

1. ESTATE OF CLARK PP-20150106

(1) Second Corrected 1st 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 1st 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 1st 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 2nd corrected proof of service filed on November 29, 2021 declares that notice of the hearing and a copy of the 2nd corrected petition for Settlement of the 1st and Final Account and for distribution were served by mail on nearly all of the interested parties on November 24, 2021.

The 2nd Corrected Petition for Settlement of the 1st and Final Account and for distribution states in paragraph 11 that there are no creditors. Two claims were filed by the Department of Health Care Services (DHCS) on June 25, 2015. DHCS also filed a request for special notice on that date. The two rejections of the claims were filed on May 27, 2016.

The 2nd corrected proof of service filed on January 10, 2022 declares that on January 6, 2022 notice of this proceeding and a copy of the petition for Settlement of the 1st and Final Account and for distribution were served by mail on all interested parties, including DHCS

The petition does not explain whether DHCS timely filed an action to recover on the two rejected creditor' claims. This needs to be addressed.

TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, FEBRUARY 9, 2022 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 HANDEN PP-20210157

Review Hearing Re: Inventory and Appraisal.

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

3. ESTATE OF VERRY 21PR0056

Petition to Administer Estate.

TENTATIVE RULING # 3: THE PETITION IS GRANTED. BOND IS SET IN THE AMOUNT OF \$360,000. THE COURT SETS A REVIEW HEARING RE: INVENTORY AND APPRAISAL AT 8:30 A.M. ON WEDNESDAY, JUNE 8, 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, FEBRUARY 8, 2023 IN DEPARTMENT EIGHT. (PROBATE CODE, § 12200.)

4. ESTATE OF KAMINE PP-20200228

Review Hearing Re: Status of Administration.

Letters of Administration were issued on February 16, 2021. The Final Inventory and Appraisal was filed on July 30, 2021. There is no Final Account and Request for Order of Final Distribution in the court's file.

TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, FEBRUARY 9, 2022 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 LUTZ PP-20200052

(1) Final Account and Report.

(2) Review Hearing Re: Status of Administration

Letters of Administration with will annexed were issued on June 19, 2020. The Final Inventory and Appraisal filed on October 3, 2020. At the hearing on September 29, 2021 the court continued the review hearing and set a hearing on the Final Account and Report for January 5, 2022. At the hearing on January 5, 2022 the parties advised the court that they are waiting on an agreement. The hearing was continued to January 19, 2022. At the hearing on January 19, 2022 the court continued the hearing to February 9, 2022.

There is no Final Account and Report in the court's file.

TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, FEBRUARY 9, 2022 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.

6. ESTATE OF STEWART PP-20200115

(1) Review Hearing Re: Inventory and Appraisal.

(2) Review Hearing Re: Status of Administration.

Letters of Administration were issued on November 13, 2020. Although partial inventory and appraisal numbers 1-4 were filed on February 3, 2021 and November 12, 2021, there is no Final Inventory and Appraisal in the court's file. There is no Final Account and Request for Order of Final Distribution in the court's file.

Intestate heir Jeffrey Stewart filed a petition to confirm that a TD Ameritrade account was an asset of the trust estate. A settlement was reached at the MSC on September 23, 2021 and a written stipulation for settlement was drafted and executed by all parties. The court inquired at the MSC and each of the parties confirmed in the MSC hearing that they agreed to the stipulation as written. It was agreed that Paul Stewart would draft a more formal order and written settlement agreement. The formal order and written settlement agreement was entered on January 11, 2022.

TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, FEBRUARY 9, 2022 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 GORDON PP-20200222

Review Hearing Re: Status of Administration.

Letters of Administration were issued on February 10, 2021. The Final Inventory and Appraisal was filed on November 23, 2021. There is no Final Account and Request for Order of Final Distribution in the court's file.

TENTATIVE RULING # 7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, FEBRUARY 9, 2022 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 PEARCE PP-20210080

Review Hearing Re: Inventory and Appraisal.

Letters of Administration were issued on September 15, 2021. There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, FEBRUARY 9, 2022 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.

9. ESTATE OF KOCMICH PP-20180237

Review Hearing Re: Status of Administration.

At the hearing on October 28, 2020 the court allowed, settled, approved and confirmed the 1st 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 August 4, 2021 hearing was continued to October 20, 2021.

The personal representative filed a status report on October 12, 2021, which stated they were awaiting a final inspection report on the estate's real property before the property can be listed and it was anticipated the estate was just a few weeks from selling the real property. The personal representative requested that the personal representative be allowed until early December to finalize the accounting. The October 20, 2021 hearing was continued to December 15, 2021. The December 15, 2021 hearing was then continued to February 9, 2022.

TENTATIVE RULING # 9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, FEBRUARY 9, 2022 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 MURPHY 21PR0010

Petition to Administer Estate.

