

**1. ESTATE OF LOGAN PP-20190082**

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

Letters Testamentary were issued on July 18, 2019. The Final Inventory and Appraisal was filed on December 23, 2019. There is no Final Account and Request for Order of Final Distribution in the court's file.

The personal representative's declaration filed on December 1, 2020 explains: she is informed and believes that additional personal federal income tax returns must be filed for decedent and she is working with a CPA to determine what income tax returns need to be filed and will prepare and file income tax returns as required; the personal representative is deferring action on creditor claims until such time as the estate's liability to the U.S. Department of the Treasury is determined, because the estate may be found to be insolvent; due to the sheer volume of documents to be reviewed concerning the federal tax return issue and the number of years involved, the personal representative is only now in a position to evaluate the finances with the assistance of a CPA and determine what actions need to be completed; and additional time is required to prepare and file the tax returns, determine the estate's solvency, and to then complete the account and report. The personal representative requested and was granted a six month continuance of the review hearing to June 9, 2021.

On March 4, 2021 the Sierra Springs HOA filed a creditor's claim and on April 1, 2021 the State Franchise Tax Board filed an amended creditor's claim.

At the June 9, 2021 hearing the court continued the hearing to December 8, 2021.

**TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, DECEMBER 8, 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](http://www.eldorado.courts.ca.gov/online-services/telephonic-appearances).



2. ESTATE OF WYTKIND PP-20210210

**Petition to Admit Will to Probate.**

Petitioner seeks to have a will admitted to probate. Although it was lodged with the court on October 7, 2021, petitioner failed to attach a copy of the will to the petition as mandated by Probate Code, § 8002(b)(1).

“(b) If the decedent left a will: ¶ (1) The petitioner shall attach to the petition a photographic copy of the will. In the case of a holographic will or other will of which material provisions are handwritten, the petitioner shall also attach a typed copy of the will.” (Probate Code, § 8002(b)(1).)

An authenticated copy of the will must be filed with the court.

Petitioner seeks appointment as personal representative to serve without a bond requirement on the ground that the purported will waives the bond requirement.

Except as otherwise provided by statute, every person appointed personal representative of an estate shall, before letters are issued, give a bond approved by the court. (Probate Code, § 8480.)

“Notwithstanding any other provision of this chapter and notwithstanding a waiver of a bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court.” (Probate Code, § 8571.)

The petitioner is a non-resident. Should the petition be granted, the court is inclined to set bond in the amount of \$300,000.

**TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, DECEMBER 8, 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  
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**3. ESTATE OF INGHAM PP-20170107**

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

Deceased personal representative George Overose previously submitted the 1<sup>st</sup> and Final Account and Report for settlement and approval, which was deficient in several respects. The Final Inventory and Appraisal was filed by the deceased personal representative on April 4, 2018.

A successor administrator was appointed and letters of administration issued on August 3, 2021.

**TENTATIVE RULING # 3: THE FINAL INVENTORY AND APPRAISAL HAVING BEEN FILED ON APRIL 4, 2018, THIS MATTER IS DROPPED FROM THE CALENDAR.**



4. ESTATE OF DUNNAGAN 21PR0012

Petition to Admit Lost Will to Probate.

TENTATIVE RUIING # 4: THE PETITION IS GRANTED. THE LOST WILL IS ADMITTED TO PROBATE. THE COURT SETS A REVIEW HEARING RE: INVENTORY AND APPRAISAL AT 8:30 A.M. ON WEDNESDAY, APRIL 6, 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, DECEMBER 7, 2022 IN DEPARTMENT EIGHT. (PROBATE CODE, § 12200.)



5. ESTATE OF O'SULLIVAN PP-20200146

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

(2) Review Hearing Re: Status of Administration.

1<sup>st</sup> and Final Account and Report.

Letters of Administration were issued on December 18, 2020. The corrected Final Inventory and Appraisal was filed on October 5, 2021.

