

1. ESTATE OF POMPLIANO PP-20280229

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.

TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 17, 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.eldorado.courts.ca.gov/online-services/telephonic-appearances.

2. ESTATE OF DYSTHE PP-20210096

Review Hearing Re: Inventory and Appraisal.

TENTATIVE RULING # 2: THE FINAL INVENTORY AND APPRAISAL HAVING BEEN
FILED ON OCTOBER 8, 2021, THIS MATTER IS DROPPED FROM THE CALENDAR.

3. ESTATE OF KESTNER PP-20210071

Review Hearing Re: Inventory and Appraisal.

TENTATIVE RULING # 3: THE FINAL INVENTORY AND APPRAISAL HAVING BEEN
FILED ON OCTOBER 12, 2021, THIS MATTER IS DROPPED FROM THE CALENDAR.

4. ESTATE OF JOHN PEARSON PP-20210186**Petition to Administer Estate.**

On June 23, 2021, petitioner's daughter, Maura Eastwood, filed a petition under Case number PC-20210141 to be appointed personal representative of this intestate estate with limited authority, which is estimated to have assets worth \$2,000,000. The real property of the estate is estimated to be worth \$1,900,000. Petitioner Eastwood requests bond be set in the amount of \$100,000. Bond in the amount of \$100,000 was posted on July 30, 2021.

On September 3, 2021 Kenneth Cook, as attorney in fact for decedent's longtime girlfriend, Barbara Cook, filed a notice of a competing petition in related case Estate of Pearson, case number PP-20210186, which was filed on September 1, 2021, and objections to the petition filed in case number PP-20210141 on behalf of Barbara Cook. Barbara Cook's competing petition filed in case number PP-20210186 seeks to admit a purported 1991 holographic will to probate and appoint Kenneth Cook as personal representative to serve without bond. The petition in case number PP-20210186 states that all beneficiaries have waived the bond requirement. There is no bond waivers in the file. Petitioner Cook contends that the assets of the estate are only worth \$628,200.

On October 29, 2021 Maura Eastwood filed objections to the petition filed by Kenneth Cook and objecting to admission of the purported holographic will to probate. Objector Eastwood contends: decedent lacked testamentary capacity and was acting under undue influence at the time the purported will was executed.

The original purported will was lodged with the court on July 21, 2021.

At the hearing on the petition in case number 20210141 on September 15, 2021 the court consolidated the two cases, with case number PP-202100141 as the lead case.

TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 17, 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.eldorado.courts.ca.gov/online-services/telephonic-appearances.

5. ESTATE OF JOHN PEARSON PP-20210141**Petition to Administer Estate.**

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6. ESTATE OF HARNEY PP-20210198

Petition to Admit Holographic Will to Probate.

A petition for general administration and to admit the will to probate has not been filed. Petitioner has only filed a petition for special administration.

The proof of service of notice declares that notice of the hearing and the petitioner were served by mail to the interested persons. However, the proof of service fails to declare the date of service and date of execution of the proof of service. This must be corrected.

The proofs of subscribing witnesses and proofs of holographic instrument are defective in that a certified copy of the purported holographic instrument attested to is not attached. In their declarations they are attesting to the authenticity of a purportedly attached written instrument that has not been attached, leaving their declarations without any substance or evidentiary value. This needs to be corrected.

There is no proof of publication in the court's file. (See Probate Code, §§ 8120 and 8121(a).) The court can not consider this petition absent proof of publication.

The original purported will was lodged on October 13, 2021.

TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 17, 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.eldorado.courts.ca.gov/online-services/telephonic-appearances.

7. ESTATE OF HOWERTON PP-20210018

Petition for Final Distribution on Waiver of Account.

There is no proof of service of notice of the hearing and a copy of the petition on intestate heir Christopher Stanger in the court's file. While he has waived the accounting requirement and agreed to a specific distribution from the estate, the court is unable to find any waiver of notice. The court can not rule on the merits of the petition absent proof of service of adequate notice on this intestate heir.

Although the IRS proof of claim and request for special notice withdrawn dated 7/27/21 was not filed by the IRS, the verified petition states that the IRS claim was paid through the sale of the estate's real property and the IRS subsequently issued a Proof of Claim and Special Notice Withdrawal Request, which acknowledges payment and withdraws the request for special notice. The IRS Proof of Claim is attached to the petition as Exhibit B.

TENTATIVE RULING # 7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 17, 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.eldorado.courts.ca.gov/online-services/telephonic-appearances.

8. ESTATE OF FINLEY PP-20200100

Review Hearing Re: Status of Administration.

Letters Testamentary were issued on September 23, 2020. The Final Inventory and Appraisal was filed on January 5, 2021. The 1st and Final Account and Petition for Final Distribution was filed on September 28, 2021 and is set for hearing on December 1, 2021.

TENTATIVE RULING # 8: THIS MATTER IS CONTINUED TO 8:30 A.M. ON WEDNESDAY, APRIL 6, 2022 IN DEPARTMENT EIGHT.

