



PROBATE NOTES: Friday, September 15, 2017

These notes are not updated based on subsequent filings once they are posted.

As of September 10, 2017, no amendment or supplement to the third accounting had been filed as required by the minute order dated September 1, 2017. Moreover, the Court intends to strike the Petition to Excuse Filing of Receipts of Distribution that was filed on August 29, 2017, as it inaccurately describes the outcome of a hearing that had not yet occurred on September 1, 2017. Appearance required.

**PR11107                      Estate of Voyle R. Worthington**

Hearing type:                      Second amended first and final account and report of executor; petition for final distribution, fees, costs, offset, and other relief  
Executor:                              Deborah Lynne Jones  
Executor's counsel:                Gary P. Dambacher

The Court has reviewed the pleading filed on August 21, 2017, and the memorandum of points and authorities filed on August 9, 2017. Appearance required.

**PR11170                      Guardianship of Tyra J. Horan**

Hearing type:                      Request by ward's mother for order modifying visitation orders  
Guardians:                            Cheryl Horan and Wesley Horan, Jr.  
Guardians' counsel:                Cherie A. Spitze  
Ward's mother:                      Christina Michel  
Mother's counsel:                    None

The Court has reviewed the request filed on August 3, 2017. Appearance by Mother and Guardians required.

**PR11223                      Estate of Jewel D. Kelley**

Hearing type:                      Review re report on status of administration (Prob. Code, § 12200)  
Administrator:                      Frances Clark  
Administrator's counsel:        John B. Allen

As of September 11, 2017, no report had been filed. Given that Administrator's Amended Petition for Determination of Entitlement to Distribution for James A. Kelley's Share and Interest in Decedent's Estate with Administrator's Verification, filed on September 5, 2017, will be heard on September 22, 2017, and that a review hearing re preliminary distribution has been set for October 20, 2017, the instant review hearing will be continued to February 23, 2018, at 8:30 a.m. Appearance not required on September 15, 2017.

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**PR11341                      Estate of Frank Oyung**

Hearing type:                      Further review re inventory and appraisal  
Executor:                              Frances Mary Oyung  
Executor's counsel:                  None

As of September 11, 2017, an Inventory and Appraisal form still had not been filed. Appearance required if it is not filed prior to the hearing.

**PR11414                      In the Matter of the Maynord 1986 Family Trust**

Hearing type:                      Motion for reconsideration of August 2, 2017, order dismissing  
Petitioner's February 17, 2017, petition  
Petitioner:                              Joan Mauri Barefoot  
Petitioner's counsel:                  Dinesh H. Singhal

The Court has reviewed the motion filed on August 14, 2017, and the opposition filed on September 1, 2017. Appearance required.

**PR11449                      Matter of the Patterson Family Irrevocable Trust**

Hearing type:                      Amended petition for order approving modification of trust terms  
Petitioner:                              Joyce E. Patterson  
Petitioner's counsel:                  James A. Gianelli

The Court has reviewed the amended petition filed on July 27, 2017, and notes that the attached documents purporting to reflect consent of the beneficiaries do not include original signatures and do not refer to the amended petition, which superseded the petition filed on June 1, 2017. The amended petition will be recommended for approval upon the filing of adequate documentation reflecting consent of the three non-petitioning beneficiaries to the instant petition. Appearance not required. The matter will be continued to October 6, 2017, at 8:30 a.m. for purposes of confirming receipt of this documentation.

**PR11450                      Estate of Morris Melvin Rivard**

Hearing type:                      Review hearing re amended petition for probate of will  
Petitioner:                              Richard G. Wight  
Petitioner's counsel:                  Patrick B. Greenwell

As of September 11, 2017, no amended petition had been filed. Appearance required.

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**PR11459**

**Estate of Gerald N. Turner**

Hearing type: Amended petition for letters of administration  
Petitioner: Amanda K. Henderson  
Petitioner's counsel: Sharon J. Renschler

The following issues regarding the amended petition filed on July 21, 2017, are repeated from the probate notes for the August 11, 2017, hearing, because they had not been resolved as of September 11, 2017:

1. Petitioner has not proposed the amount at which the bond should be fixed.
2. There is at least one error in item 3d regarding the character and estimated value of the property of the estate. If the estate includes real property, the total value is incorrect and other lines must be completed. If the estate does not include real property, line (6) should not have been completed.
3. It is unclear whether the court file has all intended pages of attachments to the amended petition, as the petition itself states there is a one-page attachment, but the Court finds two pages of attachments, not including the two-page proof of service.

In addition, the Court had required appearance on August 11, 2017, because it had questions about information communicated orally by Petitioner to one of the clerks regarding an earlier-filed decedent's estate case in another county. There was no appearance on August 11, 2017, because Petitioner continued that hearing by stipulation and order on August 10, 2017. As such, the Court's questions have not been addressed.

Finally, the Court notes that, as of September 11, 2017, there was no proof of service of notice of the September 15, 2017, hearing by mail (except on the Department of Health Care Services and the Franchise Tax Board) or by publication.

Appearance required.

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**PR11463                      Matter of Colleen Gerwig**

Hearing type:                      Petition to determine succession to real property  
Petitioner:                              Lesa Devereaux  
Petitioner's counsel:              None

The Court has reviewed the petition filed on July 24, 2017, and notes the following issues:

1. The name of the decedent is missing from item 2.
2. No Inventory and Appraisal form is attached. (See item 8.)
3. The petition appears to have been filed more than a year after it was signed under penalty of perjury.

An amended petition that corrects these issues will be required. Appearance not required. The hearing will be continued to October 27, 2017, at 8:30 a.m.

**PR11466                      Matter of the Anderson 2010 Revocable Trust**

Hearing type:                      Petition for order approving modification of trust terms  
Petitioner:                              Valerie Anderson  
Petitioner's counsel:              Tamara M. Polley

The Court has reviewed the petition filed on August 4, 2017, which is recommended for approval. Appearance not required.

**PR11468                      Matter of the Dees Irrevocable Life Insurance Trust**

Hearing type:                      Petition for order approving modification of trust terms  
Petitioners:                              Karey L. Thatcher and Kristy J. Roesner  
Petitioners' counsel:              Tamara M. Polley

The Court has preliminarily reviewed the petition filed on August 9, 2017, and questions how venue is proper in Tuolumne County. The petition concludes that the principal place of trust administration is Tuolumne County but provides no facts in support of that assertion. (See petition ¶ A(3).) The trust instrument identifies Petitioners as the trustees (see Dees Irrevocable Life Insurance Trust at p. 1), and both the petition (see petition ¶ E) and the notice of hearing appear to establish that they are residents of Santa Clara County. (See Prob. Code, § 17002 [determining principal place of trust administration].) Appearance required.

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**PR10723                      Guardianship of Philip Montano, et al.**

Hearing type:                      Further review re Confidential Guardianship Status Reports  
Guardians:                              Donald and Tina Dutra  
Guardians' counsel:                  None

As of September 11, 2017, the reports still had not been filed. Appearance required if they are not filed prior to the hearing.

**PR10890                      Guardianship of Andrew Bennett, et al.**

Hearing type:                      Further review re Confidential Guardianship Status Reports  
Guardian:                                Karen Ashley  
Guardian's counsel:                  None

As of September 11, 2017, the declaration required by the minute order dated August 18, 2017, had not been filed. Appearance required if it is not filed prior to the hearing.