

September 8, 2025
Dept. 9
Probate Tentative Rulings

1.	23PR0285	ESTATE OF HALLIDAY
Status		

TENTATIVE RULING #1:

AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT ON DECEMBER 6, 2024, THE MATTER IS DROPPED FROM CALENDAR.

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2.	25PR0203	ESTATE OF CARTER
Letters of Administration		

Decedent died intestate on February 15, 2025, survived by two adult children.
Petitioner is decedent's daughter.

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

The Petition requests that bond be fixed at \$411,190.45.

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

Proof of service of notice of the hearing on the Petition was filed on August 12, 2025.

Proof of publication was filed on August 29, 2025.

TENTATIVE RULING #2:

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, SEPTEMBER 7, 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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3.	25PR0176	ESTATE OF HENRY
Letters of Administration		

Decedent died intestate on April 8, 2025, survived by his wife and two minor children. Petitioner is decedent's wife.

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

The Petition requests that bond be fixed at \$419,000.00.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on July 2, 2025.

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

Proof of publication was filed on July 31, 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, SEPTEMBER 7, 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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4.	25PR0188	ESTATE OF JOHNSON
Letters of Administration		

Decedent died intestate on May 1, 2025, survived by two adult children. Petitioner is decedent's son.

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

The Petition requests that bond be fixed at \$78,150.00.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on July 14, 2025.

Proof of service of notice of the hearing on the Petition was filed on July 16, 2025.

Proof of publication was filed on August 6, 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).

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 7, 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.	22PR0020	ESTATE OF BERGE
Spousal Property Petition		

Petitioner is the surviving spouse of decedent, who died intestate May 13, 2021, survived by his spouse and his parents. A petition to administer the estate has been filed and Letters of Administration issued on May 4, 2022. Petitioner and the decedent were registered as domestic partners on May 3, 2010 and remained as such at the time of decedent's death.

Pursuant to Cal. Fam. Code § 297.5(a), "registered domestic partners shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under law, whether they derive from statutes, administrative regulations, court rules, government policies, common law, or any other provisions or sources of law, as are granted to and imposed upon spouses." Pursuant to Cal. Fam. Code § 760, "except as otherwise provided by statute, all property, real or personal, wherever situated, acquired by a married person during the marriage while domiciled in this state is community property." Therefore, income earned by Decedent although deposited into accounts titled in his individual name, is the community property of Decedent and Petitioner.

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." When the deceased spouse dies intestate, as here, the intestate share of the surviving spouse is the one-half of the community property that belongs to the decedent. Cal. Prob. Code § 6401(a). Petitioner therefore requests that Decedent's interest in US Bank Checking Account #0-002-3909-6993 and US Bank Money Market Savings Account #1- 534-9369-1197 be determined to have passed to Petitioner, without administration, upon the death of Decedent.

Notice of the hearing on the Petition was served on decedent's parents and proof of service was filed with the court on July 9, 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).

THE COURT NOTES THAT THE CASE REMAINS SET FOR A STATUS OF ADMINISTRATION HEARING ON MAY 18, 2026, 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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6.	25PR0183	ESTATE OF MANHART
Letters Testamentary		

Decedent died testate on March 27, 2024.

The Petition does not indicate whether full or limited authority under the Independent Administration of Estates Act is being requested.

The Will was lodged with the court on April 30, 2024 (24WL0073) and is admitted to probate.

Imelda Schwab is named as Executor in the Will, with Petitioner named as the alternate.
There is no declination to act by Imelda on file.

The Will waives bond.

There is no Duties/Liabilities statement (DE 147/DE 147s) on file with the court, as required by Probate Code § 8404.

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

There is no proof of publication on file with the court, as required by Probate Code §§ 8120, 8121.

TENTATIVE RULING #6:

HEARING CONTINUED TO MONDAY, OCTOBER 13, 2025, AT 8:30 AM IN DEPARTMENT NINE TO ALLOW THE ABOVE-MENTIONED DEFICINCIES TO BE CURED.

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7.	24PR0198	ESTATE OF CHAU
Status		

Letters of Administration issued on September 9, 2024. Although not timely under Probate Code § 8800, an Inventory and Appraisal was filed on April 2, 2025.

