

December 29, 2025
Dept. 9
Probate Tentative Rulings

1.	23PR0268	ESTATE OF JACOBSON
Final Discharge		

A Petition for Final Distribution was filed on November 18, 2025.

Letters Testamentary were issued on December 12, 2023, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on January 18, 2024. At the time the inventory and appraisal is filed, you must also file a change of ownership statement with the county recorder or assessor in each county where the decedent owned real property at the time of death, as provided in section 480 of the California Revenue and Taxation Code.

The Petition requests the Court to waive accounting as the sole beneficiary is the Trust of which Petitioner is the Trustee.

Proof of Service of Notice of the hearing on the Petition was filed on November 21, 2025. No one has filed a request for special notice in this proceeding.

The proposed distribution of the estate is to the decedent's Trust.

The Petition complies with 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 \$8,330.00;
4. The Administrator be authorized to pay herself \$8,330.00 in statutory compensation;
5. Distribution of the estate in Petitioner's hands and any other property of the estate not now known or later discovered be distributed 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 #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).

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A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, DECEMBER 28, 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.	25PR0304	ESTATE OF ANDERSON
Petition for Letters / Determine Title to Real Property / Set Aside Fraudulent Conveyance		

Decedent died intestate on February 13, 2024, survived by three adult children. Petitioner is decedent's son. Respondent is decedent's daughter. Kevin Anderson is the third adult child of decedent.

Petition for Letters

Daniel Anderson filed a Petition for Letters on October 31, 2025. The Petition requests full authority under the Independent Administration of Estates Act.

The Petition alleges that the Will waives bond, but also states that the decedent died intestate.

A Duties/Liabilities statement (DE 147/DE 147s) was filed on October 31, 2025.

There is a proof of service of the Petition to administer the estate on file with the Court but it bears no filing date.

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

Petition to Determine Title to Real Property

On November 12, 2025, Daniel Anderson filed a second Petition related to the estate of decedent, to determine title to real property and to set aside a fraudulent conveyance. Respondent Tammy Diaz is decedent's daughter, although the Petition alleges that Tammy Diaz is not an heir or beneficiary of decedent. Respondent's Objection alleges that she is an heir as one of decedent's three children.

According to the instant Petition, two days before decedent's death of advanced cancer, he executed a deed to real property that is the principal asset of decedent's estate. The stated consideration for the transfer was one dollar. Petitioner asserts that Respondent was in a position to exert undue influence over decedent at the end of his life, when he was heavily medicated and dying of cancer. Petitioner notes that decedent did not have the benefit of legal counsel in this transaction.

Petitioner alleges financial abuse of an elder pursuant to Welfare and Institutions Code § 15610.30. Petitioner requests the court to set aside the grant deed transferring title to the property based on lack of capacity and undue influence, and to determine that title belongs with decedent's estate pursuant to Probate Code § 850. This request is based on decedent's lack of capacity to execute the deed, the exertion of undue influence by Respondent.

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A proof of service of the Petition was filed on November 12, 2025, but only names Respondent Tammy Diaz, it does not include the third sibling Kevin Anderson, who was noticed of the Petition for Letters but not noticed of the instant Petition to determine title to the real property.

Objection

Respondent objects to the Petition to Determine Title to Real Property. The Objection is framed in part as an objection to the Petition, but also as an Answer to a Complaint. As part of that Objection Respondent takes issue with various statements in the Petition for Letters; however, the Objection responds to Petition to Determine Title, not to the Petition for Letters. Excluding the arguments directed at the initial Petition for Letters, Respondent argues that she was not personally served notice of the Petition as required by Probate Code 851(a)(2) and Code of Civil Procedure § 413.10.

Analysis

Probate Code § 850(a)(2)(d) authorizes “any interested person” to file a Petition “[w]here the decedent died having a claim to real or personal property, title to or possession of which is held by another.” Section 851(a)(2) requires notice of such Petition to be served on “[e]ach person claiming an interest in, or having title to or possession of, the property” as would be required for a Summons by Code of Civil Procedure § 413.10: “A summons may be served by personal delivery of a copy of the summons and of the complaint to the person to be served.”

The proof of service of the Petition indicates that service was by mail, which does not meet the statutory requirements.

TENTATIVE RULING #2: THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, JANUARY 26, 2026, IN DEPARTMENT NINE, TO ALLOW TIME FOR SERVICE OF THE PETITION IN ACCORDANCE WITH STATUTORY REQUIREMENTS.

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3.	23PR0301	ESTATE OF TRUJILLO
Final Distribution		

At the February 3, 2025, Status of Administration hearing there were no appearances. The Court's Minute Order states:

An order from [sic] final distribution having been entered by the Court on December 2, 2024, the matter is continued to 8:30 AM on Monday, December 1, 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.

