

November 17, 2025
Dept. 9
Probate Tentative Rulings

1.	24PR0257	ESTATE OF ABRAMENKOFF
Final Distribution		

Letters of Administration/Letters Testamentary were issued on November 18, 2024, granting Petitioner full authority under the Independent Administration of Estates Act. Petitioner is decedent's surviving spouse.

A Final Inventory and Appraisal was filed on November 3, 2025. A real property that was decedent's separate property is the only asset of the estate. In accordance with Probate Code § 6401(c)(2)(A), the statutory intestate distribution is one half to the surviving spouse and one half to the surviving child. Any community property is to be distributed to Petitioner per Probate Code § 6401(a).

The real property has already been preliminarily distributed to decedent's child, who has purchased the one-half share that was inherited by Petitioner, decedent's surviving spouse. This distribution was documented by the Notice of Proposed Transaction, attached to the Petition as Exhibit B to the Petition.

A Waiver of Account was executed by the only heir entitled to distributions under the estate other than Petitioner.

Proof of Service of Notice of the hearing on the Petition was filed on November 3, 2025. No one has filed a request for special notice in this proceeding.

The Petition meets the requirements of Local Rule 10.07.12.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. All acts, transactions and proceedings of the Administrator be ratified, confirmed and approved;
3. The Administrator be authorized to pay statutory attorney fees in the amount of \$16,000;
4. 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;
5. 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 #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).

November 17, 2025
Dept. 9
Probate Tentative Rulings

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, NOVEMBER 16, 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, OR FILE RECEIPTS AND AN EX PARTE PETITION FOR FINAL DISCHARGE (JUDICIAL COUNCIL FORM DE-295) WITH THE COURT PRIOR TO THE 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.

November 17, 2025
Dept. 9
Probate Tentative Rulings

2.	21PR0004	ESTATE OF COX
Status of Administration		

TENTATIVE RULING #2: THIS MATTER HAS BEEN CONTINUED TO 8:30 A.M. ON JUNE 29, 2026, IN DEPARTMENT NINE.

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November 17, 2025
Dept. 9
Probate Tentative Rulings

3.	23PR0197	ESTATE OF BUTLER
Status of Administration		

At the previous hearing held on July 28, 2025, the Court granted the Petition for Final Distribution and set Status of Administration review hearing for July 27, 2026. No further filings have been made since that July 2025 hearing. The November 17, 2025, date was set as an annual status update at the hearing of November 18, 2024. Since there are no receipts or *ex parte* petition in the Court's file, the Court will vacate the November 17, 2025, hearing date and conduct the next Status of Administration hearing at the July 27, 2026 date that has already been calendared.

TENTATIVE RULING #3: THE MATTER IS TAKEN OFF CALENDAR.

November 17, 2025
Dept. 9
Probate Tentative Rulings

4.	24PR0134	ESTATE OF JOHNSON
Final Distribution		

Letters of Administration/Letters Testamentary were issued on August 5, 2024, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on February 19, 2025. The real property that was part of the estate has been sold, and creditor's claims have been paid.

A Waiver of Account was executed by Richard Knoll, identified in the Petition as the person entitled to distribution of all of the estate, which according to the Petition consists entirely of the community property of the decedent and which has already been transferred to Petitioner by means of a previous spousal property petition.

No one has filed a request for special notice in this proceeding.

The Petition satisfies Local Rule 10.07.12.

There is no Proof of Service of Notice of the hearing on the Petition on file with the Court. The Spousal Property Petition that Petitioner filed in this matter was also noticed to decedent's surviving daughter.

On September 22, 2025, a Notice of Lien in the amount of \$45,496.54 was filed by a judgment creditor, not of the estate, but of Petitioner. This was a matter of discussion with the Court at the September 29, 2025, hearing and led to a request for a continuance.