TENTATIVE RULING # 10: THE PETITION IS GRANTED. THE COURT SETS A REVIEW HEARING RE: INVENTORY AND APPRAISAL AT 8:30 A.M. ON WEDNESDAY, JUNE 8, 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, FEBRUARY 8, 2023 IN DEPARTMENT EIGHT. (PROBATE CODE, § 12200.)

11. ESTATE OF HOFFMAN PP-20200230

Review Hearing Re: Status of Administration.

Letters Testamentary were issued on February 10, 2021. The Final Inventory and Appraisal was filed on June 4, 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, FEBRUARY 9, 2022 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 KOUBA 21PR0053

Petition to Administer Estate.

TENTATIVE RULING # 12: THE PETITION IS GRANTED. BOND IS SET IN THE AMOUNT OF \$500,000 AS REQUESTED. THE COURT SETS A REVIEW HEARING RE: INVENTORY AND APPRAISAL AT 8:30 A.M. ON WEDNESDAY, JUNE 8, 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, FEBRUARY 8, 2023 IN DEPARTMENT EIGHT. (PROBATE CODE, § 12200.)

13. ESTATE OF WALZ PP-20110054

(1) Review Hearing Re: Status of Administration.

(2) Review Hearing Re: Inventory and Appraisal.

The petition for issuance of Letters of Administration to a successor personal representative was granted on March 16, 2016. The Letters of Administration were issued on July 27, 2016.

At the hearing on October 13, 2021 the court granted counsel's request for a continuance. The hearing was continued to December 15, 2021. At the hearing on December 15, 2021 the court continued the hearing to February 9, 2022.

There is no Final Inventory and Appraisal and no Final Account and Request for Order of Final Distribution in the court's file.

TENTATIVE RULING # 13: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, FEBRUARY 9, 2022 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.

14. ESTATE OF CLARK PP-20200219

Review Hearing Re: Status of Administration.

Letters Testamentary were issued on February 10, 2021. The Final Inventory and Appraisal was filed on March 22, 2021. There is no Final Account and Request for Order of Final Distribution in the court's file.

TENTATIVE RULING # 14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, FEBRUARY 9, 2022 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 LUTZ FAMILY REVOCABLE TRUST PP-20200202**Hearing Re: Review of Conditions of Settlement.**

At the MSC on June 24, 2021 the parties reached a global settlement of all issues that was placed on the record in open court and each of the parties indicated their agreement with the settlement agreement on the record in open court. The court reserved jurisdiction to enforce the settlement pursuant to Code of Civil Procedure, § 664.6 and set this review hearing. The court specified that if a notice of settlement was filed, the September 29, 2021 hearing would be vacated. The September 29, 2021 review hearing was continued to January 5, 2022. The court was advised by the parties at the January 5, 2022 hearing that they are waiting on an agreement and requested a continuance of the hearing. The hearing was continued to January 19, 2022. The January 19, 2022 hearing was then continued to February 9, 2022. There is no notice of settlement in the court's file.

TENTATIVE RULING # 15: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, FEBRUARY 9, 2022 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.

16. MATTER OF THE SHEPHERD LIVING TRUST 22PR0001

Petition Requiring Return of Personal Property to the Trust; Petition for Instructions as to Status of Funds Transferred from the Trust and Validity of the 3rd Amendment and Restatement of Trust; and Action for Financial Abuse.

The successor co-trustees of the trust filed a petition to require return of property, for instructions, and an action for financial elder abuse against respondent Cowan.

The verified petition alleges: respondent moved in with decedent settlor Robert Shepherd after the death of his spouse, settlor Hedda Shepherd; while respondent lived with Robert Shepherd he took steps to change the designations of the Trust's bank accounts by transfer of funds out of the trust into other accounts held for the benefit of respondent or held in joint tenancy with respondent; an Edward Jones account was transferred from the Trust account to an account held by Robert Shepherd and respondent in joint tenancy; the Edward Jones account transaction took place seven days prior to Robert Shepard's death; the 3rd amendment/restatement was executed at a time that Robert Shepherd was suffering from significant health complications; and the 3rd amendment/restatement provided that respondent could reside in the Trust residence for a period of up to nine months after Robert Shepherd's death with the Trust paying all maintenance expenses, provided respondent lived in the residence at the time settlor passed away.

Petitioners request that the court determine that the transferred funds and investments remain assets of the Trust and should be transferred back to the Trust on the ground that the transfers were the product of undue influence by respondent or Robert Shepherd lacked capacity to make such transfers; that the court instruct/determine that the 3rd amendment/restatement was invalid as Robert Shepherd lacked capacity to change his Trust

at the time it was executed; and that the court determine that the conduct of respondent amounted to financial elder abuse entitling the Trust to an award of double damages, attorney fees, and punitive damages.

