

Superior Court of California, County of Tuolumne
Consolidated Calendar
Commissioner Steven Streger

Department 5

January 9, 2026 9:00 am

DA Case #

Date Filed

1 PR12727 Estate of Bernard L. McDaniel II AKA Bernard L. McDaniel 11/05/2025

Kathleen McDaniel

Attorney: Richard Marchini

Determine Succ to Real Property

11/05/2025 Petition

File Tracking

11/14/2025 High Density

Probate Notes are not tentative rulings. Parties and counsel are expected to appear for the hearings unless this note indicates that "no appearance is necessary." Unless a personal appearance is required, all participants may appear via Zoom without first securing Court permission using this link: <https://tuolumne-courts-ca-gov.zoomgov.com/j/1615813960?pwd=NTRMT0NwMDg5cmlYdzZ6VnBXWWFsUT09>. [Meeting ID: 161 581 3960; Passcode: 123456]. All matters set for hearing in Department 5 are presumptively assigned to that department for all purposes. Parties retain the right under Cal. Const. art VI §21 to decline consent to the Commissioner serving as a Judge Pro Tem. By participating in the first hearing, or electing not to attend after due notice thereof, parties are deemed to have stipulated to the Commissioner serving as a Judge Pro Tem for the entire case. See CRC 2.816.

Hearing will commence at 9:00 a.m., not 8:30 a.m.

This is the initial hearing on a probate avoidance by-pass petition to determine automatic testate succession to decedent's purported primary residence. Notice to all of the interested persons appears to be satisfied. See §§ 13151(b) and 13153. The stated legal basis for the putative succession (§13152(a)(4)) is via pour-over will to the acting trustee of decedent's inter vivos trust. The Declaration of Trust specifies that the trust res includes the property set forth in Schedule A, and Schedule A does not include the property that is the subject of this petition. However, Article 10.A. allows the trustee to add other property to the trust, and Article 11.D. empowers successor trustees to do the same. Thus, it does appear that the trust could be funded post-mortem. However, there are three concerns with the petition as framed.

First, effective 01/01/2025, §13151(a) was amended to limit the scope of these by-pass petitions to the decedent's primary residence. The property which is the subject of this petition is a 50% interest in commercial property on Washington Street, not the decedent's primary residence in Twain Harte. How does petitioner intend to circumvent the statutory change?

Second, although succession might arguably go through the will to the trustee of the decedent's 2007 trust, the petition does not provide sufficient evidence from which to conclude that decedent owns the 50% stake he claims. Katherine's recordation of a transfer deed does not alone sever the joint tenancy. See §683.2(c)(1) and (2). In addition, since it appears that decedent and Katherine were still married, Katherine may have independent rights to a greater share of decedent's alleged 50%. See Probate Code §§ 104, 21610; *Reich v. Reich* (2024) 105 Cal.App.5th 1282, 1288-1289; *Estate of Wall* (2021) 68 Cal.App.5th 168, 173-175; *Estate of Katleman* (1993) 13 Cal.App.4th 51, 60. There is an absence of competent proof that APN 001-201-004-000 belongs to decedent (§§ 13152(a)(3), 13154(b)(4)) in light of the aforementioned concerns. Katherine is free to disclaim any statutory or joint tenancy interest therein, but that is something she would need to secure independent legal counsel for. At present, she is bound to act in a fiduciary capacity for the benefit of all trust beneficiaries, not just herself. See Probate Code §§ 16002-16004, 16006.

Third, there is no evidence to show that the property is *currently* in decedent's name.

Court will assume, if no appearance is made, that a request for continuance was made ... and granted.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Commissioner Steven Streger

Department 5

January 9, 2026

9:00 am

DA Case #

Date Filed

2 PR12732 Estate of David Merrill Johnson

11/24/2025

David Merrill Johnson

Lahna Vonepps

Attorney: John Ronge

Letters of Administration

11/24/2025 Petition

File Tracking

12/05/2025 High Density

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Hearing will commence at 9:00 a.m., not 8:30 a.m.

This is the initial hearing on a petition to secure Letters of Administration and probate the intestate estate of recently-deceased resident with no close family ties. The petitioner is the decedent's neighbor and close friend. Direct notice to second-degree family, and publication, have been accomplished.