The Petition requests the Court:

1. To allow the administration of the estate to be brought to a close;
2. To find that the Administrator has no estate property in his possession, having already transferred all community property to the surviving spouse by means of the March 11, 2025, Spousal Property Order;
3. That the Administrator be authorized to pay statutory attorney fees in the amount of \$6,000; this is a voluntary reduction from the statutory amount of \$13,475.41;
4. To find that there is no remaining property to distribute. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed to Petitioner as surviving spouse. This does not take into consideration the possibility of discovering separate property in which decedent's daughter may have a right to an intestate share.

TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 17, 2025, IN DEPARTMENT NINE.

November 17, 2025
Dept. 9
Probate Tentative Rulings

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November 17, 2025
Dept. 9
Probate Tentative Rulings

5.	24PR0152	ESTATE OF BRAMMER
Final Distribution		

Decedent died testate and survived by five adult friends, including Petitioner, who are beneficiaries of his Will.

Letters Testamentary were issued on July 29, 2024, granting Petitioner full authority under the Independent Administration of Estates Act.

A Partial Inventory and Appraisal was filed on December 4, 2024. The real property was sold on February 12, 2025. This is supplemented by an Accounting included as Exhibit A to the Petition.

Proof of Service of Notice of the hearing on the Petition was filed on September 15, 2025. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate is division into five equal shares to be distributed to each of the five surviving beneficiaries named in the Will.

The Petition meets the requirements of Local Rule 10.07.12.

The Petition requests:

1. The administration of the estate be brought to a close without the requirement of an accounting;
2. The First and Final Account filed by Petitioner be settled, allowed and approved;
3. All acts, transactions and proceedings of the Executor be ratified, confirmed and approved;
4. The Executor be authorized to pay statutory attorney fees in the amount of \$18,700.38, plus \$1,495.24 for costs advanced to the estate (\$500 of which has already been reimbursed to counsel by Petitioner);
5. The Executor be authorized to pay herself \$18,700.38 as 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. The Executor be authorized to retain \$50,000 for preparation and payment of state and federal taxes.
8. **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.**

November 17, 2025
Dept. 9
Probate Tentative Rulings

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).

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November 17, 2025
Dept. 9
Probate Tentative Rulings

6.	25PR0249	IN RE: THE MARIE J. ROYAL LIVING TRUST
Petition to Modify Trust /Appoint Successor Trustee		

Petitioner is the sole beneficiary of her mother's living trust ("Trust"), which was created in 2006, and became irrevocable when the settlor died in 2011. The corpus of the Trust consists of real property in El Dorado County.

The successor trustee, Diana Lynn Ewing, died in 2018, without having prepared an Affidavit of Change of Trustee or transferring the title to the real property into her name as trustee of the Trust. Title is still held in the name of the settlor as trustee of the Trust.

There is currently no trustee serving.

The Trust, Article III.D. provides that if there is no Trustee the beneficiaries may select a corporate Trustee. Petition, Exhibit A, page 2-5. Petitioner objects to the appointment of a corporate trustee because it is unduly expensive for a Trust with limited assets, and the settlor probably didn't intend the boilerplate language to cause hardship to her heirs. Petitioner argues that the settlor likely didn't understand the implications of the boilerplate language requiring the appointment of a corporate trustee.

Probate Code § 15403(a) provides: "Except as provided in subdivision (b), if all beneficiaries of an irrevocable trust consent, they may petition the court for modification or termination of the trust."

Probate Code § 15404 provides, in pertinent part:

a) If the settlor and all beneficiaries of a trust consent, they may compel the modification or termination of the trust.

(b) If any beneficiary does not consent to the modification or termination of the trust, upon petition to the court, the other beneficiaries, with the consent of the settlor, may compel a modification or a partial termination of the trust if the interests of the beneficiaries who do not consent are not substantially impaired.

Proof of service of Notice of the Petition was filed on October 15, 2025. No beneficiary of the Trust has filed a consent or an objection to the Petition. One beneficiary, John Mayfield, was contacted by Petitioner's counsel. He indicated that he had no interest in participating in any Trust proceedings and refused to provide his address for notice. Declaration of Michelle Ward, dated August 26, 2025.

