

1. ESTATE OF CAMPBELL PP-20140006

(1) Petition to Pay Funds to County Treasurer.

(2) Review Hearing Re: Status of Administration.

The order of final distribution by payment to creditors in this insolvent estate was entered on March 1, 2021. There are no receipts of payment to the creditors in the court's file and no ex parte Petition for Final Discharge (Judicial Council Form DE-295.) in the court's file.

The court order directing final distribution of the insolvent estate set forth distribution of the estate's funds to the creditors, including the percentage of the funds remaining in the estate after payment of preferred debts that are to be distributed to each general creditor. The personal representative filed a petition pursuant to Probate Code, §11850 for a court order authorizing him to deposit with the County Treasurer the distributions to PNC Bank/CLC Consumer Services in the amount of \$29,216.20 and to Phillips and Cohen/Advanta Credit Cards in the amount of \$2,273.48.

The personal representative's counsel declares: the distribution checks sent to PNC Bank/CLC Consumer Services and Phillips and Cohen/Advanta Credit Cards were not cashed or the personal representative's counsel was advised that approval to accept the check had to be obtained by a third party; the check mailed to Phillips and Cohen was returned on April 17, 2021 along with a form memo stating "Not approved in our office"; the following day counsel called Phillips and Cohen and after discussing the matter with several individuals there, counsel was put in touch with Ms. DiDenato in Phillips' and Cohen's probate department; Ms. DiDenato explained that the receiver for Advanta Credit Cards would have to reauthorize its account with Phillips and Cohen before it could accept payment and issue a receipt; counsel contacted the receiver for Advanta during the remainder of April 2021, spoke with three representatives who said they would investigate and get back to counsel, sent a letter

requesting action to the receiver on May 13, 2021, sent a follow-up letter on June 16, 2021, and has not received any responses as of the date the declaration was executed; the distribution check to PNC Bank/CLC Consumer Services was sent by certified mail on March 31, 2021; the check was never processed or deposited and no receipt provided; counsel was able to contact CLC Consumer Services, a division of PNC Bank, and was told in April 2021 that the letter and check were received, but she could not provide any further information as to its status; on June 3, 2021 a follow up letter was sent by certified mail to PNC Bank/CLC Consumer Services requesting information concerning the status of the matter in order to complete distribution of the assets of the estate; and no reply was received, the check has not been deposited, and no receipt has been provided.

The proof of service declares that on August 12, 2021 notice of the hearing and a copy of the petition were served by mail to the interested parties, including PNC Bank/CLC Consumer Services, Phillips and Cohen/Advanta Credit Cards, and the receiver. There was no opposition or objections in the court's file at the time this tentative ruling was prepared.

"Subject to Section 11851, the personal representative may deposit property to be distributed with the county treasurer of the county in which the proceedings are pending in the name of the distributee in any of the following cases: ¶ (a) The property remains in the possession of the personal representative unclaimed or the whereabouts of the distributee is unknown. ¶ (b) The distributee refuses to give a receipt for the property. ¶ (c) The distributee is a minor or incompetent person who has no guardian, conservator, or other fiduciary to receive the property or person authorized to give a receipt for the property. ¶ (d) For any other reason the property cannot be distributed, and the personal representative desires discharge. Notwithstanding Section 11851, deposit may not be made under this subdivision except on court order." (Probate Code, § 11850.)

"If property authorized by Section 11850 to be deposited with the county treasurer consists of money, the personal representative may deposit the money." (Probate Code, § 11851(a).)

Absent opposition, it appears appropriate under the circumstances to grant the petition.

**TENTATIVE RULING # 1: ABSENT OPPOSITION, THE PETITION S GRANTED.**

**2. ESTATE OF CLARK PP-20180106**

**(1) 1<sup>st</sup> and Final Account.**

**(2) OSC Re: Termination of Administration.**

Jacob Maker as personal representative of the Estate of Mary Clark, case number PP-20150237, filed a petition for determination as to who is entitled to distributions from the Estate of Albert Clark. The personal representative of Estate of Albert Clark contended that the term "heirs at law" as used in the will admitted to probate in the instant case does not include Mary Clark, the spouse of Albert Clark, and that it was intended to only refer to blood relations of Albert Clark, other than personal representative Lisa Radcliff who was excluded from the heirs at law entitled to distribution. The personal representative of the Estate of Mary Clark contended that the words are to be construed as to their ordinary meaning as stated in Probate Code, §§ 44 and 6401, leaving the sole intestate heir at law the surviving spouse, Mary Clark.