Although petitioner's statement regarding biological family vs. logical family is quite astute, the law here in California is not as advanced. Probate Code §8461 gives appointment priority to blood relatives of any degree, or even the government (public administrator), over the decedent's best friend and confidante. Even creditors of the decedent rank higher in priority than best friends. That being said, "if persons having priority fail to claim appointment as administrator, the court may appoint any person who claims appointment." § 8468. Although nobody else with priority has (yet) claimed a right to appointment, one does not "fail to claim" until at least a reasonable amount of time has passed after acquiring actual notice that the individual has died. See, e.g., Probate Code §8001 [30 days for executor of will]. Since the cousins in Oregon may have only learned of the passing a month ago, this Court intends to give them time to decide whether they wish to seek appointment given the preference in probate for appointing those with skin in the game (see, e.g., Probate Code §8441(b)).

This Court envisions one continuance for a month, and if no blood relative, creditor or public administrator steps forward to seek appointment, this Court otherwise has no objection to appointing petitioner herein. In the meanwhile, this Court is certainly amenable to giving petitioner special administrative powers to protect decedent's residence/property and to incur on behalf of the estate reasonable costs associated with a professional heir search.

Superior Court of California, County of Tuolumne
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3	PR12726	Estate of Shelley Deanne Soto		11/05/2025
		Jessica FultonBotfield	Attorney: Brandon Meyer	
		Shelley Deanne Soto		
		Letters of Administration		

11/05/2025 Petition

File Tracking 11/14/2025 High Density

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Hearing will commence at 9:00 a.m., not 8:30 a.m.

This is the initial hearing on a petition to secure Letters of Administration and probate the intestate estate of recently-deceased resident with two adult children.

There is no proof of publication in the court file. See §8124.

The petition indicates that petitioner is a nonresident of California (see Para 8), which requires her to provide a permanent resident statement. See §8573.

While it is of no immediate consequence to this Department, counsel should be aware of the fact that the petition includes the wrong street address for this courthouse. If that incorrect information was carried over by the Union Democrat into the publication, that will need to be corrected and republished (and not charged to the client in the final petition).

Superior Court of California, County of Tuolumne
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Department 5

January 9, 2026

9:00 am

DA Case #

Date Filed

5 PR12568

In re Thors Family Living Trust dated April 25, 2000

12/24/2024

Elizabeth Nunes

Attorney: Carrie McKernan

Petition Hearing

for Order Ascertaining Beneficiaries, Etcetera

11/18/2025 Petition

File Tracking

02/20/2025 High Density

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Hearing will commence at 9:00 a.m., not 8:30 a.m.

This was originally a petition to declare an untethered asset (APN 058-420-014-000) as one belonging to the subject trust (aka *Heggstad* petition). That petition was unopposed and granted at the first hearing thereon (see Minute Order dtd 01/31/2025).

Ten months later, on 11/18/2025, petitioner filed a new petition seeking a wide array of relief – some of which are technically incompatible with one another. The petition shall be verified. See Probate Code §1021(a)(1), CRC 7.103(b), TCSC Local Rule 5.04.1. The unverified petition was personally served on respondent on 11/20/2025. There is no response filed yet, though it is this Court’s practice not to impose response deadlines under CRC 7.801 for *unverified* petitions. Technically this Court is not supposed to even consider an unverified petition.

Petitioner first seeks an order ascertaining the beneficiaries of the subject trust. The trust expressly identifies Elizabeth, Steven and Andrew as the beneficiaries. According to petitioner, Steven should be deemed to have predeceased Donald due to confirmed financial elder abuse; however, the prayer for relief seeks only “to offset Steven’s distributable share based upon the damages caused” by his transgressions, not a total disinheritance. Clarification is needed.