Petitioner is required by Probate Code § 15404 to document the consent of the other beneficiaries of the Trust, excluding John Mayfield.

November 17, 2025
Dept. 9
Probate Tentative Rulings

This matter was continued from the hearing on November 3, 2025, to allow Petitioner an opportunity to acquire documentation of the consent of the other Trust beneficiaries to the proposed modification of the Trust. There are four surviving beneficiaries, two adult children (including John Mayfield) and two adult grandchildren of the decedent.

TENTATIVE RULING #6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 17, IN DEPARTMENT NINE.

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November 17, 2025
Dept. 9
Probate Tentative Rulings

7.	25PR0274	IN THE ESTATE OF DANIEL JON MARTIN
Letters of Administration		

Decedent died intestate on August 28, 2025, survived by three adult children.

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

The Petition requests bond be set at \$483,000.

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

Proof of service of notice of the hearing on the Petition was filed on October 15, 2025.

Proof of publication was filed on October 29, 2025.

TENTATIVE RULING #7: 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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November 17, 2025
Dept. 9
Probate Tentative Rulings

8.	24PR0336	IN THE MATTER OF BARBARA JEAN YORK-NORDERHAUG
Case Management Conference		

This case involves a Petition brought by a conservator alleging financial elder abuse. After the conservatee passed away, Petitioner persuaded the Court to declare her to be the successor in interest to the conservatee in order to pursue assets and claims that belonged to the conservatee. At that hearing on August 18, 2025, the Court additionally ordered Petitioner to open up a form of probate proceedings for the claims that are part of the assets of the decedent's estate. The November 17, 2025, hearing is a status update on the case set by the Court.

TENTATIVE RULING #8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 17, 2025, IN DEPARTMENT NINE.

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November 17, 2025
Dept. 9
Probate Tentative Rulings

9.	25PR0199	IN THE MATTER OF DAVE AND JAN OLSEN FAMILY 2011 REVOCABLE TRUST
Petition for Modification and Termination of Special Needs Trust		

Michael Olson is the beneficiary of a special needs trust ("Trust") that was created by his parents in 2011 and amended in 2013. See Petition, Exhibits A & B. The settlors died in 2023 and Scott Olson, Michael Olson's brother is currently serving as trustee, and the two brothers are the sole beneficiaries of the Trust.

Among the Trust's provisions is that each of the two beneficiaries is to receive a distribution of a parcel of residential real estate, and this distribution has taken place. Micheal Olson has inherited 4841 Doll House Rd., in Placerville as his property. However, that property is held as the asset of a special needs trust that was created for Michael following a motorcycle accident.

The Petition requests that the special needs trust now be terminated as unnecessary because Michael's condition has improved. On May 23, 2025, the current Trustee executed a "Consent to Modification and Termination of Special Needs Trust of Michael E. Olsen and Waiver of Accounting Pursuant to Probate Code § 15409" that appears to moot Mr. Olson's Opposition to the Petition. See Petition, Exhibit E. In further support of the Petition, Petitioner has attached medical evaluations indicating that Michael Olson is now capable of making financial decisions. See Petition, Exhibit F. Finally, Michael Olson has also submitted a Declaration, dated July 1, 2025, requesting termination of the special needs trust so that he can repair and sell the property, which has no produced income and is becoming run down. See Petition, Exhibit G.

The current Trustee, Scott Olson, objects to the Petition. He does not believe that Michel Olson requires the proceeds from the sale of the property for his maintenance, and his parents' wish was to maintain this special needs trust for Michael and the property as a place where Michael could live.

TENTATIVE RULING #9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 17, IN DEPARTMENT NINE.

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November 17, 2025
Dept. 9
Probate Tentative Rulings

10.	25PR0250	In the Matter of Gerda W Ruppert
Letters of Administration		

Decedent died intestate on November 20, 1994, survived by three adult children.
Petitioner is decedent's son.

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 November 12, 2025.

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

Proof of publication was filed on October 3, 2025.

