

December 1, 2025
Dept. 9
Probate Tentative Rulings

1.	23PR0294	ESTATE OF BRADLEY DEAN FOTH
Status of Administration		

An Order for Final Distribution was entered by the Court on December 2, 2024, and the Court set the current hearing date with the expectation that receipts and an *ex parte* Petition for Final Discharge would be filed with the Court. Nothing has been filed with the Court since the December 2, 2024, Order.

TENTATIVE RULING #1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 1, 2025, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, NOVEMBER 30, 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.	25PR0248	ESTATE OF HOWELL
Letters of Special Administration		

Petitioner, decedent's daughter, requests Letters of Special Administration for the purpose of listing decedent's real property for sale. This is a time-sensitive matter because the property is subject to a reverse mortgage and must be listed within 30 days to avoid foreclosure. While she is waiting to be appointed executor of decedent's estate in accordance with the terms of decedent's Will she requests immediate authority to list the property.

Petitioner is named as the executor or decedent's Will, and the Will waives bond.

The Petition lists seven heirs of decedent who are also beneficiaries of the Will. At the last hearing on November 3, 2025, the Court noted that there was no proof of service on file for the heirs. A proof of service of Notice was filed with the Court on November 13, 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, NOVEMBER 30, 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.	25PR0265	ESTATE OF HILL
Letters of Administration		

Decedent died intestate on September 10, 2023, survived by a minor child. The mother of the minor, Marcy Lynne O'Rourke, is proposed as Guardian ad Litem for the minor, and her nomination of Petitioner as Administrator of the estate is attached to the Petition.

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

The Petition states that the heirs "are adults and have waived bond." At the prior hearing on November 10, 2025, the Court noted that the only heir identified in the Petition is a minor and there were no waivers on file with the court. Since then, an Order appointing guardian ad litem was issued and the guardian ad litem filed a waiver with the Court on November 13, 2025,

A Duties/Liabilities statement (DE 147/DE 147s) was filed on September 25, 2025.

Proof of service of notice of the hearing on the Petition was filed on October 31, 2025.

Proof of publication was filed on November 6, 2025, as required by Probate Code §§ 8120, 8121.

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.	PP20210211	ESTATE OF DEISENROTH
Status of Administration		

Letters of Administration were issued on December 8, 2021. The Final Inventory and Appraisal was filed on May 3, 2022. To date, there is no final or Petition for Final Distribution. There have been no new filings since the last Status of Administration hearing on June 2, 2025.

The Court expects counsel to update the Court regarding the delay in closing probate.

TENTATIVE RULING #4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 1, 2025, IN DEPARTMENT NINE.

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5.	24PR0217	ESTATE OF BLACK
Final Distribution		

Letters of Administration/Letters Testamentary were issued on October 11, 2024, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on October 16, 2025.

Waivers of Account were executed by all the heirs entitled to distributions under the estate. Petition, Exhibit C.

Proof of Service of Notice of the hearing on the Petition was filed on November 12, 2025. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate is in equal shares to each of decedent's two adult children.

The Petition is compliant with Local Rule 10.07.12.

The Petition requests:

1. The administration of the estate be brought to a close;
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 \$7,824.51, plus \$1,423.71 for costs advanced to the estate;
4. The Administrator be authorized to pay herself \$7,824.51, plus \$18,387.51 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, specifics of distribution, and any other property of the estate not now known or later discovered be distributed to the beneficiaries as set forth in the Petition;
6. 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 #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).

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, NOVEMBER 30, 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. 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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6.	23PR0258	ESTATE OF STEWART
Status of Administration		

Letters of Administration were issued on December 4, 2023, to the sole heir of decedent. The Petition for Final Distribution was approved at the hearing held on December 2, 2024. There have been no filings since that hearing.

TENTATIVE RULING #6: AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON DECEMBER 2, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, DECEMBER 29, 2025, 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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7.	23PR0301	ESTATE OF TRUJILLO
Final Distribution / Status of Administration		

No new filings have been made in this case since the Order for Final Distribution was entered at the hearing on December 2, 2024. There were no appearances at the Status of Administration hearing on February 3, 2025.

TENTATIVE RULING #7: AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON DECEMBER 2, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, DECEMBER 29, 2025, 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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8.	23PR0300	ESTATE OF MCDONALD
Status of Administration		

An Order for Final Distribution was entered on December 2, 2024. There have been no new filings since that hearing, and there were no appearances at the last Status of Administration hearing on February 24, 2025.