At the hearing on August 11, 2021 the court set a hearing on the Final Account and Report for October 6, 2021. The account and report was not in the court's file at the hearing on October 6, 2021 and the matter was continued to December 8, 2021. The personal representative's counsel was present at the October 6, 2021 hearing.

There was no 1<sup>st</sup> and final account and report in the court's file at the time this ruling was prepared.

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

At the review hearing re: inventory and appraisal on December 1, 2021, the court continued the December 8, 2021 review hearing re: status of administration to 8:30 a.m. on Wednesday, March 22, 2022 in Department Eight.

**TENTATIVE RULING # 5: THE REVIEW HEARING RE: STATUS OF ADMINISTRATION WAS PREVIOUSLY CONTINUED TO 8:30 A.M. ON WEDNESDAY, MARCH 22, 2022 IN DEPARTMENT EIGHT. APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, DECEMBER 8, 2021 IN DEPARTMENT EIGHT REGARDING THE 1<sup>ST</sup> AND FINAL ACCOUNT. 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](http://www.eldorado.courts.ca.gov/online-services/telephonic-appearances).



6. ESTATE OF DEISENROTH PP-20210211

**Petition to Administer Estate.**

The verified petition states that decedent's daughter resides at an address in Alaska and petitioner, the decedent's son, resides at an address in Kansas. The proof of service of notice of the hearing and a copy of the petition on these two interested persons declares that the daughter was served by mail to the son's address and vice versa. This needs to be explained. Is it a clerical error on the proof of service?

Petitioner seeks appointment as personal representative to serve without a bond requirement. Petitioner states that all heirs at law have executed the required waivers of the bond requirement. Petitioner is not a resident of California.

Except as otherwise provided by statute, every person appointed personal representative of an estate shall, before letters are issued, give a bond approved by the court. (Probate Code, § 8480.)

"Notwithstanding any other provision of this chapter and notwithstanding a waiver of a bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court." (Probate Code, § 8571.)

Should the petition be granted, the court is inclined to set bond in the amount of \$452,000.

**TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, DECEMBER 8, 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](http://www.eldorado.courts.ca.gov/online-services/telephonic-appearances).**



**7. ESTATE OF TWIST PP-20210170**

**Petition to Administer Estate.**

One of decedent's children, Ginger Twist, petitions to be appointed personal representative of the decedent's estate and that the bond requirement be waived. The petition estimates that the value of decedent's assets is \$300,000. The petition lists three intestate heirs. Only petitioner has executed and filed a Judicial Council Form DE-142/DE 111(A-3e) waiver of the bond requirement.

Should Ginger Twist's petition be granted, the court is inclined to set bond in the amount of \$300,000.

Decedent's surviving spouse, Jeannie Twist, appeared at the hearing on November 3, 2021 and stated she would oppose the petition by filing a competing petition.

The competing petition was filed on November 10, 2021. The competing petition asserts there are no known assets to administer in probate and the sole purpose of the petition is to investigate assets.

**TENTATIVE RULING # 7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, DECEMBER 8, 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](http://www.eldorado.courts.ca.gov/online-services/telephonic-appearances).**



8. ESTATE OF HERBERT SHEARER PP-20190068

- (1) Review Hearing Re: Status of Administration.
- (2) Review Hearing Re: Inventory and Appraisal.
- (3) Hearing Re: Bond Amount.

It has been reported that the only asset of the estate to be administered is the final distribution from the Estate of Marie Shearer, PC-20170036 and that it is premature to file the Final Inventory and Appraisal at this time, because no distribution has been received from the Estate of Marie Shearer, PC-20170036.

The court takes judicial notice that the Estate of Marie Shearer, PC-20170036 remains pending and, in fact, is set for a status of administration hearing on this same date.

TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, DECEMBER 8, 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](http://www.eldorado.courts.ca.gov/online-services/telephonic-appearances).



9. ESTATE OF KESTNER PP-20210071

1<sup>st</sup> and Final Account and Report.

On October 12, 2021 the sole will beneficiary, the trustee of the Jack T. Kestner and Geneva L. Kestner Family Trust, filed an executed waiver of the accounting requirement.