The matter is set for Review Hearing on 12/01/2025 at 8:30 AM in Department 9.

There were no appearances at the Status of Administration Hearing on December 1, 2025. Nothing new has been filed by the co-Executors, Donald and Sharon Trujillo, since December 2, 2024, when the Order for Final Distribution was entered by the Court.

The proposed distribution of the estate is to four individuals, in addition to payment of attorneys' fees. The assets to be distributed include more than \$300,000 in cash assets and several listed items of valuable personal property. No receipts have been filed.

TENTATIVE RULING #3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 29, 2026, IN DEPARTMENT NINE.

A STATUS OF ADMINISTRATION HEARING IS SET FOR 8:30 A.M. ON MONDAY, DECEMBER 28, 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.	25PR0305	ESTATE OF ABRAHAMSON
Determine Succession to Real Property		

Decedent died on December 25, 2019. This Petition is filed by Myrna Lunceford and Deborah Land, who are presumably decedent's siblings, pursuant to Probate Code § 13150 *et seq.* That statute allows the Court to determine succession to real property outside of probate for real property that is valued at less than \$166,250 for a decedent who died prior to April 1, 2022. The Petition indicates that the decedent died intestate with no surviving parents, children or spouse, and that no probate was opened for the estate.

Item 14 of the Petition indicates that the names of decedent's siblings are attached to the Petition but no such attachment is included with the filed document.

The Petition indicates that the value of decedent's real property is less than the limit for a small estate. Probate Code § 13151. However, the Petition does not attach an inventory and appraisal (Judicial Council Forms DE-160, DE-161), nor does the Petition identify the real property, as required by the statute. Probate Code § 13152.

TENTATIVE RULING #4: THE MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, MARCH 16, 2026, IN DEPARTMENT NINE, TO ALLOW PETITIONERS AN OPPORTUNITY TO AMEND THE PETITION TO COMPLY WITH PROBATE CODE § 13152.

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5.	25PR0107	ESTATE OF GRIFFITH
First and Final Account / Final Distribution		

Letters of Administration were issued on June 23, 2025, granting Petitioner full authority under the Independent Administration of Estates Act.

A Final Inventory and Appraisal was filed on October 3, 2025. At the time the inventory and appraisal is filed, you must also file a change of ownership statement with the county recorder or assessor in each county where the decedent owned real property at the time of death, as provided in section 480 of the California Revenue and Taxation Code.

No one has filed a request for special notice in this proceeding. There are multiple heirs of decedent, but there is no proof of service of notice of the hearing on file with the Court.

The Petition complies with Local Rule 10.07.12.

The Petition includes an accounting for the period March 8-October 31, 2025.

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, transactions and proceedings of the Administrator be ratified, confirmed and approved;
4. The Administrator be authorized to pay statutory attorney fees in the amount of \$ 6,734.00;
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;
7. 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: THIS MATTER IS CONTINUED TO 8:30 A.M. ON MONDAY, JANUARY 5, 2026, IN DEPARTMENT NINE, TO ALLOW THE PETITIONER AN OPPORTUNITY TO FILE A PROOF OF SERVICE OF NOTICE OF THE PETITION.

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6.	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. Following instruction by the Court at the hearing on December 1, 2025, Petitioner, as the sole heir, filed a waiver of bond form (DE-142/DE-111) in accordance with Probate Code § 8480.

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

As of the date of this writing there is no proof of publication on file with the court, as required by Probate Code §§ 8120, 8121.

TENTATIVE RULING #6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 29, 2025, 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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7.	25PR0249	IN RE: THE MARIE J. ROYAL LIVING TRUST
Modify Trust / Appoint Successor Trustee		

Petitioner is a 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 settlor's children and Trust beneficiaries are Diana Lynn Ewing, Terry Renee Tompkins, Laurie Michell Royal and Petitioner, Brenda Greene.

The successor trustee/beneficiary 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 to the Trust property 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."

Proof of service of Notice of the Petition was filed on October 15, 2025. Persons entitled to notice include settlor's surviving children and the children of Diana Lynn Ewing (John Mayfield and Diana Young). Beneficiary Diana Young filed a Consent to the Petition on November 13, 2025. 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. Beneficiary Terry Thompkins filed a Consent to the Petition on November 18, 2025.

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.

In a filing dated November 12, 2025, and at the hearing on November 17, 2025, beneficiary Laurie Michelle Royal Douglas expressed an objection to the Petition. The Court continued the matter to allow time for an Objection to be filed. No written Objection was filed, nor was any Consent filed by Douglas.

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The Petition attaches the Trust document but not the schedule of assets that makes up the Trust. It is not clear to the Court what asset remain in the Trust following the death of the settlor in 2011.

