

Department 5 Probate Notes for Friday, January 19, 2024

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8:30 a.m.

1. **Estate of Babbitt (PR12375).** The petition for *Probate and Letters Testamentary* is not ready for approval due to the lack of publication (§8124) and lodging/filing of the original will (§8200 TCSC Local Rule 5.12.0). The petition for *Letters of Special Administration* without publication is approved because it seeks only limited powers (despite erroneously checking the IAEA box). Court is willing to forgo bond based on the circumstances, even though Special Administrator is not a beneficiary and will be receiving liquid assets.
2. **Estate of Harvey (PR12355).** The petition is not ready for approval. First, Cindy must provide a nomination favoring petitioner. See §§ 8441, 8461(f), 8465(a)(1). Second, when the personal representative is also the only devisee, and provides the lone DE-135, additional proof is required from others family members/friends familiar with the decedent's handwriting. See §§ 6111, 6111.5, 6112(a). Handwriting exemplars from the decedent's personal papers would suffice. In addition, to establish present testamentary intent, independent proof regarding decedent's relationship to the proposed devisee is required (presumably from Cindy, Summit Financial Advisors, or anyone close to him). Court will consider waiving bond with §8573 statement and Cindy's waiver. See §8571. Hearing continued to 02/09/24 at 8:30 a.m.
3. **Estate of Parreira (PR12058).** No appearance is necessary. Court will review the lodged orders and advise accordingly.
4. **Estate of Dungan (PR12240).** Counsel to confirm DOD for William and Kevin. Petition is otherwise ready for approval.
5. **Estate of Coane (PR12339).** Nothing has been filed to cure the concerns discussed at the hearing on 12/08/23. Hearing continued to 02/16/24 at 8:30 am. Any supplemental papers that petitioner wishes this Court to consider must be filed on or before 02/09/24.
6. **Estate of Dutton (PR12359).** The petition is not ready for approval. Since the heirs share co-equal priority, Kathleen must provide a nomination. See §§ 8461, 8465, 8467. Hearing continued to 02/09/24 at 8:30 a.m.
7. **Estate of Brejla (PR12366).** The petition is not ready for approval, due solely to the lack of proof of publication (§8124).
8. **Estate of Woods (PR11846).** On 08/30/23, counsel advised that a no-asset termination petition (§12251) would be forthcoming. Petition is approved, proceedings are terminated, and personal representative is discharged. §12251. Counsel to file dismissal.
9. **Estate of Persson (PR12049).** No appearance is necessary. The supplemental filing satisfies this Court's prior concerns. Revised order will be signed.

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10. **Estate of Bain (PR12032).** No appearance is necessary. Although petitioner was to have filed an updated 12201 report, this Court can see that CV64737 remains active and set for trial in April. Petitioner's presumed request to extend probate is granted. Review hearing, with updated 12201 report, set for 04/26/24 at 8:30 am.
11. **In re Farren Trust (PR12110).** Petitioner's request for reimbursement in the amount of \$552.00 is reviewed and approved. Trustee shall pay that amount within 10 days. See CCP §177.5 and Probate Code §§ 16060, 16061, 16063, 16420(b), 16442. Has petitioner now received all the reports and accountings needed to permit dismissal of the action?
12. **In re Personius Trust (PR12326).** Nothing has been filed since the last hearing to address, let alone resolve, this Court's prior concerns. Given that supplemental papers should have already been filed and served (see §§ 17100, 17200.1, 17203), the hearing will be continued to 02/16/24 at 8:30 am. Any supplemental papers that petitioner wishes this Court to consider must be filed on or before 02/09/24.

9:30 am

13. **Guardianship of Murray (PR12218).** No appearance is necessary. The Court has reviewed the GC-251 and finds by clear and convincing evidence that the guardianship remains necessary and convenient for the child, and that the guardians are performing that job appropriately. Annual review hearing set for 01/10/25 at 10:00 am.
14. **Guardianship of Swanson (PR10490).** No appearance is necessary. The Court has reviewed the GC-251 and finds by clear and convincing evidence that the guardianship remains necessary and convenient for the child, and that the guardians are performing that job appropriately. Annual review hearing set for 01/10/25 at 10:00 am.

10:00 am

15. **Conservatorship of Friedman (PR12182).** Based on the investigative report, this Court finds by clear and convincing evidence that the conservatee is unable to provide for herself or guard against abuse, that the conservatorship remains necessary and the least restrictive option for the conservatee, and that the conservator is doing the best it can – even though a secured memory care facility would be better than current living arrangements. See §1851(a). Annual review hearing set for 01/10/25 at 10:00 a.m. The first accounting is overdue, and is needed to ascertain the conservator's ability to continue paying for private in home care.
16. **Petition of Frantz (CV65759).** Hearing is actually set for 02/09/24 at 1:30 pm. This appears to be a calendar error.

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17. **Guardianship of Barnes (PR12324).** Based on the investigative report, this Court shares the concerns raised therein regarding the guardian’s “track record” with family-based decision-making. The Court is inclined to extend the temporary guardianship and continue the hearing on permanency for 3-6 months to ensure that the favorable status quo remains.

1:30 pm

18. **Jones v. Vogt (CV65525).** Civil settlement conference.
19. **In re Galloway (PR12349).** Nothing has been filed since the last hearing to address, let alone resolve, this Court’s prior concerns. Given that supplemental papers should have already been filed and served (see H&S Code §103470, and Probate Code §§ 1202, 1205, 1220), the hearing will be continued to 02/16/24 at 3:00 pm. Any supplemental papers that petitioner wishes this Court to consider must be filed on or before 02/09/24.
20. **In re Meeks (FL13306).** Chambers interview.