TENTATIVE RULING #7:

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

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 7, 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.	25PR0175	ESTATE OF PATTON
Letters of Administration		

Decedent died intestate on April 13, 2025, survived by one adult son, who is the Petitioner.

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

Petitioner is the only heir and he has waived bond.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on July 7, 2025.

Pursuant to Probate Code § 1201, proof of service of notice of the hearing is not required because Petitioner is the only beneficiary of the estate. However, Notice was filed on July 7, 2025.

Proof of publication was filed on July 25, 2025.

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, SEPTEMBER 7, 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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9.	24PR0050	ESTATE OF SARGENT
Final Distribution		

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

A Final Inventory and Appraisal was filed on October 17, 2024.

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

There is no Proof of Service of Notice of the hearing on the Petition. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate includes distribution amongst decedent's two adult children, as outlined in the Distribution Agreement attached to the Petition as Exhibit A. Distribution of any estate assets not now known or hereafter discovered to be divided equally between decedent's two adult children.

The Petition requests:

1. The Court adopt as its findings of fact the Statement of Facts by Petitioners;
2. The administration of the estate be brought to a close without the requirement of an accounting;
3. The First and Final Report and Petition be settled, allowed and approved;
4. All acts of the Administrator be confirmed and approved;
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 #9:

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

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10.	PP20210078	ESTATE OF SCHOTT
Status		

An Order for Final Distribution was entered by the court on September 9, 2024.

There are no receipts or ex parte Petition for Final Discharge (Judicial Council form de-295) on file with the Court.

Petitioner is represented by attorney Nathaniel Wilson.

TENTATIVE RULING #10:

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

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, SEPTEMBER 7, 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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11.	25PR0192	MATTER OF SCHULTE
Petition to Appoint Successor Trustee		

Petitioner is a licensed professional fiduciary and the currently acting Trustee of the Alexander Irrevocable Special Needs Trust dated September 29, 2011 ("Trust"). The Trust was created by Steven Alexander for the benefit of his daughter Danielle Alexander. The Settlor died in 2013, and the beneficiary is 53 years old. Petitioner is seeking an order naming a successor trustee and to modify the Trust.

Petitioner is planning to retire, and the other named successor trustees in the Trust have declined to act. Petitioner therefore is seeking to have Elyse Marie Prunty, a licensed professional fiduciary named as successor Trustee. Petitioner is also seeking to modify Paragraph 4.1 of the Trust to include language providing the acting Trustee with the power to appoint a successor Trustee. Probate Code § 15409(a) gives the Court the authority to modify a trust in changed circumstances.

Notice of hearing was served on the interested parties and filed with the Court on July 25, 2025.

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.	25PR0187	MATTER OF SHUMWAY
Spousal Property Petition		

Petitioner is the surviving spouse of decedent, who died February 23, 2024, survived by Petitioner. No petition to administer the estate has been filed. The Petition does not indicate whether decedent died testate or intestate. There is no indication as to whether decedent is survived by a parent or parents, siblings, or issue of predeceased siblings.

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 § 6401(a) states: “As to community property, the intestate share of the surviving spouse is the one-half of the community property that belongs to the decedent under Section 100.”

Probate Code § 13500 provides that “when a spouse dies intestate leaving property that passes to the surviving spouse under Section 6401, . . . 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 7b to the Petition in this case identifies residential real property that is the subject of the Petition.

TENTATIVE RULING #12:

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

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13.	23PR0119	ESTATE OF SKINNER
Status		

TENTATIVE RULING #13:

AN ORDER FOR FINAL DISCHARGE HAVING BEEN ENTERED BY THE COURT ON AUGUST 20, 2025, 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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14.	25PR0204	ESTATE OF SEELEY
Letters of Administration		

Decedent died intestate on October 16, 2024, survived by two adult children. Petitioner is decedent's daughter.

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) was filed on August 5, 2025, 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.

There is no proof of publication on file with the court, as required by Probate Code §§ 8120, 8121.

TENTATIVE RULING #14:

HEARING CONTINUED TO MONDAY, OCTOBER 13, 2025, AT 8:30 AM IN DEPARTMENT NINE TO ALLOW PETITIONER TO CURE THE ABOVE-MENTIONED DEFICIENCIES.