A court trial on the petition was held on January 4, 2018. The court issued its ruling on the petition on January 11, 2018 finding that the term "heirs at law" as used in Albert Clark's will means blood relatives. The personal representative of Albert Clark was directed to prepare the order on the petition. The order was entered on July 11, 2018.

At the review hearing re: status of administration on December 11, 2019 the court set a hearing for June 10, 2020, ordered the personal representative to show cause why termination of administration should not take place, and directed the personal representative to file a statement regarding potential termination. The personal representative's counsel appeared at the hearing on June 10, 2020 and requested a six month continuance, which was granted. At the December 9, 2020 hearing the parties requested another continuance of the hearing and the matter was continued to June 9, 2021.

At the June 9, 2021 hearing counsel advised the court that the estate's real property had been sold and the hearing was continued to September 15, 2021.

The petition for Settlement of the 1<sup>st</sup> and Final Account and for distribution was filed on July 19, 2021. There were deficiencies that needed to be corrected. The hearing was continued to 8:30 a.m. on Wednesday, October 20, 2021 in Department Eight. The corrected petition for Settlement of the 1<sup>st</sup> and Final Account and for distribution was filed on October 8, 2021.

Paragraph 23 of the corrected petition states the names and addresses of the eight beneficiaries entitled to notice. The proof of service of notice of the hearing filed on October 8, 2021 is fatally deficient as it does not state that the petition and the notice of hearing were served on beneficiaries Catherine Ostrum Fogelman, Robert Merrill Ostrum, Karen Ostrum George, and Anne Ostrum Moursand. The court can not rule on the merits of the petition unless adequate proof of service is provided.

**TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 20, 2021 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT [www.eldoradocourt.org/online services/vcourt.html](http://www.eldoradocourt.org/online services/vcourt.html).**

**3. ESTATE OF WALLACE PP-020150216**

**Review Hearing Re: Status of Administration.**

The order of final distribution was entered on September 26, 2018. One receipt of final distribution to the guardian of the estate of the three minor beneficiaries was filed on October 11, 2018, which states that the guardian received \$62,619.72 in cash. On February 4, 2019 the second receipt of final distribution executed by the guardian was filed, which states that the guardian received another \$15,975 in cash. On March 5, 2020 a third receipt executed by the guardian of the estate was filed, which stated that the guardian received \$150,000 in cash. Supplemental Inventory and Appraisal number 2 was filed on April 10, 2020 stating that an additional \$162,975 in assets were discovered

There is no ex parte Petition for Final Discharge (Judicial Council Form DE-295.) in the court's file.

**TENTATIVE RULING # 3: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 20, 2021 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT [www.eldoradocourt.org/onlineservices/vcourt.html](http://www.eldoradocourt.org/onlineservices/vcourt.html).**

#### 4. ESTATE OF POMPLIANO PP-20180229

##### Review Hearing Re: Inventory and Appraisal.

Letters Testamentary were issued on July 7, 2020. The court reserved the issue of the bond until receipt of the inventory and appraisal.

The personal representative reported the following in correspondence dated December 16, 2020: the estimated value of the estate's assets is \$120,000; he has preliminarily distributed \$70,000; he has sold stock in three companies; he has received stock dividend checks, two of which are stale and will be sent to the companies for the dividend checks to be reissued; he is in the process of claiming funds held by the State as unclaimed property; and since there is no real property and the estate assets have a specific value, he believes that no appraisals are required.

The personal representative has reported he has taken possession of stock and other assets of the estate, sold some stock, and distributed \$70,000, yet, there is no Final Inventory and Appraisal.

Except as otherwise provided by statute the probate referee shall appraise all property other than that appraised by the personal representative. (Probate Code, § 8902(b).)

"The personal representative shall appraise the following property, excluding items whose fair market value is, in the opinion of the personal representative, an amount different from the face value of the property: ¶ (a) Money and other cash items. As used in this subdivision, a "cash item" is a check, draft, money order, or similar instrument issued on or before the date of the decedent's death that can be immediately converted to cash. ¶ (b) The following checks issued after the date of the decedent's death: ¶ (1) Checks for wages earned before death. ¶ (2) Refund checks, including tax and utility refunds, and Medicare, medical insurance, and

other health care reimbursements and payments. ¶ (c) Accounts (as defined in Section 21) in financial institutions. ¶ (d) Cash deposits and money market mutual funds, as defined in subdivision (b) of Section 9730, whether in a financial institution or otherwise, including a brokerage cash account. All other mutual funds, stocks, bonds, and other securities shall be appraised pursuant to Sections 8902 to 8909, inclusive. ¶ (e) Proceeds of life and accident insurance policies and retirement plans and annuities payable on death in lump sum amounts.” (Probate Code, § 8901.)

