

1. ESTATE OF HALSRUD 21PR0022

Review Hearing Re: Inventory and Appraisal.

TENTATIVE RULING # 1: THE CORRECTED FINAL INVENTORY AND APPRAISAL HAVING BEEN FILED ON MARCH 2, 2022, THIS MATTER IS DROPPED FROM THE CALENDAR.

2. ESTATE OF DAYTON-AXLINE 21PR0017

Review Hearing Re: Inventory and Appraisal.

Letters Administration with Will Annexed were issued on January 12, 2022. There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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.

3. ESTATE OF JOHNSON PP-20210160

Review Hearing Re: Inventory and Appraisal.

TENTATIVE RULING # 3: THE FINAL INVENTORY AND APPRAISAL HAVING BEEN FILED ON APRIL 12, 2022, THIS MATTER IS DROPPED FROM THE CALENDAR.

4. ESTATE OF WYTKIND PP-20210210

Review Hearing Re: Inventory and Appraisal.

Letters Testamentary were issued on January 27, 2022. There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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 MARK PP-20210155

Review Hearing Re: Inventory and Appraisal.

Letters Testamentary were issued on November 12, 2021. There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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 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 # 6: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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 HOGUE PP-20210209

Review Hearing Re: Inventory and Appraisal.

Letters of Administration were issued on January 12, 2022. There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RULING # 7: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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 MIXON 22PR0075

Petition to Administer Estate.

The court notes that there is no proof of service of notice of the hearing and a copy of the petition by mail on the heirs, devisees and executors in the court's file. "At least 15 days before the hearing of a petition for administration of a decedent's estate, the petitioner shall serve notice of the hearing by mail or personal delivery on all of the following persons: (a) Each heir of the decedent, so far as known to or reasonably ascertainable by the petitioner. (b) Each devisee, executor, and alternative executor named in any will being offered for probate, regardless of whether the devise or appointment is purportedly revoked in a subsequent instrument." (Probate Code, § 8110.)

The court can not rule on the petition absent proof of adequate service of notice of this hearing and a copy of the petition on all interested parties.

The petition does not state in paragraphs 5.a.(1) or 5.a.(2) whether decedent is survived by a spouse, or there was no spouse as decedent was divorced, never married, or the spouse predeceased the decedent. This needs to be clarified.

"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/proposed personal representative is a resident of Texas and seeks full authority under the Independent Administration of Estates Act. Should the petition be granted, the court will set bond in the amount of \$35,000.

TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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 KELLER PP-20210139

Review Hearing Re: Inventory and Appraisal.

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

TENTATIVE RULING # 9: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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 HURTADO 22PR0070

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, SEPTEMBER 14, 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, MAY 10, 2023 IN DEPARTMENT EIGHT. (PROBATE CODE, § 12200.)

11. ESTATE OF FINNIGAN PP-20210046

Review Hearing Re: Status of Administration.

Letters of Administration were issued on May 12, 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, MAY 11, 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 BREHM PP-20210007

Review Hearing Re: Status of Administration.

Letters Testamentary were issued on July 1, 2021. The Final Inventory and Appraisal was filed on October 20, 2021. There is no Final Account and Request for Order of Final Distribution in the court's file.

TENTATIVE RULING # 12: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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.

13. ESTATE OF HELWIG 22PR0073

Petition to Admit Will to Probate.

TENTATIVE RULING # 13: THE PETITION IS GRANTED. THE WILL IS ADMITTED TO PROBATE. THE COURT SETS A REVIEW HEARING RE: INVENTORY AND APPRAISAL AT 8:30 A.M. ON WEDNESDAY, SEPTEMBER 14, 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, MAY 10, 2023 IN DEPARTMENT EIGHT. (PROBATE CODE, § 12200.)

14. ESTATE OF COX 21PR0004

Review Hearing Re: Inventory and Appraisal.

Letters Testamentary were issued on January 12, 2022. There is no Final Inventory and Appraisal in the court's file.

TENTATIVE RULING # 14: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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. ESTATE OF KYSER PP-20200187

1st and Final Account and Report

Paragraph 35 of the verified petition states that Kevin McCrary is an interested person entitled to notice. The proof of service of notice of the hearing and a copy of the Final Account and Petition does not state that he was served notice and a copy of the petition by mail along with the other interested persons. This needs to be explained.