TENTATIVE RULING # 9: THE PETITION IS GRANTED. FEES ARE FIXED AND PAYMENT ALLOWED AS REQUESTED. FINAL DISTRIBUTION IS ORDERED AS REQUESTED. THE COURT CONFIRMS THE REVIEW HEARING RE: STATUS OF ADMINISTRATION SET FOR 8:30 A.M. ON WEDNESDAY, JUNE 1, 2022 IN DEPARTMENT EIGHT AT WHICH TIME THE COURT ANTICIPATES THAT A RECEIPT OF FINAL DISTRIBUTION EXECUTED BY THE TRUSTEE OF THE JACK T. KESTNER AND GENEVA L. KESTNER FAMILY TRUST WILL HAVE BEEN FILED AND AN EX PARTE PETITION FOR FINAL DISCHARGE (JUDICIAL COUNCIL FORM DE-295.) SUBMITTED.



10. ESTATE OF ADAMS PP-20180159

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

(2) Review Hearing Re: Status of Administration.

The court notes that the personal representative engaged two counsels during the administration of this estate. (See Petition, paragraph 32.) The petition and final account requests that the court order that the personal representative's successor counsel be paid the entire statutory attorney fee without any apportionment to pay the former counsel.

"If there are two or more attorneys for the personal representative, the attorney's compensation shall be apportioned among the attorneys by the court according to the services actually rendered by each attorney or as agreed to by the attorneys." (Probate Code, § 10814.)

The proof of service filed on November 8, 2021 declares that notice of the hearing and a copy of the petition were served on the interested persons, including the personal representative's former counsel. There were no objections or oppositions in the court's file at the time this ruling was prepared.

Should the personal representative's former counsel not object to the failure to apportion the statutory attorney fee at or before the hearing, the former personal representative will be found to have waived any claim to an apportioned statutory attorney fee and the court will grant the petition.

**TENTATIVE RULING # 10: ABSENT OBJECTIONS OR OPPOSITIONS, THE PETITION IS GRANTED. THE 1<sup>ST</sup> AND FINAL ACCOUNT IS ALLOWED, SETTLED, APPROVED AND CONFIRMED. FEES ARE FIXED AND PAYMENT ALLOWED AS REQUESTED. FINAL DISTRIBUTION IS ORDERED AS REQUESTED. THE COURT CONTINUES THE REVIEW HEARING RE: STATUS OF ADMINISTRATION TO 8:30 A.M. ON WEDNESDAY, APRIL 6,**



2022 IN DEPARTMENT EIGHT AT WHICH TIME THE COURT ANTICIPATES THAT THE RECEIPTS OF FINAL DISTRIBUTION WILL HAVE BEEN FILED AND AN EX PARTE PETITION FOR FINAL DISCHARGE (JUDICIAL COUNCIL FORM DE-295.) SUBMITTED.



11. ESTATE OF GUMINA PP-20180192

Review Hearing Re: Status of Administration.

Letters of Administration were issued on December 12, 2018. The Final Inventory and Appraisal was filed on July 21, 2021. 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, DECEMBER 8, 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](http://www.eldorado.courts.ca.gov/online-services/telephonic-appearances).



## 12. ESTATE OF WILSON PP-20210212

### Petition to Admit Holographic Will to Probate.

Petitioner alleges she is the step-daughter of the decedent who died testate leaving no next of kin. The handwritten purported will leaves everything to petitioner. The will is allegedly executed by two witnesses. It does not include an attestation clause.

The petitioner has failed to file any proofs of the will executed by the subscribing witnesses. (California Judicial Council Form DE-131.) Unless there is a will contest, the will may be proved on the evidence of one of the subscribing witnesses, if the evidence shows that the will was executed in all particulars as prescribed by law. (Probate Code, § 8220(a).) “Evidence of execution of a will may be received by an affidavit of a subscribing witness to which there is attached a photographic copy of the will, or by an affidavit in the original will that includes or incorporates the attestation clause.” (Probate Code, § 8220(b).)

