

## Department 5 Probate Notes for Friday, January 12, 2024

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### 8:30 a.m.

1. **Conservatorship of Condit (PR8852).** No appearance is necessary. Based on the investigative report, this Court finds that the conservatorship remains necessary and the least restrictive option for the conservatee. See §1851(a). Annual review hearing set for 01/10/25 at 10:00 a.m.
2. **Conservatorship of Heard (PR9661).** No appearance is necessary. Based on the investigative report, this Court finds that the conservatorship remains necessary and the least restrictive option for the conservatee. See §1851(a). Annual review hearing set for 01/10/25 at 10:00 a.m. The Public Guardian was to have the 10<sup>th</sup> accounting on file; review hearing for biennial accounting continued to 02/23/24 at 10:00 a.m.
3. **Conservatorship of Winham (PR11378).** No appearance is necessary. Based on the investigative report, this Court finds that the conservatorship remains necessary and the least restrictive option for the conservatee. See §1851(a). Annual review hearing set for 01/10/25 at 10:00 a.m.
4. **Estate of Herell (PR12109).** No appearance is necessary. This Court has reviewed petitioner's §12201 report, and finds sufficient cause to extend administration another three months. Review hearing set for 04/12/24 at 8:30 a.m. OSC re §12205, issued 10/31/23, continued to 04/12/24. If a final petition is on file prior thereto, failure to appear on 04/12/24 shall have no adverse consequences. Petitioner to give notice.
5. **Estate of Lopez (PR12065).** No appearance is necessary. Although the petition omits Exhibit A (the seller's closing statement) and a distributive provision for the specific benefit of Prince Harry (see Will para 16), the *substance* of the petition is correct and appropriate.
6. **Estate of Bridge (PR11944).** There is little doubt that petitioner breached Para 3 of the Settlement Agreement dtd 09/29/23; however, this Court's invitation for objector to seek fees does not supplant objector's obligation to demonstrate a legal basis for an award. Given that the Settlement Agreement specifies "each party will bear its own attorneys' fees" (see Para 6), is objector seeking fees pursuant to CCP §128.5? If so, was there safe harbor compliance given that the dismissal has since been filed?
7. **Estate of Vieira (PR12323).** No appearance is necessary. Court is still awaiting the filing of §8465 nominations. Hearing continued to 02/02/24 at 8:30 a.m.
8. **Estate of Babbitt (PR12125).** No appearance is necessary. Petitions for final distribution and for appointment of special administrator are in order and have been entered.
9. **Guardianship of Fraser (PR12214).** No appearance is necessary. The First Accounting is approved for settlement as proffered, including the request for reimbursement from the guardian of

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court filing fee. Given the nature of the estate, biennial reporting is sufficient. §2620(a). Hearing on Second Accounting set for 01/16/25 at 10:00 a.m.

10. **In re Slawinsky (PR12377)**. Although the petition contains an error (compare Para 17.c. and 17.f. with Attachment 13A), this Court understands the fee arrangement. Since no GAL has yet been appointed, counsel must demonstrate compliance with Probate Code §3500(a).

### 9:30 a.m.

11. **Guardianship of McKelvey (PR11888)**. As there is no report on file, guardian must appear.
12. **Guardianship of Powell (PR11603)**. As there is no report on file, guardian must appear.
13. **Guardianship of Poe (PR11619)**. As there is no report on file, guardian must appear.
14. **Guardianship of Owsley (PR10710)**. No appearance is necessary. Court has reviewed the Confidential Status Report, and finds that the guardianship continues to be necessary and convenient until the minor reaches the age of majority in a few weeks. Guardianship will terminate by operation of law at that time unless a petition is made to extend.

### 10:00 a.m.

15. **Conservatorship of Stevenson (PR11972)**. Counsel to advise whether final accounting has been completed.
16. **Conservatorship of Zimmer (PR12145)**. No appearance is necessary. First account and report are approved, as is the request for partial satisfaction of conservator fees (plus reimbursement of fees advanced). Hearing on Second Accounting set for 01/24/25 at 10:00 a.m.
17. **Conservatorship of McVey (PR12301)**. No appearance is necessary. Order and letters already issued. Hearing can go o/c.
18. **Guardianship of Jones (PR10177)**. Guardianship report is late. Guardian shall appear and present a complete GC-251 or shall “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.” §1513.2(a).
19. **Guardianship of De la Rosa (PR12180)**. No appearance is necessary if signed FI-355 is on file; otherwise, parties to appear and confirm terms.

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20. **Guardianship of Kleier (PR12120).** The petition for guardianship of the estate is incomplete. There is no GC-211 consent from the ward. §1510.1(d). Notice was not provided to the ward's parent, and no basis is shown for dispensing therewith. See Para 10 and §1511(b)(3). The petition does not address the nonrelative requirements. §1541. The petition proposes to forgo a bond, but no legal basis for doing so is apparent. §§ 2320, 2323. This matter is also listed on calendar as #23.
21. **Guardianship of Artzer-Russell (PR12341).** Petition for temporary guardianship is not ready for approval. Factors indicate that appointment of counsel for the ward is warranted. §§ 1470, 1610.
22. **Guardianship of Garner (PR12361).** Parties to update Court regarding FL17944, residency of proposed ward, and release of bio father.

10:30 a.m.

23. **Guardianship of Kleier (PR12120).** See #20 supra.
24. **Guardianship of Sanchez (PR12168).** No appearance is necessary. Court has reviewed the Confidential Status Report, and finds that the guardianship continues to be necessary and convenient until the minor reaches the age of majority in a few months. Guardianship will terminate by operation of law at that time unless a petition is made to extend.

1:30 p.m.

25. **Marriage of Bell (FL10921).** No trial docs filed despite Minute order dtd 11/01/23. Unless the parties indicate otherwise, Court will deem Mother's RFO filed 10/03/23 to be withdrawn.
26. **Guardianship of Leonard (PR12347).** Petition for permanent guardianship by paternal grandparents is not ready for approval. Co-petitioner's DOJ report has not yet been cleared. Separate factors, notably bio dad's recent criminal history, indicate that appointment of counsel for the ward is warranted. §§ 1470, 1610. Parties to update Court regarding visitations in FL14286 and the CPO in CRF72691 Where are we on written GC-211 consents from *both* bio parents? See §§ 1500, 1502. Parties to file copies of any and all County/CWS Safety Plans involving ward. Parties to discuss how permanent guardianship might impact ward's half-siblings. Parties to discuss alternate M-F living arrangements for bio dad.