850 Petition

The trustee or any interested person may file a petition to determine ownership of real or personal property and to obtain an order directing the conveyance or transfer of real or personal property in any of the following cases: “(A) Where the trustee is in possession of, or holds title to, real or personal property, and the property, or some interest, is claimed to belong to another. (B) Where the trustee has a claim to real or personal property, title to or possession of which is held by another. (C) Where the property of the trust is claimed to be subject to a creditor of the settlor of the trust.” (Probate Code, § 850(a)(3).)

Where the petition to determine ownership of property involves a Trust, notice of the hearing and a copy of the petition must be served at least 30 days prior to the hearing on the trustee and each person claiming an interest in, or having title to or possession of, the subject property in the same manner as service of a summons and complaint and by mail to all beneficiaries and the Attorney General, if the petition relates to a charitable trust subject to the jurisdiction of the Attorney General. (Probate Code, §§ 851(a)(2), 851(b)(3) and 17203(a).)

Paragraph 3 of the verified petition states petitioners and respondent are entitled to notice. “If a person is required to give notice, the person required to give the notice need not give the notice to himself or herself or to any other person who joins in the petition.” (Probate Code, § 1201.) Therefore, notice only needs to be served on respondent Cowan.

There is no proof of personal service of the petition on the respondent in the court’s file. The court can not reach the merits of the petition absent proof of personal service.

“An action brought under this part may include claims, causes of action, or matters that are normally raised in a civil action to the extent that the matters are related factually to the subject matter of a petition filed under this part.” (Probate Code, § 855.)

“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.)

“The court may not grant a petition under this chapter if the court determines that the matter should be determined by a civil action.” (Probate Code, § 856.5.)

Petitioner has asserted a civil action for financial elder abuse in the petition. Respondent is entitled to a jury trial on that cause of action and will be deprived of a jury trial if the matter remains in the probate court. The court is inclined to find that the matter should be determined by a civil action and further inclined to order this matter transferred to the civil department after approval of the presiding judge in order for the action to be decided as a civil case.

3rd Amendment and Restatement of Trust

“Except as provided in Section 15800, a trustee or beneficiary of a trust may petition the court under this chapter concerning the internal affairs of the trust or to determine the existence of the trust.” (Probate Code, § 17200(a).)

“Proceedings concerning the internal affairs of a trust include, but are not limited to, proceedings for any of the following purposes: ¶ * * * (3) Determining the validity of a trust provision.” (Probate Code, § 17200(b)(3).)

As stated earlier, there is no proof of personal service of the petition on the respondent in the court's file. The court can not reach the merits of the petition absent proof of personal service.

Respondent's Counsel's Declaration Re: Demurrer to Petition

Counsel declares: petitioners failed to provide proper notice to respondent by personal service of the petition and the summons; respondent intends to demur and/or move to strike the petition once proper service is effected, which is only due to be filed within 30 days after proper service; and respondent has not had sufficient time to meet and confer on the demurrer.

TENTATIVE RULING # 16: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, FEBRUARY 9, 2022 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.

17. MATTER OF THE SPECIAL NEEDS TRUST RAYLEENA SOSTRE PP-20110058

Petition to Approve Payment of Attorney Fees to Trust Beneficiary River Sostre's Counsel

Counsel retained to represent both River Sostre and Rayleena Sostre as beneficiaries of their respective special needs trusts in case numbers PP-20110057 and PP-20110058 has filed a petition on their behalf requesting that the court issue an order instructing the trustee of the two special needs trusts to pay the total amount of \$19,722.50 to their counsel, which represents attorney and law clerk fees and costs incurred in representing the two beneficiaries' interests in the matters relating to the two probate cases from October 13, 2020. The petition further requests that 50% of the fees and costs requested be paid from the River Journey Sostre Special Needs Trust and the other 50% of the fees and costs requested be paid from the Rayleena Mercedes Sostre Special Needs Trust. Counsel filed a declaration in support of the petition.

A trustee or beneficiary of a trust may petition the court under this chapter concerning the internal affairs of the trust. (Probate Code, § 17200(a).) "Proceedings concerning the internal affairs of a trust include, but are not limited to, proceedings for any of the following purposes: ¶

* * * (6) Instructing the trustee..." (Probate Code, § 17200(b)(6).)

The petition is not verified. A petition, report, or account filed pursuant to the Probate Code shall be verified. (Probate Code, § 1021(a)(1).)

The court can not consider the merits of the petition until it has been verified.

The proof of service filed on December 30, 2021 declares that on December 20, 2021 notice of the hearing and the petition were served by mail to the five persons listed in the

petition at paragraph 13 as persons entitled to service of notice of the hearing and a copy of the petition.