The Final Inventory and Appraisal was filed on September 13, 2021, which lists all property as Attachment 1 property that was appraised by the personal representative. The Final Inventory and Appraisal is deficient in that it lists several items as “unclaimed Property” held by California and New Jersey. That is an insufficient identification of the asset. The personal representative must describe the property held by the States and if Attachment 2 property, it must be appraised by the probate referee. The Inventory and appraisal also lists stock shares of several companies that were sold by the personal representative. Only the sales price is listed. The number of shares in the estate at the time of death is not stated for each company, the value of these shares on the date of death of the decedent is not stated, and these shares are an Attachment 2 asset that must be appraised by the probate referee as of the date of death. Attachment 1 also lists that the personal representative still holds Comcast stock shares in an unstated number. This also is an Attachment 2 asset that must be appraised by the probate referee. The personal representative must file a Final Inventory and Appraisal which includes the probate referee’s appraisal of Attachment 2 property, such as the stock that is still held, the shares that were sold by the personal representative, and any unclaimed property that is an Attachment 2 asset.

The Court sets bond in the amount of \$120,000 to be posted not later than Wednesday, November 10, 2021. The court also sets a review hearing re: posting bond for 8:30 a.m. on Wednesday, November 17, 2021 in Department Eight.

**TENTATIVE RUIING # 4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 20, 2021 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT [www.eldoradocourt.org/onlineservices/vcourt.html](http://www.eldoradocourt.org/onlineservices/vcourt.html). THE COURT SETS BOND IN THE AMOUNT OF \$120,000 TO BE POSTED NOT LATER THAN WEDNESDAY, NOVEMBER 10, 2021. THE COURT ALSO SETS A REVIEW HEARING RE: POSTING BOND FOR 8:30 A.M. ON WEDNESDAY, NOVEMBER 17, 2021 IN DEPARTMENT EIGHT.**

5. ESTATE OF KOCHMICH PP-20180237

Review Hearing Re: Status of Administration.

At the hearing on October 28, 2020 the court allowed, settled, approved and confirmed the 1<sup>st</sup> and final account and ordered final distribution. The order of final distribution was not entered, because a proposed order was not in the court's file. A status report filed by the personal representative on February 19, 2021 stated that tenants have been given a 30 day notice to vacate and the estate should be in escrow by the end of April at the latest with the final account and distribution submitted once the home is vacated and sold.

On July 30, 2021 another status report was filed, which explained that while the real property is now vacant, it is currently undergoing repairs and cleaning, it was anticipated the property will be placed on the market in September 2021, and the personal representative essentially requested the hearing be continued to October 2021.

The hearing was continued from August 4, 2021 to this date.

**TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 20, 2021 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT [www.eldoradocourt.org/online services/vcourt.html](http://www.eldoradocourt.org/online services/vcourt.html).**

6. ESTATE OF FISHER PP-20190096

Review Hearing Re: Status of Administration.

The order of final distribution was entered on May 26, 2021. There are no receipts of distribution in the court's file and no ex parte Petition for Final Discharge (Judicial Council Form DE-295.) in the court's file.

Upon request of the personal representative, this matter was continued from July 28, 2021 to this date.

**TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 20, 2021 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT [www.eldoradocourt.org/online services/vcourt.html](http://www.eldoradocourt.org/online services/vcourt.html).**

7. ESTATE OF VALENCIA PP-20190249

Review Hearing Re: Inventory and Appraisal.

TENTATIVE RUIING # 7: THE FINAL INVENTORY AND APPRAISAL HAVING BEEN FILED  
ON SEPTEMBER 15, 2021, THIS MATTER IS DROPPED FROM THE CALENDAR.

8. ESTATE OF MOORE PP-20200030

Review Hearing Re: Status of Administration.

Letters Testamentary were issued on August 12, 2020. There is no Final Account and Request for Order of Final Distribution in the court's file.

TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 20, 2021 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT [www.eldoradocourt.org/online services/vcourt.html](http://www.eldoradocourt.org/online services/vcourt.html).

9. ESTATE OF POWELL PP-20200061

Review Hearing Re: Status of Administration.

The order of final distribution was entered on June 23, 2021. There are no receipts of distribution in the court's file and no ex parte Petition for Final Discharge (Judicial Council Form DE-295.) in the court's file.

**TENTATIVE RULING # 9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 20, 2021 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT [www.eldoradocourt.org/online services/vcourt.html](http://www.eldoradocourt.org/online services/vcourt.html).**

10. ESTATE OF ROTH PP-20200143

(1) 1<sup>st</sup> and Final Report on Waiver of Account.

(2) Review Hearing Re: Status of Administration.