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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November 17, 2025
Dept. 9
Probate Tentative Rulings

11.	24PR0301	MATTER OF REGINA MIESCH v. COLLEEN O'BRIEN
Petition to Compel Accounting / Removal of Trustee		

Wreath Miesch ("Wreath") has two daughters – Petitioner, and Colleen O'Brien ("Respondent").

Petitioner, Regina Miesch, petitions the Court for Orders under Probate Code §§ 4521, 4541, and 4545, for Court enforcement of duties of an attorney-in-fact under a durable power of attorney ("POA"). Respondent serves as the agent under the POA.

Petitioner has requested an Accounting from the Respondent, which has not been produced. Petitioner is concerned about work being done on Wreath's house, totaling over \$200,000, and other money allegedly being collected by the Respondent.

Petitioner requests an Order: compelling the POA submit to an accounting respecting Wreath's property, over which POA has had control from June 5, 2020, to the present; declaring that Respondent's authority under the POA is revoked; appointing Petitioner as POA; compelling Respondent to provide restitution to Wreath; and an award of attorney's fees to Petitioner.

The parties entered into a prior Stipulation on May 1, 2024, which was adopted by Judge Balfour on May 2, 2024.

Wreath Miesch established the Wreath Miesch Living Trust ("Trust") on June 12, 2023. Petitioner is a named beneficiary. On or around September 9, 2024, Respondent became the successor Trustee of the Trust based upon the incapacity of Wreath. The Trust is irrevocable.

Petitioner is seeking the removal of Respondent as Trustee, based upon repairs and remodeling made on Wreath's Lodi home, which were allegedly performed by Respondent and her partner. Petitioner also alleges breach of Trust, based on allegations of Wreath's treatment by Respondent. Petitioner alleges financial elder abuse on the same grounds.

Petitioner requests an Order: removing Respondent as Trustee; for an in-home evaluation of Wreath; finding that Respondent and Mike Ramos be found to have committed elder financial abuse and ordered to refund Wreath according to proof; that Wreath is entitled to an award of exemplary or punitive damages; and that Petitioner be awarded attorney's fees and costs.

Both Petitions were served by mail on November 7, 2024, on Respondent and her counsel. However, the Notice of Petition for Removal, etc. also lists service on Mike Ramos.

At the hearing held August 25, 2025, the parties indicated that they were engaged in meet and confer efforts and requested a continuance.

November 17, 2025
Dept. 9
Probate Tentative Rulings

Since that hearing, the only new filing in the Court's record is a report by Elder Care Management, filed by Petitioner, evaluating the suitability of Wreath' current arrangements. This report contains conclusions and recommendations that are relevant to the health and welfare of Wreath, but are not directly at issue as to these Petitions related to financial management and accounting.

TENTATIVE RULING #11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 17, 2025, IN DEPARTMENT NINE.

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November 17, 2025
Dept. 9
Probate Tentative Rulings

12.	24PR0309	ESTATE OF MENDES
Letters Testamentary / Status of Administration		

Decedent died testate on September 20, 2024, survived by two adult children. Petitioner is decedent's son, Gene Barry Mendes. The Petition requests full authority under the Independent Administration of Estates Act.

The Will was lodged with the court on November 15, 2024. It is a holographic will, that names no Executor. The Will has not yet been admitted to probate. Waiver of bond has been filed with the court by the Petitioner, but not his sibling. Bond would be required.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on November 14, 2024. Proof of Service of the Petition was filed on December 16, 2024, showing the Petition was mailed on November 18, 2024. Proof of publication was filed on December 6, 2024.

On January 15, 2025, decedent's daughter, Rene Senna ("Respondent"), responded and objected to her brother's appointment. Respondent does not waive bond and objects to the validity of the holographic will included with the Petition. Respondent requests an evidentiary hearing.

At hearings held on April 21, 2025, June 9, 2025, and October 6, 2025, the parties requested a continuance.

TENTATIVE RULING #12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, NOVEMBER 17, 2025, IN DEPARTMENT NINE.