The verified petition states in paragraph 30 that the personal representative's former counsel, Wendy Finen, has consented to receive \$3,489 of the statutory attorney's fees as compensation for services rendered. The notice of hearing and Final Account and Petition have not been served on Wendy Finen and there is no consent to the proposed pro-ration of statutory fees executed by Wendy Finen attached to the account and petition. Either an executed consent to the pro-ration must be submitted or notice of the hearing and a copy of the account and petition must be served on Wendy Finen.

TENTATIVE RULING # 15: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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. ESTATE OF MCNULTY 22PR0099

Petition to Administer Estate.

The court is unable to confirm whether the intestate heirs were served notice of the hearing and a copy of the petition by mail, because the petition states that they live at a certain street address, but the city, state, and zip code were not stated in the petition. This needs to be corrected.

The petitioner has not filed an executed a statement of duties and liabilities. (Judicial Council Form DE-147.) Prior to issuing letters of administration, the personal representative, other than a trust company or public administrator, shall file an acknowledgement of receipt of a statement of duties and liabilities of the office of personal representative. The statement is a mandated Judicial Council form. (Probate Code, § 8404(a).)

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.

TENTATIVE RULING # 16: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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. ESTATE OF MILLER PP-20200135

Review Hearing Re: Status of Administration.

The order of final distribution was entered on June 16, 2021.

The personal representative's counsel reported on November 19, 2021 that while in the process of transferring property for distribution to Lauren Miller, the personal representative received notification of Lauren Miller's death on July 24, 2021; the solicitor for the executor of Lauren Miller's will advised counsel that the executor would be filing for a Grant of Probate of that estate in Canada; once the Grant of Probate is approved, the named executor of Lauren Miller's Estate will be authorized to receive the distribution from this estate; and it was estimated that the grant of probate of the Estate of Lauren Miler will be approved in late January 2022.

On March 4, 2022 counsel filed a declaration reporting that the Canadian Grant of Probate was issued on January 27, 2022; an original of the Grant of Probate is required for recordation as an asset of the Estate of Richard Miller is an interest in real property; and the original Grant of Probate was received on February 23, 2022. The court granted counsel's request for an extension of time for recordation of the Grant of Probate and so the receipt of distribution and Ex Parte Petition for Final Discharge can be properly executed and filed with the court.

There is no receipt 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 # 17: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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. ESTATE OF HILL 22PR0074

Petition to Admit Will to Probate.

The court notes that there is no proof of service of notice of the hearing and a copy of the petition by mail on the heirs, devisees and executors in the court's file. "At least 15 days before the hearing of a petition for administration of a decedent's estate, the petitioner shall serve notice of the hearing by mail or personal delivery on all of the following persons: (a) Each heir of the decedent, so far as known to or reasonably ascertainable by the petitioner. (b) Each devisee, executor, and alternative executor named in any will being offered for probate, regardless of whether the devise or appointment is purportedly revoked in a subsequent instrument." (Probate Code, § 8110.)

In addition, the petition does not identify the sole beneficiary of the pour-over will, the trustee of the Hill Family Trust. Unless identified, the court will be unable to determine if all interested persons have been properly served with notice of the hearing and a copy of the petition.

The Court can not rule on the petition absent proof of adequate service on the interested parties.

The original will has not been lodged with the court. The original will must be lodged.

TENTATIVE RULING # 18: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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. ESTATE OF WALLACE PP-20180214

Review Hearing Re: Status of Administration.

On April 13, 2022 the court allowed, settled, approved, and confirmed the Final Account and Report. There were no assets to distribute to the sole will beneficiary, the Wallace Family Revocable Living Trust. There is no ex parte Petition for Final Discharge (Judicial Council Form DE-295.) in the court's file.

TENTATIVE RULING # 19: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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.

20. ESTATE OF SIEBENTHAL PP-20210208

Review Hearing Re: Inventory and Appraisal.

Letters of Administration were issued on January 12, 2022. 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, MAY 11, 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.