TENTATIVE RULING # 10: THE PETITION IS GRANTED. FEES ARE FIXED AND PAYMENT ALLOWED AS REQUESTED. FINAL DISTRIBUTION IS ORDERED AS REQUESTED. THE SOLE BENEFICIARY ENTITLED TO DISTRIBUTION OF THE FUNDS REMAINING IN THE ESTATE BEING THE PERSONAL REPRESENTATIVE, THE COURT DROPS THE REVIEW HEARING RE: STATUS OF ADMINISTRATION FROM THE CALENDAR.

**11. ESTATE OF MATTHEWS PP-20200194****Review Hearing Re: Inventory and Appraisal.**

The purported final inventory and appraisal filed on May 20, 2021 is defective. The personal representative improperly appraised Attachment 2 property, such as the real property and other personal property, including vehicles and miscellaneous household furnishings. The appointed probate referee, Linda Molinari, must appraise Attachment 2 property.

Except as otherwise provided by statute the probate referee shall appraise all property other than that appraised by the personal representative. (Probate Code, § 8902(b).)

"The personal representative shall appraise the following property, excluding items whose fair market value is, in the opinion of the personal representative, an amount different from the face value of the property: ¶ (a) Money and other cash items. As used in this subdivision, a "cash item" is a check, draft, money order, or similar instrument issued on or before the date of the decedent's death that can be immediately converted to cash. ¶ (b) The following checks issued after the date of the decedent's death: ¶ (1) Checks for wages earned before death. ¶ (2) Refund checks, including tax and utility refunds, and Medicare, medical insurance, and other health care reimbursements and payments. ¶ (c) Accounts (as defined in Section 21) in financial institutions. ¶ (d) Cash deposits and money market mutual funds, as defined in subdivision (b) of Section 9730, whether in a financial institution or otherwise, including a brokerage cash account. All other mutual funds, stocks, bonds, and other securities shall be appraised pursuant to Sections 8902 to 8909, inclusive. ¶ (e) Proceeds of life and accident insurance policies and retirement plans and annuities payable on death in lump sum amounts." (Probate Code, § 8901.)

TENTATIVE RUING # 11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 20, 2021 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT [www.eldoradocourt.org/online services/vcourt.html](http://www.eldoradocourt.org/online services/vcourt.html).

12. ESTATE OF EGGER PP-20210073

Review Hearing Re: Inventory and Appraisal.

Letters of Administration were issued on June 23, 2021. There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RUING # 12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 20, 2021 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT [www.eldoradocourt.org/online services/vcourt.html](http://www.eldoradocourt.org/online services/vcourt.html).

13. ESTATE OF DUSSEN PP-20210085

Review Hearing Re: Inventory and Appraisal.

Letters of Administration with Will Annexed were issued on June 16, 2021. There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RUING # 13: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 20, 2021 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT [www.eldoradocourt.org/online services/vcourt.html](http://www.eldoradocourt.org/online services/vcourt.html).

14. ESTATE OF D'ONOFRIO PP-20210088

Review Hearing Re: Inventory and Appraisal.

Letters of Administration were issued on June 25, 2021. There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RUING # 14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 20, 2021 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT [www.eldoradocourt.org/online services/vcourt.html](http://www.eldoradocourt.org/online services/vcourt.html).

**15. MATTER OF THE LEWIS FAMILY TRUST PP-20210135**

**Petition for Court Order Settling, Allowing and Approving Trustee's Account.**

The trustee petitions for court approval of the trustee's account and reported actions, to find the trustee fees are reasonable in amount, and authorizing and approving payment of the trustee fees.

The proof of service declares that on June 30, 2021 notice of the hearing and a copy of the petition were served by mail on the beneficiaries, counsel for beneficiary Michael Lewis, and counsel for beneficiary David Lewis. There were no oppositions or objections in the court's file at the time this ruling was prepared.

The account ending March 8, 2020 states the assets on hand at the end of the accounting period were worth \$631,264.34, which includes an annuity valued at \$94,189.84 and the Schwab Account carry value of \$512,573.25. The beginning balance of the March 8, 2020 through February 28, 2021 account is \$606,909.28, with the annuity valued at \$61,789.82 and the Schwab Account carry value of \$520,618.21. This needs to be explained.

**TENTATIVE RULING # 15: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, OCTOBER 20, 2021 IN DEPARTMENT EIGHT. IF A PARTY OR PARTIES WISH TO APPEAR TELEPHONICALLY THEY MUST APPEAR BY "VCOURT", WHICH MUST BE SCHEDULED AND PAID THROUGH THE COURT WEBSITE AT [www.eldoradocourt.org/online services/vcourt.html](http://www.eldoradocourt.org/online services/vcourt.html).**