In addition, there is insufficient proof of the purported will as a holographic will that can be admitted to probate. “A holographic will may be proved in the same manner as other writings.” (Probate Code, § 8222.) There is no proof of holographic will declaration in the court’s file, which authenticates the handwriting and signature on the holographic will as being decedent’s. (Judicial Council Form DE-135.)

The above-cited deficiencies must be remedied.

**TENTATIVE RULING # 12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, DECEMBER 8, 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](http://www.eldorado.courts.ca.gov/online-services/telephonic-appearances).**



**13. ESTATE OF POWELL PP-20210110**

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

Letters Testamentary were issued on August 4, 2021. There is no Final Inventory and Appraisal in the court's file.

The personal representative's counsel reports that the Inventory and Appraisal has been sent to the probate referee and requests a continuance of the hearing to January 26, 2022.

**TENTATIVE RULING # 13: UPON REQUEST OF COUNSEL, THIS MATTER IS CONTINUED TO 8:30 AM. ON WEDNESDAY, JANUARY 26, 2022 IN DEPARTMENT EIGHT.**



14. ESTATE OF ANDREWS PP-20190240

- (1) 1<sup>st</sup> and Final Account and Report.
- (2) Review Hearing Re: Inventory and Appraisal.
- (3) Review Hearing Re: Status of Administration.

1<sup>st</sup> and Final Account and Report.

“The personal representative shall file a final account and petition for an order for final distribution of the estate when the estate is in a condition to be closed.” (Probate Code, § 10951.)

“The personal representative shall give notice of the hearing as provided in Section 1220 to all of the following persons: ¶ (1) Each person listed in Section 1220. ¶ (2) Each known heir whose interest in the estate would be affected by the account. ¶ (3) Each known devisee whose interest in the estate would be affected by the account. ¶ (4) The Attorney General, at the office of the Attorney General in Sacramento, if any portion of the estate is to escheat to the state and its interest would be affected by the account. ¶ (5) If the estate is insolvent, each creditor who has filed a claim that is allowed or approved but is unpaid in whole or in part.” (Probate Code, § 11000(a).)

“When notice of hearing is required to be given as provided in this section: ¶ (1) At least 15 days before the time set for the hearing, the petitioner or the person filing the report, account, or other paper shall cause notice of the time and place of the hearing to be mailed to the persons required to be given notice. ¶ (2) Unless the statute requiring notice specifies the persons to be given notice, notice shall be mailed to all of the following: ¶ (A) The personal representative. ¶ (B) All persons who have requested special notice in the estate proceeding pursuant to Section 1250. ¶ (3) Subject to Section 1212, the notice shall be addressed to the



person required to be given notice at the person's place of business or place of residence.”  
(Probate Code, § 1220(a).)

The petition and Final Account lists seven interested parties entitled to notice of this proceeding. The court is unable to find a proof of service of notice of the hearing and a copy of the petition and final account in the court's file. Although the petition and final account appears to be in order, the court can not reach the merits of the petition and final account absent proof of adequate service of notice of the hearing and the petition and account on those interested parties.

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

The Final Inventory and Appraisal having been filed on September 29, 2021, the review hearing re: Inventory and Appraisal is dropped from the calendar.

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

Letters Testamentary were issued on March 4, 2020. The Final Inventory and Appraisal was filed on September 29, 2021. The Final Account and Request for Order of Final Distribution is set for hearing on December 8, 2021.

**TENTATIVE RULING # 14: THE FINAL INVENTORY AND APPRAISAL HAVING BEEN FILED ON SEPTEMBER 29, 2021, THE REVIEW HEARING RE: INVENTORY AND APPRAISAL IS DROPPED FROM THE CALENDAR. APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, DECEMBER 8, 2021 IN DEPARTMENT EIGHT REGARDING THE 1<sup>ST</sup> AND FINAL ACCOUNT AND THE REVIEW HEARING RE: STATUS OF ADMINISTRATION. 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](http://www.eldorado.courts.ca.gov/online-services/telephonic-appearances).**



15. ESTATE OF WILBUR PP-20200164

- (1) Review Hearing Re: Inventory and Appraisal.
- (2) Review Hearing Re: Status of Administration.
- (3) OSC Re: Sanctions for Failure to Appear.