TENTATIVE RULING #8: AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON DECEMBER 5, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, DECEMBER 29, 2025, 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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9.	PP20200225	ESTATE OF THARRAT
Petition to File Late Creditor Claim / Demurrer		

Decedent Tharrat's estate is named in a federal personal injury lawsuit brought by the representative of the Estate of Joaquin Diaz ("Petitioner"). Joaquin Diaz died on July 5, 2020, and decedent Tharrat died on August 20, 2020. The estate of Diaz filed a Complaint in federal court on June 15, 2021, against decedent and other defendants, and amended that Complaint on August 31, 2021, at which time Petitioner substituted the estate of Tharrat as a party in lieu of naming Tharrat as an individual. Declaration of David Clay Washington, dated June 27, 2025, ("Washington Declaration"), Exhibits 1 and 2. The Answer was filed by decedent's estate on January 27, 2025. Id., Exhibit 4.

As of June 27, 2025, Petitioner requests the Court's permission to file a late creditor claim in this probate action of unspecified amount, reflecting a potential award of damages in that federal lawsuit. According to the Petition, if this Petition is granted and the claim is filed in the probate action, Petitioner would then amend the federal Complaint to substitute Respondent for the Tharrat estate should she reject their creditor's claim in the probate proceeding. Petition at 2:21-23. The proposed creditor's claim is attached to the Washington Declaration as Ex. 5.

The Declarations of Blanca Diaz Houle and Yadira Menchu, Diaz' daughters, and Hilda Diaz, Diaz' widow (collectively "Petitioner Declarations") all state that on June 22, 2025, they became aware of "the administration of the [Tharrat] estate by Tina M. Tharrat." And had "no knowledge or awareness of the administration prior to that date." The Declarations do not specify how they acquired the knowledge of the existence of Tharrat's estate administration.

Tina Tharrat ("Respondent"), who holds Letters of Special Administration to administer the Tharrat estate, requests the Petition be dismissed with prejudice. This objection is in the form of a demurrer to the Petition stating that the Petition does not state facts sufficient to constitute a cause of action. Attorney for Respondent filed the Declaration of Uri Gant, dated August 15, 2025, documenting the parties' attempts to meet and confer.

Respondent was issued Letters of Special Administration for the specific and limited purpose of filing a claim with the September 11 Victim Compensation Fund, before which the decedent had a pending claim that expired with his death. Respondent's *ex parte* Petition for Letters was filed on December 11, 2020, so that Respondent could file a renewal of the claim in the face of a December 18, 2020, deadline. Declaration of Tina Tharrat, dated November 20, 2025, ("Tharrat Declaration").¹

¹ Both the Declarations of Tina Tharrat and Uri Grant reference Exhibits that are not attached to the documents filed with the Court.

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Probate Code Section 9351 provides, “[a]n action may not be commenced against a decedent’s personal representative on a cause of action against the decedent unless a claim is first filed as provided in this part and the claim is rejected in whole or in part.”

Probate Code § 9100 sets forth the deadlines for filing creditor claims in probate administration cases: four months after letters are issued to a “general” personal representative, or sixty days after notice of administration is delivered to the creditor. In this case, neither condition occurred, since Respondent was issued letters as a Special Administrator, and it is logical that Respondent did not send notice to Petitioners because the federal case had not yet been filed. Upon petition of a creditor the Court may allow a late claim to be filed if the personal representative failed to send timely notice of the administration of the estate, or if “[t]he creditor had no knowledge of the facts reasonably giving rise to the existence of the claim more than 30 days prior to the time for filing a claim as provided in Section 9100, and the petition is filed within 60 days after the creditor has actual knowledge of both “[t]he existence of the facts reasonably giving rise to the existence of the claim” and “[t]he administration of the estate.” Probate Code § 9103(a).

The timing of service on a personal representative “with general powers” is governed by Probate Code § 9150.

Probate Code § 8544 defines the powers of a *special* administrator, who has the power, without further order of the Court, to do those actions that are listed in the statute, including taking possession of real and personal property and collecting the claims and income belonging to the decedent and preserving it from waste or damage. Probate Code § 8544(a). The special administrator does not have the power to incur debt or pay the interest or principal on a debt of decedent. Probate Code § 8544(b). Probate Code § 8544(c) expressly provides that: “Except where the powers, duties, and obligations of a general personal representative are granted under Section 8545, the special administrator is not a proper party to an action on a claim against the decedent.” When letters of Special Administration terminate, the Code provides that the Special Administrator must provide a list of all creditor claims to the general administrator. Probate Code § 8546(b)(2).

