 19, 2025. Proof of Service of Notice of the hearing on the Petition was filed on August 1, 2025. The proposed distribution of the estate includes full distribution to the Lionberger Family Trust.

The Petition requests:

1. The report and account of the personal representative be approved;
2. All acts of the personal representative be confirmed and approved;
3. The personal representative be authorized to pay himself \$13,000.00 in statutory compensation;
4. The personal representative be authorized to pay statutory attorney fees in the amount of \$23,407.90, plus \$1,715.95 for costs advanced to the estate;
5. Approval of distribution of the estate to the persons entitled to it pursuant to the Petition for Final Distribution;
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; and,
7. **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 #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.	25PR0189	MATTER OF SAMSON
Confirming Trust Assets		

Petitioner is the current Trustee of the Suzanne Samson Revocable Trust, dated January 14, 2025 (“Trust”). Suzanne Samson was the Grantor and died on May 26, 2025 (“decedent”). At the time the Trust was executed, decedent also executed a Pour-Over Will. This Petition involves a parcel of real property, which was not effectively transferred into the Trust prior to decedent’s death.

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 mailed on July 16, 2025, and filed on July 16, 2025.

The Court finds it likely that decedent intended to transfer the property into her Trust, but did not have time to do so based on the short amount of time between when the Trust was executed and when she passed away. 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.

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TENTATIVE RULING #13:

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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14.	23PR0138	ESTATE OF DAVIDSON
Status		

Letters issued on June 28, 2023. In violation of Probate Code § 8800, there is no inventory and appraisal. There were no appearances at the hearing on August 26, 2024.

TENTATIVE RULING #14:

APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, AUGUST 25, 2025, IN DEPARTMENT NINE.

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15.	24PR0173	ESTATE OF VISMAN
Status		

Counsel filed a status report, informing the Court of ongoing evaluation of assets as well as ongoing litigation, and requests a continuance of one year.

TENTATIVE RULING #15:

THE HEARING IS CONTINUED TO 8:30 A.M. ON MONDAY, AUGUST 24, 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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16.	23PR0147	ESTATE OF NOBLE
Status		

An Order for Final Distribution was entered on May 13, 2024. There are no receipts and no ex parte Petition for Final Discharge on file with the Court. There were no appearances on August 26, 2024. Petitioner is represented by attorney Caroline Hinshaw.

TENTATIVE RULING #16:

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17.	25PR0147	ESTATE OF ROUZER
Letters of Administration		

Decedent died on February 11, 2025, survived by one adult son. The original Will was lost, as attested to in Attachment 3f(3).

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

A Duties/Liabilities statement (DE 147/DE 147s) was filed on May 29, 2025.

Proof of service of notice of the hearing on the Petition was filed on July 24, 2025.

Proof of publication was filed on August 8, 2025.

The Petition states that Petitioner was named as Executor and is willing to act, and that the handwritten Will waives bond. Pursuant to 3f(2), the Court directs Petitioner to file a typed copy of the handwritten document.

TENTATIVE RULING #17:

PENDING RECEIPT OF A TYPED COPY OF THE HANDWRITTEN DOCUMENT, AND 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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