Letters of Administration with Will Annexed were issued on December 10, 2020. There is no Final Inventory and Appraisal and no Final Account and Report in the court's file.

The personal representative failed to appear at the June 30, 2021 hearing and was ordered to appear at 8:30 a.m. on Wednesday, September 1, 2021 in Department Eight to show cause why sanctions should not be imposed for failure to appear. The June 30, 2021 minute order was served by mail on the personal representative's counsel.

The personal representative's counsel appeared at the September 1, 2021 hearing and explained that they are litigating a trust case. The hearings were continued to December 8, 2021.

The personal representative's counsel filed a status report on September 8, 2021, which states: the failure to appear was due to the matter having been inadvertently left off counsel's calendar, counsel moved her office in May 2021 and had not completed sending out notices of the address change to all courts, and counsel did not receive the June 30, 2021 minute order; to date, the administrator has not collected any of decedent's assets; while decedent died with a bank account holding \$200,000, decedent had placed her sister's name on the account so the sister could distribute the funds to the administrator as he is decedent's son, sole intestate heir, and sole beneficiary of her will; after only distributing \$20,000 to the administrator, the sister gave the remaining balance to two stepsons who claimed that these funds belonged to the Trust they were administering; the bank funds do not belong to the Trust as they have been



traced as having belonged to the decedent alone; the stepsons refuse to distribute the funds to the administrator despite the existence of direct evidence that they have no claim to the funds; and the administrator has been engaged in ongoing mediation of the dispute and hopes the matter will be resolved within 60 days with the fund delivered to the administrator.

More than 60 days have elapsed since September 8, 2021 without any further report on the progress, if any, in the mediation.

**TENTATIVE RULING # 15: THE HEARING ON THE OSC RE: SANCTIONS IS DROPPED FROM THE CALENDAR. APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, DECEMBER 8, 2021 IN DEPARTMENT EIGHT REGARDING THE REVIEW HEARING RE: INVENTORY AND APPRAISAL AND REVIEW HEARING RE: STATUS OF ADMINISTRATION. 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](http://www.eldorado.courts.ca.gov/online-services/telephonic-appearances).**



**16. ESTATE OF MARIE SHEARER PP-20170036**

**(1) Review Hearing Re: 1<sup>st</sup> and Final Account and Report.**

**(2) Review Hearing Re: Status of Administration.**

Letters of Administration were issued on April 12, 2017. The Final Inventory and Appraisal was filed on May 26, 2017. The 1<sup>st</sup> Interim Account and Report was approved and settled on October 3, 2018. The 2<sup>nd</sup> Interim Account and Report was approved and settled on June 26, 2019. At the hearing on July 7, 2021, the court continued the hearings to September 22, 2021. At the hearing on September 22, 2021, the court continued the hearing to December 8, 2021. There is no Final Account and Report in the court's file.

**TENTATIVE RULING # 16: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, DECEMBER 8, 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](http://www.eldorado.courts.ca.gov/online-services/telephonic-appearances).**



17. ESTATE OF MARTIN PP-20190239

Review Hearing Re: Inventory and Appraisal.

TENTATIVE RULING # 17: THE ORDER OF FINAL DISCHARGE HAVING BEEN ENTERED  
ON NOVEMBER 29, 2021, THIS MATTER IS DROPPED FROM THE CALENDAR.



18. ESTATE OF VINE PP-20200217

Review Hearing Re: Inventory and Appraisal.

Letters of Administration were issued on June 30, 2021. A Corrected Partial Inventory and Appraisal, Number 1, was filed on June 30, 2021. There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RULING # 18: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, DECEMBER 8, 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](http://www.eldorado.courts.ca.gov/online-services/telephonic-appearances).