21. ESTATE OF PEABODY 22PR0078

Petition to Administer Estate.

TENTATIVE RULING # 21: THE PETITION IS GRANTED. THE COURT SETS A REVIEW HEARING RE: INVENTORY AND APPRAISAL AT 8:30 A.M. ON WEDNESDAY, SEPTEMBER 14, 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, MAY 10, 2023 IN DEPARTMENT EIGHT. (PROBATE CODE, § 12200.)

22. ESTATE OF ZHAO 22PR0102

Petition to Administer Estate.

The court notes that there is no proof of service of notice of the hearing and a copy of the petition by mail on the heirs, devisees and executors in the court's file. "At least 15 days before the hearing of a petition for administration of a decedent's estate, the petitioner shall serve notice of the hearing by mail or personal delivery on all of the following persons: (a) Each heir of the decedent, so far as known to or reasonably ascertainable by the petitioner. (b) Each devisee, executor, and alternative executor named in any will being offered for probate, regardless of whether the devise or appointment is purportedly revoked in a subsequent instrument." (Probate Code, § 8110.)

The court can not rule on the merits of the petition in the absence of proof of adequate service on the interested parties.

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 petitioner has not filed an executed a statement of duties and liabilities. (Judicial Council Form DE-147.) Prior to issuing letters of administration, the personal representative, other than a trust company or public administrator, shall file an acknowledgement of receipt of a statement of duties and liabilities of the office of personal representative. The statement is a mandated Judicial Council form. (Probate Code, § 8404(a).)

TENTATIVE RULING # 22: APPEARANCES ARE REQUIRED AT 8:30 A.M. ON WEDNESDAY, MAY 11, 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.

23. MATTER OF THE TRUST OF ARTHUR E. AND ELIZABETH J. PIPER 22PR0100

Petition to Compel Trust Accounting, to Suspend and Remove Trustee, to Surcharge Trustee, for Transfer of Property, and to Appoint Professional Fiduciary as Successor Trustee.

The verified petition alleges: settlors passed away leaving six children, who are the remainder beneficiaries of the Trust; five of the six remainder beneficiaries are the petitioners in this action; the six child is the successor trustee; the successor trustee engaged in various acts of misconduct related to the Trust and Trust property; and a demand has been made to the successor trustee to provide an accounting and more than 60 days has passed since the demand with no accounting provided.

Petitioners request that the court order the successor trustee to provide an accounting; that the successor trustee be suspended and removed as trustee and professional fiduciary Mia Eshani be appointed trustee; the property taken from the Trust be ordered returned to the Trust estate; the Pollack Pines property be transferred to the Trust; the respondent successor trustee be surcharged for her taking of the trust property and be ordered to pay the attorney fees and costs of petitioners incurred to recover the Trust property; that damages be awarded to the trust; and that the respondent successor trustee be found liable for double damages for her bad faith actions in taking the Trust property.

“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: ¶
* * * (10) Appointing or removing a trustee.” (Probate Code, § 17200(b)(10).) “Proceedings

concerning the internal affairs of a trust include, among other things, “(7) Compelling the trustee to do any of the following: ¶ * * * (C) Account to the beneficiary, subject to the provisions of Section 16064, if the trustee has failed to submit a requested account within 60 days after written request of the beneficiary and no account has been made within six months preceding the request.” (Probate Code, § 17200(b)(7)(C).)

“A trustee may be removed in accordance with the trust instrument, by the court on its own motion, or on petition of a settlor, cotrustee, or beneficiary under Section 17200.” (Probate Code, § 15642(a).)

“If it appears to the court that trust property or the interests of a beneficiary may suffer loss or injury pending a decision on a petition for removal of a trustee and any appellate review, the court may, on its own motion or on petition of a cotrustee or beneficiary, compel the trustee whose removal is sought to surrender trust property to a cotrustee or to a receiver or temporary trustee. The court may also suspend the powers of the trustee to the extent the court deems necessary.” (Probate Code, § 15642(e).)

“A violation by the trustee of any duty that the trustee owes the beneficiary is a breach of trust.” (Probate Code, § 16400.) “The remedies of a beneficiary against the trustee are exclusively in equity.” (Probate Code, § 16421.)