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November 17, 2025
Dept. 9
Probate Tentative Rulings

13.	25PR0269	MILLIS, ET AL v. RIBELIN
Petition to Revoke Durable Power of Attorney/Health Directive		

Petitioners Valerie Millis and Sabrina Perry are two of the three adult daughters of Myrna Goldassio (“Myrna”). Respondent Brenda Riblein is Myrna’s third adult daughter.

Respondent is currently named as Myrna’s agent in a Durable Power of Attorney and Nomination of Conservator, and a California Advance Health Care Directive, both of which were executed on August 1, 2025. Petition, Exhibit A.

Before those documents were executed, Petitioner Valerie Millis was named as Myrna’s agent in a Durable Power of Attorney and Nomination of Conservator, and Petitioner Sabrina Perry was designated as Myrna’s health care agent under a California Advance Health Care Directive, with both of those documents executed on August 30, 2021. Petition, Exhibit C.

Petitioners contend that Myrna did not have the legal capacity to execute the 2025 documents, and that assertion is supported by a written report from Myrna’s treating physician, which concludes that from May 2025 and forward, Myrna suffered from dementia that rendered her incapable of signing any legal or financial documents “due to lack of understanding what she was signing”, making her “subject to undue influence from others.” Petition, Exhibit B.

On October 7, 2025, the Court temporarily ordered Respondent not to use the power of attorney or health directive, suspended the validity of both of those documents, and prohibited any party to contract for the sale of any real property belonging to Myrna or her trust without Court approval. The Court continued the argument on the preliminary injunction to November 17, 2025.

Proof of service of notice of the Petition is on file with the Court. Respondent has not submitted any filings in this action, but she did appear at the hearing on whether to issue a preliminary injunction that was held on October 6, 2025. The Court gave Respondent a deadline of November 10, 2025, to file and serve a written response, but nothing has been filed by Respondent in this matter as of November 13, 2025.

Discussion

Probate Code § 4120 provides that “A natural person having the capacity to contract may execute a power of attorney.”

Probate Code 812 defines the capacity to make a decision as follows:

[A] person lacks the capacity to make a decision unless the person has the ability to communicate verbally, or by any other means, the decision, and to understand and appreciate, to the extent relevant, all of the following:

November 17, 2025
Dept. 9
Probate Tentative Rulings

- (a) The rights, duties, and responsibilities created by, or affected by the decision.
- (b) The probable consequences for the decisionmaker and, where appropriate, the persons affected by the decision.
- (c) The significant risks, benefits, and reasonable alternatives involved in the decision.

Here, where Petitioners allege that Myrna entered into a power of attorney without the legal capacity to do so, Probate Code § 4541(d)(2) authorizes a petition to be filed to revoke the power of attorney upon the determination by a court that “the principal lacks the capacity to give or to revoke a power of attorney.” Pursuant to that statutory authority, Petitioners request the Court to order that the Durable Power of Attorney and Nomination of Conservator and a California Advance Health Care Directive that were executed on August 1, 2025, are null and void due to lack of capacity.

Petitioners further request award of attorney’s fees and an injunction against the sale of any real property belonging to Myrna Goldassio or her trust, pending further order from this court.

On the face of it, Myrna Goldassio’s treating physician has established on the record that at least since May, 2025 and continuing through the time that the 2025 documents were executed, Myrna Goldassio lacked legal capacity to execute those documents.

Accordingly, the Petition is granted as to the nullification of those documents. As the Court’s decision renders those documents void, the issue of whether to enjoin their use is moot.

TENTATIVE RULING #13: ABSENT OBJECTION, THE PETITION IS GRANTED AS TO THE NULLIFICATION OF THE POWER OF ATTORNEY, NOMINATION OF CONSERVATOR, AND ADVANCED HEALTH CARE DIRECTIVE. THE COURT FINDS THAT THE NULLIFICATION OF THESE DOCUMENTS RENDERS ALL OTHER ISSUES MOOT.

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