9. ESTATE OF COMPTON PP-20160187

Review Hearing Re: Status of Administration.

The order of final distribution was entered on November 6, 2019, which directed the entire estate to be distributed to the personal representative. The estate included real property.

The personal representative appeared by counsel at the hearings on July 22 and October 7, 2020 and January 20, April 7, July 14, and September 6, 2021.

Although counsel reported that the deed was recorded, there is no ex parte Petition for Final Discharge (Judicial Council Form DE-295.) in the court's file that states the order of final distribution or a personal representative's deed was recorded concerning the distribution of the real property and that no receipts of distribution are required, because the personal representative is the sole distributee.

TENTATIVE RUIING # 9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 17, 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.eldorado.courts.ca.gov/online-services/telephonic-appearances.

10. ESTATE OF WEBER PP-20190078

(1) Petition for Final Account and Report.

(2) Review Hearing Re: Status of Administration.

On September 16, 2019 the Sleepy Hollow Owners Association filed a creditor's claim for \$12,411.90 in alleged past due assessments, plus \$23,000 allegedly due and owing by decedent for alleged negligent operation of his vehicle that damaged a newly slurried HOA road. On November 7, 2019 the Public Administrator filed a rejection of the entire claim, which the proof of service declares was served on the HOA by mail on November 6, 2019. The report notes in paragraph 19 that this claim was filed and states in paragraph 20 that the delinquent HOA assessments in the amount of \$12,411.90 were paid from the escrow on the sale of the decedent's real property. The HOA creditor's claim has not been withdrawn and the HOA has not acknowledged they consider the claim paid in full. There is no mention in the report as to whether the HOA filed a timely civil tort action for alleged negligence to recover the \$23,000 in alleged damages asserted in the rejected creditor's claim. However, the proof of service declares that notice of the hearing and a copy of the Final Account and Report were served on the HOA by mail on July 14, 2021. As of the date this ruling was prepared the HOA had not objected to the Final Account and Report.

The report states that the estate is insolvent, because after payment of the statutory and extraordinary fees there will be no assets remaining to distribute to the two intestate heirs. The Public Administrator proposes that the court order that any after discovered property of decedent be applied first to any remaining administrative expenses and, if any assets remain, the residue is to be distributed equally to the two intestate heirs.

TENTATIVE RULING # 10: THE PETITION IS GRANTED. THE 1ST AND FINAL ACCOUNT IS ALLOWED, SETTLED, APPROVED AND CONFIRMED. FEES ARE FIXED AND PAYMENT ALLOWED AS REQUESTED. FINAL DISTRIBUTION IS ORDERED AS REQUESTED. INASMUCH AS THERE REMAINS NO ASSETS TO DISTRIBUTE IN THIS INSOLVENT ESTATE, THE REVIEW HEARING RE: STATUS OF ADMINISTRATION IS CONTINUED TO 8:30 A.M. ON WEDNESDAY, JANUARY 19, 2022 IN DEPARTMENT EIGHT AT WHICH TIME THE COURT ANTICIPATES THAT AN EX PARTE PETITION FOR FINAL DISCHARGE (JUDICIAL COUNCIL FORM DE-295.) WILL BE SUBMITTED.

11. ESTATE OF BASSETT PP-20190222

Review Hearing Re: Status of Administration.

Letters of Administration were issued on February 20, 2001. The Final Inventory and Appraisal was filed on June 4, 2020. There is no Final Account and Request for Order of Final Distribution in the court's file.

TENTATIVE RULING # 11: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 17, 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.eldorado.courts.ca.gov/online-services/telephonic-appearances.

12. ESTATE OF WALLACE PP-20180214

(1) Final Account and Report.

(2) Review Hearing Re: Status of Administration.

Letters Testamentary were issued on September 7, 2017. The case was transferred to the El Dorado County Superior Court. The Final Inventory and Appraisal was filed on December 9, 2019. At the hearing on July 14, 2021 the personal representative was directed to file a Final Account and Report. The Final Account and Request for Order of Final Distribution was not filed prior to the last hearing on September 29, 2021.

At the last hearing on September 29, 2021 the court ordered the personal representative to file the final account and report no later than October 29, 2021. At the time this tentative ruling was prepared, the final account and report was not in the court's file.

TENTATIVE RULING # 12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 17, 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.eldorado.courts.ca.gov/online-services/telephonic-appearances.

13. ESTATE OF CHANG PP-20210187

Petition to Admit Will to Probate.

TENTATIVE RULING # 13: THE PETITION IS GRANTED. THE COURT SETS A REVIEW HEARING RE: INVENTORY AND APPRAISAL AT 8:30 A.M. ON WEDNESDAY, MARCH 16, 2022 IN DEPARTMENT EIGHT. (PROBATE CODE, § 8800 (b).) THE COURT FURTHER SETS A REVIEW HEARING RE: STATUS OF ADMINISTRATION AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 16, 2022 IN DEPARTMENT EIGHT. (PROBATE CODE, § 12200.)