Petitioner next seeks an order fixing her compensation. Pursuant to CRC 7.776 (which petitioner did not cite), this court is to consider (1) the gross income of the trust estate; (2) the success or failure of the trustee's administration; (3) any unusual skill, expertise, or experience brought to the trustee's work; (4) the fidelity or disloyalty shown by the trustee; (5) the amount of risk and responsibility assumed by the trustee; (6) the time spent in the performance of the trustee's duties; (7) local custom for fees; and (8) whether the work performed was routine, or required more than ordinary skill or judgment. The petition does not provide any of the needed information, and the generic reference to 193.25 hours of time is of no assistance without a true billing statement to show what the work entailed. For example, if Elizabeth is to purchase the home, work on the home is not compensable.

Finally, the issue of Steven’s alleged wrongdoing is obviously the crux of the petition, and the catalyst for significant discovery. Parties to discuss how much time is needed for that.

Superior Court of California, County of Tuolumne
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6	PR12667	In re Sagaser Trust dated March 9, 2005		06/23/2025
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Joseph Warren Sagaser

Attorney: Nicholas Yonano

Review Hearing

Status Hearing

06/23/2025 Petition

File Tracking

06/24/2025 Gloria Doehring

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Hearing will commence at 9:00 a.m., not 8:30 a.m.

This is the continued hearing on a trust petition seeking a formal accounting, an inventory of trust assets, and “instructions” regarding the manner in which assets believed to be held in trust should be distributed (or clawed back if need be).

NO APPEARANCE IS NECESSARY.

Good cause is shown for the requested continuance sought jointly by both sides. Although the Court would have preferred that the parties selected their own review date, the request for “60 days” puts a review hearing on Friday the 13th of March, 2026, at 9:00 a.m. It is so scheduled.

Superior Court of California, County of Tuolumne
Consolidated Calendar
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Department 5	January 9, 2026 10:00 am	DA Case #	Date Filed
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10	PR10632	Guardianship of Barbara T. E. Labrado	08/18/2010
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Barbara Posada Pro Per

Robert Posada Pro Per

Barbara Tonia Elizabeth Labrado

Review Hearing - Guardian Rept-Probate Code 1513.2

09/16/2015 Petition: Other

09/16/2015 Petition: Other

File Tracking

10/24/2024 High Density

Other Cases
FL13327

This is a guardianship involving co-guardians and one minor child. Pursuant to Probate Code §1513.2(a), every year the guardian shall complete and return to the court a status report (GC-251). The court clerk is required to provide a reminder to the guardian, along with a blank GC-251, which did occur herein on 08/01/2025. There is no report on file, which requires an appearance by the guardian. The guardians missed one hearing already, but to date have not complied with no explanation provided to this Court. Pursuant to §1513.2(a), “if the court is unable to obtain this information within 30 days after the date the status report is due, the court shall either order the guardian to make himself or herself available to the investigator for purposes of investigation of the guardianship, or to show cause why the guardian should not be removed.” Pursuant to §1513.1(a), “the court may order reimbursement to the court or to the county in the amount of the assessment, unless the court finds that all or any part of the assessment would impose a hardship on the ward or the ward's estate.” In other words, investigative costs may be payable by the guardians if compliance is not forthcoming.

The court investigator shall be directed to locate the guardians, complete the forms with the guardians, and bill her time for that to the guardians personally.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Commissioner Steven Streger

Department 5	January 9, 2026 10:00 am	DA Case #	Date Filed
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12 PR11692	Guardianship of David Sean Johnson II		06/27/2019
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Jamie Renee Fraser Pro Per

David Sean Johnson II

Tuolumne County Social Services

Ashley Nichole Schriver

Kelly Amber Schriver

Review Hearing

Terminate operation of law - Minor turns 18 2/14/25

06/27/2019 Petition: Other

06/27/2019 Petition

File Tracking 12/11/2024 High Density

No appearance is necessary. This guardianship has terminated by operation of law.

Superior Court of California, County of Tuolumne
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Commissioner Steven Streger

Department 5	January 9, 2026 10:00 am	DA Case #	Date Filed
14 PR12218	Guardianship of Indica Mia Lynn Murray Brian M Greene Devon M Greene Indica Mia Lynn Murray Review Hearing - Guardian Rept-Probate Code 1513.2	Attorney: Jennifer Lothert Attorney: Jennifer Lothert	12/22/2022
12/22/2022 Petition			
12/22/2022 Petition			

File Tracking 01/14/2025 From Court Legal Document 5
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No appearance is necessary.