The Third District Court of Appeal has stated: “A trustee may be removed by a court for misconduct, unfitness, or acquisition of an adverse interest. (See, e.g., Prob.Code, § 15642; 11 Witkin, Summary of Cal.Law (9th ed. 1990) Trusts, § 55.)” (Claypool v. Wilson (1992) 4 Cal.App.4th 646, 676.)

“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).)

While the proof of service filed with the court indicates that the respondent trustee and the other interested parties were validly served notice of the hearing and a copy of the petition by mail concerning the internal affairs of the trust, except for the Section 850 petition, as stated later in this ruling, the respondent trustee and a third party were not properly served notice of the hearing and a copy of the petition to recover Trust property and, therefore, the court can not reach the Section 850 petition issue until they are validly served in the same manner as a summons and complaint.

In order to avoid piecemeal litigation of the issues raised in the petition, the court will continue the hearing and reserve ruling on the internal affairs of the trust issues until there is proof of proper service on all the interested persons related to the Section 850 petition portion of this action and a hearing on the merits of all issues raised in the petition is held.

- Probate Code, § 850 Petition

The verified petition alleges: the trustee took \$200,000 from the proceeds of a hard money loan secured by the Trust’s real property and used that money to purchase a residence in Pollack Pines with her now deceased boyfriend; and the trustee took \$170,000 in rental income from the Trust’s Excalibur property and used it for herself, rather than for legitimate Trust expenses and administration.

Petitioner requests that the funds and property in Pollack Pines allegedly purchased with Trust funds be ordered returned to the Trust; and that the court determine that the respondent trustee is liable for twice the value of the property recovered.

“All proceedings concerning the transfer of property of the trust shall be conducted pursuant to the provisions of Part 19 (commencing with Section 850) of Division 2.” (Probate Code, § 17200.1.)

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 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).)

“If a court finds that a person has in bad faith wrongfully taken, concealed, or disposed of property belonging to the estate of a decedent, conservatee, minor, or trust, the person shall be liable for twice the value of the property recovered by an action under this part. The remedy provided in this section shall be in addition to any other remedies available in law to a trustee, guardian or conservator, or personal representative or other successor in interest of a decedent.” (Probate Code, § 859.)

“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 proof of service declares that notice of the hearing and a copy of the petition were served by mail on the interested parties on April 12, 2022. There was no opposition to the petition in the court’s file at the time this ruling was prepared.

The trustee/person allegedly having possession of property allegedly belonging to the Trust is entitled to service of notice of the hearing and a copy of the petition in the same manner as service of a summons and complaint at least 30 days prior to the hearing. There being no proof of valid service on the trustee, the court can not rule on the merits of the petition to direct transfer of \$170,000 and the Pollack Pines property from the trustee to the Trust or even consider imposing the penalty set forth in Probate Code, § 859.

Petitioners request that the court order the Pollack Pines property purchased by the respondent trustee and her boyfriend be ordered transferred to the trust. The property apparently is also subject to probate administration, with respondent trustee appointed as the special administrator of the decedent boyfriend’s estate in case number PP-20210098. In her capacity as special administrator of an estate claiming an interest in that real property, respondent is also entitled to service of notice of the hearing and a copy of the petition in the same manner as service of a summons and complaint at least 30 days prior to the hearing. The property is subject to a recorded deed of trust, therefore, the trust deed beneficiary, Pearl L. Swig, has a claim of interest in the subject real property and is also entitled to service of notice of the hearing and a copy of the petition in the same manner as service of a summons and complaint at least 30 days prior to the hearing. There being no proof of valid service on the

respondent and Pearl L. Swig, the court can not rule on the merits of the petition to direct transfer of the Pollack Pines property to the Trust estate.

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.)

TENTATIVE RULING # 23: THIS MATTER IS CONTINUED TO 8:30 A.M. ON WEDNESDAY, JUNE 22, 2022 IN DEPARTMENT EIGHT IN ORDER TO PROVIDE TIME FOR PETITIONERS TO RESOLVE THE SERVICE ISSUES IDENTIFIED IN THE TEXT OF THE TENTATIVE RULING.