TENTATIVE RULING #7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 29, 2025, 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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8.	24PR0280	IN THE MATTER OF NEIL LANDRY BURNS
Status of Administration		

An Order approving Final Distribution was entered on July 7, 2025. Nothing has been filed with the Court since that date.

There were no appearances at the Status of Administration hearing on December 1, 2025, and the Court continued the matter while advising that it would be inclined to issue an Order to Show Cause for removal or suspension of and/or sanctions against the personal representative if there are no appearances at the December 29, 2025, hearing.

TENTATIVE RULING #8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 29, 2025, 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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9.	25PR0206	THE DARLENE ANDRESEN TRUST PETITION HEARING

Jeffrey Andresen (“Trustee”), as Trustee of the Darlene Andresen Trust (“Trust”), petitions the Court to confirm termination of right to occupy, for possession of real property, to surcharge beneficiary for property-related expenses, including legal fees, and for instructions on administering trust. The settlor is deceased, and gifted Teresa Andresen (“Daughter”) the conditional opportunity to occupy the Trust’s home in El Dorado Hills. The Trust terminates her right to occupy upon, “the inability of [Daughter] to pay all expenses related to the Residence.” The gift appears in the Trust’s restatement, dated January 13, 2015 (“2015 Restatement”). A copy of the 2015 Restatement, which is the operable trust document, is attached to Trustee’s Petition as Exhibit C. Upon termination, Daughter is to vacate, and the trustee is to sell the home and distribute the net sale proceeds to the remainder beneficiaries (1/3 Daughter, 1/3 to settlor’s son (the Trustee), and 1/3 to the children of a predeceased son).

Trustee contends that Daughter has not paid expenses or made necessary repairs (e.g., removal of a dead tree next to the home) and consequently, Trustee has had to use a line of credit since the settlor’s February 2025 death to make the payments (e.g., property taxes, insurance, mortgage). Trustee argues that Daughter’s inability to pay during the entire post-death administration of this Trust—which currently spans six months and counting—sufficiently triggers the Trust’s requirement that she (and her partner who also resides there) vacate so that the home can be sold and the proceeds distributed to the several beneficiaries of the Trust.

Trustee seeks an order confirming that Daughter’s right to occupy has terminated because the Trust lacks sufficient funds to pay its required expenses, and Daughter has failed to maintain the Residence.

Trustee requests a deadline for the occupants of the Residence to vacate, and (if needed) a writ of possession. The Court has the express authority under Probate Code § 850 to restore possession of trust-owned real and personal property to the trustee. (Probate Code § 850(a)(3)(B)). Section 850 acts like an unlawful detainer action for trust-owned property, and allows the Court to issue any “appropriate relief” to restore possession. (Probate Code § 856). This relief, which may include a writ of possession, may be made against any person (beneficiaries and non-beneficiaries) who are in possession of trust-owned property. (Probate Code § 850(a)(3)(B)). There are no due process violations when compared to an unlawful detainer action because a petition under Section 850 likewise requires personal service, and it actually affords more notice to the occupants (a minimum 30 day service requirement). (Probate Code § 851).

Through surcharge, Trustee seeks reimbursement from Daughter for the expenses paid by the Trust to maintain the Residence and to bring this Petition. Trustee has paid those expenses using the line of credit (\$6,128.63 through July 28, 2025). Trustee argues that these

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expenses, and any future expenses relating to the Residence that are incurred during Daughter's occupancy, should be charged to Daughter's share of the Trust. The Trust grants Trustee the express authority to hire attorneys and pay them reasonable compensation. (2015 Restatement, Article VII(K)). The Trust also expressly grants Trustee the power to commence litigation related to the Trust. (2015 Restatement, Article VII (R)). Here, Trustee hired an estate litigation attorney and has paid that attorney to attempt resolution and prosecute this petition. Trustee argues this litigation expense should be charged against Daughter's share of the Trust.

At the hearing of September 29, 2025, the Court continued the matter to allow an opportunity for Objections to the Petition to be filed by November 3, 2025.

On October 30, 2025, Respondent/Daughter filed an *ex parte* application requesting that the Court appoint her an attorney, which was denied.

On November 6, 2025, Respondent/Daughter filed an *ex parte* application requesting that the Court order a copy of the Will and Trust be provided to her, which was denied. The Trust document and subsequent amendments are attached to the Trustee's Petition, filed on July 31, 2025.

On November 21, 2025, Respondent/Daughter filed an Objection to the Trustee's July 31, 2025, Petition, as well as a Petition for removal of the Trustee. There is no proof of service on file with the Court for either the Objection or the Respondent/Daughter's Petition. In addition to Trustee and Respondent/Daughter, there are two additional beneficiaries of the Trust who are entitled to notice.

TENTATIVE RULING #9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON MONDAY, DECEMBER 29, 2025, 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.