The Court, having received and reviewed the GC-251 with attachments for the ward, finds by a preponderance of the evidence that the guardianship remains necessary/convenient and that the guardians continue to serve the ward's best interests. Court will set the annual review date.

Clerk's office will provide notice.

Superior Court of California, County of Tuolumne
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Department 5	January 9, 2026 10:00 am	DA Case #	Date Filed
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15 PR10490	Guardianship of Jeremiah Jay Swanson		08/13/2009
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Priscilla Kirkland	Pro Per
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Suzanne Michelle Beutler	Pro Per
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Kellie DECEASED Swanson	Pro Per
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Jeremiah Jay Swanson

Review Hearing - Guardian Rept-Probate Code 1513.2

08/13/2009 Petition: Other

08/13/2009 Petition

File Tracking

01/14/2025 From Court Legal Document 5
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No appearance is necessary.

The Court, having received and reviewed the GC-251 with attachments for the ward, finds by a preponderance of the evidence that the guardianship remains necessary/convenient and that the guardians continue to serve the ward's best interests. Court will set the annual review date.

Clerk's office will provide notice.

Superior Court of California, County of Tuolumne
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Department 5	January 9, 2026 10:00 am	DA Case #	Date Filed
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16	PR11337	Guardianship of Jesse J. Bustamante	06/23/2016
		Kathryn Keagy	Pro Per
		Jesse Lucas Bustamante	
		Jesus Bustamante	Pro Per
		Review Hearing - Guardian Rept-Probate Code 1513.2	

10/20/2022 Termination of Guardianship

File Tracking 10/17/2024 High Density

This is a guardianship involving one minor child. Pursuant to Probate Code §1513.2(a), every year the guardian shall complete and return to the court a status report (GC-251). The court clerk is required to provide a reminder to the guardian, along with a blank GC-251, which did occur herein on 08/01/2025. There is no report on file, which requires an appearance by the guardian. The guardian missed one hearing already, but to date has not complied with no explanation provided to this Court. Pursuant to §1513.2(a), “if the court is unable to obtain this information within 30 days after the date the status report is due, the court shall either order the guardian to make himself or herself available to the investigator for purposes of investigation of the guardianship, or to show cause why the guardian should not be removed.” Pursuant to §1513.1(a), “the court may order reimbursement to the court or to the county in the amount of the assessment, unless the court finds that all or any part of the assessment would impose a hardship on the ward or the ward's estate.” In other words, investigative costs may be payable by the guardian if compliance is not forthcoming.

The court investigator shall be directed to locate the guardian, complete the forms with the guardian, and bill her time for that to the guardian personally.

Superior Court of California, County of Tuolumne
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Department 5	January 9, 2026 10:00 am	DA Case #	Date Filed
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17 PR11484	Guardianship of Joy Jean Ireland		09/18/2017
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Aaron Hupp	Pro Per
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Gina Hupp	Pro Per
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Joy Jean Noel Clay Ireland

Bryanna J. Ireland

Review Hearing - Guardian Rept-Probate Code 1513.2

09/18/2017 Petition: Other

09/18/2017 Petition

File Tracking

01/14/2025 From Court Legal Document 5
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No appearance is necessary.

The Court, having received and reviewed the GC-251 with attachments for the ward, finds by a preponderance of the evidence that the guardianship remains necessary/convenient and that the guardians continue to serve the ward's best interests. Court will set the annual review date.

Clerk's office will provide notice.

Superior Court of California, County of Tuolumne
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Department 5	January 9, 2026 10:00 am	DA Case #	Date Filed
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18	PR11620	Guardianship of Luke Huston Poe	11/13/2018
		Raymond Alan Pryor	Pro Per
		Linda Pryor	Pro Per
		Luke Huston Poe	
		Review Hearing - Guardian Rept-Probate Code 1513.2	

11/13/2018 Petition

File Tracking 01/14/2025 From Court Legal Document 5
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No appearance is necessary.

The Court, having received and reviewed the GC-251 with attachments for the ward, finds by a preponderance of the evidence that the guardianship remains necessary/convenient and that the guardians continue to serve the ward's best interests. Court will set the annual review date.

Clerk's office will provide notice.