19. ESTATE OF HEILMAN PP-20190123

Review Hearing Re: Status of Administration.

Letters Testamentary were issued on October 23, 2019. The Final Inventory and Appraisal was filed on August 12, 2021. There is no Final Account and Report in the court's file.

TENTATIVE RULING # 19: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, DECEMBER 8, 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](http://www.eldorado.courts.ca.gov/online-services/telephonic-appearances).



20. ESTATE OF WARNER PP-20210106

Review Hearing Re: Inventory and Appraisal.

Letters Testamentary were issued on July 14, 2021. There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RULING # 20: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, DECEMBER 8, 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](http://www.eldorado.courts.ca.gov/online-services/telephonic-appearances).



**21. MATTER OF MILLER PP-20210049****Petition to Determine Claim to Property.**

On September 22, 2021 the court granted a petition to confirm that petitioner James Heyne succeeded to an additional 30% interest in certain real property as requested in the petition, which left him with an 80% ownership interest in the subject real property and the decedent with a 20% interest in the subject real property.

Petitioner James Heyne filed a second petition to confirm he also owns decedent's remaining 20% interest by operation of a written contract for purchase of the property that was apparently never recorded. The verified petition states: in June 1992 James Heyne purchased from his mother, the decedent, a 50% interest in the subject real property as a tenant in common; the grant deed was recorded (See Petitioner's Exhibit A.); during decedent's lifetime she entered into a written agreement with petitioner that was amended from time to time, which provided that petitioner acquired further interests in the real property as a result of him paying the taxes on the real property; the May 18, 2009 version of the agreement was in effect when decedent passed away in 2020 (See Petitioner's Exhibit B.); petitioner paid the property taxes on the subject real property for 27 years, thus acquiring an additional 20% interest in the real property; during the prior proceeding in this case petitioner misunderstood the will's provision that decedent devised all her interest in the real property to petitioner as being limited to her remaining 30% equitable interest in the property, even though no deed evidencing the transfer of an additional 20% of the property to petitioner was recorded, which left decedent with record title to a 50% interest in the property; the order entered on the initial petition determined that decedent only succeeded to an additional 30% interest in the property, as the petition requested; that order was recorded on October 4, 2021; this left decedent with record title to a



20% interest in the property; and in order to complete a sale of the property, petitioner requests that the court confirm that he owns the remaining 20% interest by virtue of the written purchase agreement and his payment of taxes over the past 27 years.

The personal representative or any interested person may file a petition to determine ownership of real or personal property and to obtain an order directing the transfer of real or personal property where the decedent died in possession of, or holding title to, real or personal property, and the property or some interest therein is claimed to belong to another. (Probate Code, § 850(a)(2)(C).) At least 30 days prior to the hearing the petitioner shall serve notice of the hearing and a copy of the petition on the personal representative, conservator, guardian, or trustee as appropriate and each person claiming an interest in, or having title to or possession of, the subject property. Service on those persons must be made in the same manner as service of summons in a civil action. (Probate Code, § 851(a).) Service of notice of the hearing and a copy of the petition must also be served by mail 15 days prior to the hearing on the personal representative, all persons requesting special notice, and any heir or devisee whose interest in the property may be affected by the petition. (Probate Code, § 851(b).)

Notice of the hearing and a copy of the petition were served by mail to the other children, heirs, and beneficiaries of decedent by mail on November 1, 2021. There are no oppositions or objections to the petition in the court's file.

"Except as provided in Sections 853 and 854, if the court is satisfied that a conveyance, transfer, or other order should be made, the court shall make an order authorizing and directing the personal representative or other fiduciary, or the person having title to or possession of the property, to execute a conveyance or transfer to the person entitled thereto, or granting other appropriate relief." (Probate Code, § 856.)

Under the circumstances presented, it appears appropriate to grant the petition.



TENTATIVE RULING # 21: THE PETITION IS GRANTED.