In addition to lack of verification, although there are no oppositions or objections in the court's file, an objection can be made at any time and even orally at the hearing. (Probate Code, § 1043.) Therefore, appearances are required.

TENTATIVE RULING # 17: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, FEBRUARY 9, 2022 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.

18. MATTER OF THE SPECIAL NEEDS TRUST OF RIVER SOSTRE PP-20110057

Petition to Approve Payment of Attorney Fee to Trust Beneficiary River Sostre's Counsel

Counsel retained to represent both River Sostre and Rayleena Sostre as beneficiaries of their respective special needs trusts in case numbers PP-20110057 and PP-20110058 has filed a petition on their behalf requesting that the court issue an order instructing the trustee of the two special needs trusts to pay the total amount of \$19,722.50 to their counsel, which represents attorney and law clerk fees and costs incurred in representing the two beneficiaries' interests in the matters relating to the two probate cases from October 13, 2020. The petition further requests that 50% of the fees and costs requested be paid from the River Journey Sostre Special Needs Trust and the other 50% of the fees and costs requested be paid from the Rayleena Mercedes Sostre Special Need Trust. Counsel filed a declaration in support of the petition.

A trustee or beneficiary of a trust may petition the court under this chapter concerning the internal affairs of the trust. (Probate Code, § 17200(a).) "Proceedings concerning the internal affairs of a trust include, but are not limited to, proceedings for any of the following purposes: ¶

* * * (6) Instructing the trustee..." (Probate Code, § 17200(b)(6).)

The petition is not verified. A petition, report, or account filed pursuant to the Probate Code shall be verified. (Probate Code, § 1021(a)(1).)

The court can not consider the merits of the petition until it has been verified.

The proof of service filed on December 30, 2021 declares that on December 20, 2021 notice of the hearing and the petition were served by mail to the five persons listed in the

petition at paragraph 13 as persons entitled to service of notice of the hearing and a copy of the petition.

In addition to lack of verification, although there are no oppositions or objections in the court's file, an objection can be made at any time and even orally at the hearing. (Probate Code, § 1043.) Therefore, appearances are required.

TENTATIVE RULING # 18: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, FEBRUARY 9, 2022 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.

19. MATTER OF THE ROBERT SATRAP TRUST 21PR0016**Petition to Compel Account.**

A beneficiary of the Trust petitions to compel the trustee to provide an accounting. The verified petition alleges that despite having requested a full and complete account of the Trust, the trustee only provided limited information consisting of select pages of financial account documents.

"The trustee has a duty to keep the beneficiaries of the trust reasonably informed of the trust and its administration." (Probate Code, § 16060.) "...[T]he general duty provided in this section is ordinarily satisfied by compliance with Sections 16061 and 16062 unless there are special circumstances requiring particular information to be reported to beneficiaries." (Law Review Commission Comment to 1990 Enactment of Probate Code, § 16060.) "Except as provided in Section 16064, on reasonable request by a beneficiary, the trustee shall provide the beneficiary with a report of information about the assets, liabilities, receipts, and disbursements of the trust, the acts of the trustee, and the particulars relating to the administration of the trust relevant to the beneficiary's interest, including the terms of the trust." (Probate Code, § 16061.)

"Trustees are * * * under an obligation to render to beneficiaries a full account of all their dealings with the trust property, and where there has been a negligent failure to keep true accounts all presumptions are against them upon a settlement." (*Estate of McCabe* (1950) 98 Cal.App.2d 503, 505, 220 P.2d 614, 616; see also, *Purdy v. Johnson* (1917) 176 Cal. 521, 527, 163 P. 893.)" (Blackmon v. Hale (1970) 1 Cal.3d 548, 560.)

"A proceeding under this chapter is commenced by filing a petition stating facts showing that the petition is authorized under this chapter. The petition shall also state the grounds of

the petition and the names and addresses of each person entitled to notice of the petition.”
(Probate Code, § 17201.)

“At least 30 days before the time set for the hearing on the petition, the petitioner shall cause notice of hearing to be mailed to all of the following persons: ¶ (1) All trustees. ¶ (2) All beneficiaries, subject to Chapter 2 (commencing with Section 15800) of Part 3. ¶ (3) The Attorney General, if the petition relates to a charitable trust subject to the jurisdiction of the Attorney General.” (Probate Code, § 17203(a).)

The proof of service declares that on November 2, 2021 the interested persons were served notice of the hearing and a copy of the petition by mail.

The trustee filed a verified response to the petition and requests an evidentiary hearing. The proofs of service of the response declare that on January 6, 2022 the interested parties were served the response by mail and on petitioner’s counsel by email.

Appearances are required to set a trial date, issues conference date and MSC date.

TENTATIVE RULING # 19: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, FEBRUARY 9, 2022 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.