Superior Court of California, County of Tuolumne
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Department 5	January 9, 2026 10:00 am	DA Case #	Date Filed
19 PR12717	Guardianship of Mia Ellyana Faith O'Connor		10/14/2025
	Bonnie Ellen O'Connor	Pro Per	
	Faith O'Connor	Pro Per	
	Mia Ellyana Faith O'Connor	Pro Per	
	Appoint Guardian		
	Long Term		
10/14/2025	Petition		
10/14/2025	Petition		

File Tracking 10/23/2025 High Density

Confirm that temporary guardians have received and reviewed investigative report.

Concerns:

- Tardiness
- Lack of awareness in home
- Boundaries
- Occupants
- “Plan B” just in case
- Family Code §3041.5: “In any guardianship proceeding, the court may order any person who is seeking custody of, or visitation with, a child to undergo testing for the illegal use of controlled substances and the use of alcohol if there is a judicial determination based upon a preponderance of evidence that there is the habitual, frequent, or continual illegal use of controlled substances or the habitual or continual abuse of alcohol by the parent, legal custodian, person seeking guardianship, or person seeking visitation in a guardianship.”

Superior Court of California, County of Tuolumne
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20 PR11445	Guardianship of Ricardo Anthony Lee Castillo		05/30/2017
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Lisa Renee Romine Pro Per

Ricardo Anthony Lee Castillo

Review Hearing

Guardianship Update

05/30/2017 Petition: Other

05/30/2017 Petition

Other Cases

PR9954

File Tracking

10/17/2024 High Density

No appearance is necessary.

The Court, having received and reviewed the GC-251 with attachments for the ward, finds by a preponderance of the evidence that the guardianship remains necessary/convenient and that the guardians continue to serve the ward's best interests. Court will set review date to align with ward's 18th birthday in September and termination of guardianship by operation of law.

Clerk's office will provide notice.

Superior Court of California, County of Tuolumne
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Department 5	January 9, 2026 10:00 am	DA Case #	Date Filed
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21	PR11619	Guardianship of Roman Grace Poe	11/13/2018
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Becky Niven Pro Per

Roman Grace Poe

Review Hearing - Guardian Rept-Probate Code 1513.2

11/13/2018 Petition

File Tracking 01/14/2025 From Court Legal Document 5
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No appearance is necessary.

The Court, having received and reviewed the GC-251 with attachments for the ward, finds by a preponderance of the evidence that the guardianship remains necessary/convenient and that the guardians continue to serve the ward's best interests. Court will set the annual review date.

Clerk's office will provide notice.

**Superior Court of California, County of Tuolumne
Consolidated Calendar
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Department 5	January 9, 2026	1:30 pm	DA Case #	Date Filed
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24	PR12585	In Re O'Rourke, Oliver Chase		01/27/2025
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Oliver Chase O'Rourke	Pro Per
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People of the State of California	Attorney: District Attorney
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California Attorney General	Pro Per
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State of CA, Dept of Justice	Pro Per
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Pre-Trial Hearing - W&I 8103-Relief from Restriction

CONFIDENTIAL-Trial Setting / W&I 8103-Relief from Restriction

01/27/2025 Initial Filing

File Tracking

06/06/2025 High Density

Pre-trial conference to determine whether petitioner has succeeded in securing medical records as requested at last hearing.

Superior Court of California, County of Tuolumne
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25	CV67763	Petition of Shane David Bergman		10/24/2025
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Shane David Bergman	Pro Per
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OSC Hearing - Name Change

10/24/2025 Petition

File Tracking 11/03/2025 High Density

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Nonconfidential petition to change last name.

No proof of publication.

Voir dire to be postponed.

Superior Court of California, County of Tuolumne
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Department 5	January 9, 2026	1:30 pm	DA Case #	Date Filed
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26	CV67580	Petition of Jasmine Janae Oliver		08/27/2025
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Jasmine Janae Oliver	Pro Per
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OSC Hearing - Name Change

08/27/2025 Petition

File Tracking 09/19/2025 High Density

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Nonconfidential petition to change middle name.

No proof of publication.

Voir dire to be postponed.

Second hearing. Dismissal if no compliance.