Petitioners argue first that the filing of the original federal Complaint on June 15, 2021 “within one year of Dr Tharrat’s death” renders their claims against the estate timely, because they relate back the filing date of the federal Complaint. This is offered to show compliance with the Code of Civil Procedure’s requirement that, notwithstanding the applicable statute of limitations, any person against whom a claim can be made at their time of their death has one year from the date of death to bring it. Code of Civil Procedure § 366.2. But the issue before the Court is not whether the federal case was filed within the statute of limitations or whether

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Petitioners should be allowed to amend their pleadings in that case to substitute parties. The question is whether the proposed creditor claim, which was filed against the Special Administrator four years after the federal Complaint was amended to name Tharrat's estate, should be allowed under the time limits specified in the Probate Code.

The Court finds that the parties have shown no apparent legal basis for allowing a creditor claim to be filed against the Special Administrator, and no authority granted in the Letters of Special Administration to pay creditor claims. Even if the statutory framework or the terms of the Letters of Special Administration permitted creditor claims against Tharrat's estate, the Petitioners had knowledge of Tharrat's death in 2021, and their Declarations offer no factual basis for the Court to relieve them from the consequences of the four-year delay in filing a claim with the estate.

TENTATIVE RULING #9: THE DEMURRER IS SUSTAINED WITHOUT LEAVE TO AMEND.

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10.	25PR0280	ESTATE OF EVANS
Letters of Administration		

Decedent died intestate on August 22, 2025, survived by his adult son. Petitioner is decedent's son.

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

The Petition states that the Will waives bond, but there is no Will on file with the Court, and this Petition is for intestate Letters of Administration. Although Petitioner is the sole intestate heir, a waiver of bond form (DE-142/DE-111), or a bond, is required. Probate Code § 8480.

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

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.

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

TENTATIVE RULING #10: THE MATTER IS CONTINUED TO DECEMBER 29, 2025, TO ALLOW PETITIONER AN OPPORTUNITY TO FILE PROOF OF PUBLICATION, A DE-147/DE-147S FORM AND A DE-142/DE-111 FORM WITH THE COURT.

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11.	23PR0042	ESTATE OF GOOD
Status of Administration		

TENTATIVE RULING #11: AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON DECEMBER 4, 2024, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, DECEMBER 29, 2025, 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.	25PR0095	EUBANKS FAMILY TRUST
Petition to Determine Ownership /Petition for Instructions/Petition for Modification of Trust		

At the request of the parties this matter was continued from the prior hearing on June 23, 2025, and September 22, 2025.

Petitioner is the surviving settlor and sole Successor Trustee of the Eubanks Family Trust ("Trust"), which was established on March 11, 1998. On March 1, 1998, Sharron Norris-Eubanks ("decedent") executed a pour-over Will, giving all real and personal property to the Trust. Decedent and Petitioner executed a First Amendment to the Trust on January 6, 2017, granting the settlors' rights, titles, and interests to all real and personal property to the Trust. Decedent died on November 29, 2024.

In 1998, decedent and her sisters were granted a condominium in San Diego as tenants in common. Petitioner argues that pursuant to the Trust, decedent's Will, and the First Amendment, that the condominium is a Trust asset.

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.

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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 e-mailed and filed on April 23, 2025.

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.

Appearances required to address whether the San Diego condominium should be titled in the name of The Eubanks Family “A” Trust or The Eubanks Family Marital “B” Trust. If the Trust assets have not been divided amongst the A and B Trusts, then a different Petition should have been brought.

TENTATIVE RULING #12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 1, 2025, IN DEPARTMENT NINE.

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13.	24PR0280	IN THE MATTER OF NEIL LANDRY BURNS
Status of Administration		

TENTATIVE RULING #13: AN ORDER FOR FINAL DISTRIBUTION HAVING BEEN ENTERED BY THE COURT ON JULY 7, 2025, THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, DECEMBER 29, 2025, 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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14.	25PR0060	THE WAYNE A. MCFADDEN REVOCABLE TRUST OF MARCH 11, 2016
Petition for Instructions		

On March 19, 2025, Petitioner filed the instant Petition against Respondent for the purpose of protecting his father, Wayne A. McFadden from Respondent's allegedly wrongful taking of assets belonging to The Wayne A. McFadden Revocable Trust of March 11, 2016, and/or belonging to Wayne as his own separate property assets, through the use of undue influence and/or fraud.

Hearings on the Petition and the Objection that was filed on July 7, 2025, were conducted and continued on May 12, 2025, July 14, 2025, and September 15, 2025, as the parties provided status updates to the Court on this case and a related conservatorship.

TENTATIVE RULING #14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 1, 2025, IN DEPARTMENT NINE.

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