14. ESTATE OF DORMISHEV PP-20210107

Readiness, Settlement and Trial Setting Conference.

One of decedent's daughters, Maria Dormishev, petitions to be appointed personal representative and to admit a purported holographic will to probate.

Another of decedent's daughters, Fatima Miller, objects to the petition on the following grounds: the attached will does not meet the requirements of a holographic will; there are questions as to whether the signature on the will is decedent's, because the signature was witnessed by the father of an interested party; and the beneficiary who receives nearly all of the estate is a daughter, her husband, and their children who provided care to decedent, which leads to concern regarding undue influence. Fatima Miller contends that decedent died intestate.

TENTATIVE RULING # 14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, NOVEMBER 17, 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.eldorado.courts.ca.gov/online-services/telephonic-appearances.

15. MATTER OF THE BISHOP FAMILY TRUST PP-20210171

Petition for Modification of Trust to Nominate Successor Trustees and Request for Waiver of Notice to Parties No Longer Interested in the Trust.

The surviving settlor petitions the court for an order providing for the following: modification of the language in successor trustee paragraph 7-4 to provide for a line of succession of five new nominated successor trustees; and that the notice requirements for the five relatives of deceased settlor Roy Cody Bishop be dispensed with as their distributions from the Bypass Trust have been fully distributed, they executed an agreement and mutual release waiving all rights to information and accountings in the administration of the Trust and Bypass sub-trust, and they waived and released all of their interests in and to the assets of the Trust, the Bypass Trust, and the estates of Roy Cody Bishop and the surviving settlor (See Petitioner's Exhibit C – Agreement and Mutual Release Among Bishop Family Members, paragraphs 5 and 12.).

The verified petition alleges: settlor Roy Cody Bishop passed away on February 2, 2002; the survivor's trust and bypass trust were created; while the survivor's trust is revocable by the surviving settlor, the bypass trust is irrevocable; the surviving settlor became the sole trustee of both sub-trusts; at some time in the future it is anticipated that there will be a period of incapacity of the surviving settlor/trustee, which will require a successor trustee for the Bypass Trust; the Trust provision nominating the succession of trustee of the Bypass Trust is obsolete as the person nominated is believed to have passed away in November 2020; the Bypass Trust provides for distribution upon the death of the surviving settlor in the form of specific cash bequests to five of Roy Cody Bishop's relatives and Robert Sherwood who is described as the surviving settlor's nephew, two of his children were specifically disinherited in Section 8.2 of the Trust Instrument, and the remainder after the distribution of those specific bequests was

subject to distribution by the surviving settlor under a special power of appointment (Petitioner's Exhibit A – Trust Instrument, Section 6.3.); the surviving settlor has exercised that special power in her will; after Roy Cody Bishop passed away, the surviving settlor decided to complete the gifts to Roy Cody Bishop's relatives that would be made upon her death; she and the relatives executed an agreement and mutual release, which provided that the distributions would forever satisfy the relatives' interests in the Trust (Petitioner's Exhibit C – Agreement and Mutual Release Among Bishop Family Members, paragraph 5.); as the deceased settlor's relatives have each received their distributions provided in the Bypass Trust, they waived any further interests in the Trust and the nominated independent successor Bypass Trust trustee having passed away, there is no need to name an independent trustee to protect Roy Cody Bishop's relative's interests to those specified distributions from the Bypass Trust; the surviving settlor nominates the same list of successor trustees for the Bypass Trust as are named as successor trustees of the Survivor's Trust, which would be more economical; and the value of the Bypass Trust assets are well below the minimum required to secure the services of a typical corporate trustee.

Absent objections, it appears appropriate to grant the petition.

TENTATIVE RULING # 15: THE PETITION IS GRANTED.

16. MATTER OF THE LARRY AND MARSHA FISTOLERA TRUST PP-20210199

Petition to Appoint Successor Co-Trustee, to Exonerate Successor Co-Trustee from Liability, to Approve Trustee Fees, to Modify Provisions of the Trust, and to Approve Sub-Trust Funding.

TENTATIVE RULING # 16: THIS MATTER IS CONTINUED TO 8:30 A.M. ON WEDNESDAY, DECEMBER 15, 2021 IN DEPARTMENT EIGHT.

17. MATTER OF THE CAROLYN E. OLIVER LIVING TRUST PP-20210204

Petition for Order Confirming Successor Trustee and Trust Assets.

TENTATIVE RULING # 17: THIS MATTER IS CONTINUED TO 8:30 A.M. ON WEDNESDAY,
DECEMBER 15, 2021 IN DEPARTMENT EIGHT.

18. MATTER OF THE MONTERO TRUST PP-20190171

Petition to Approve Settlement Agreement.

TENTATIVE RULING # 18: THE PETITION IS GRANTED.