

Department 5 Probate Notes for Friday, January 26, 2024

Probate Notes are not tentative rulings. Parties and counsel are still expected to appear for the hearings unless the Probate Note specifies otherwise. Unless indicated otherwise, all parties and counsel are authorized to appear via Zoom using this link: <https://tuolumne-courts-ca.gov.zoomgov.com/j/1615813960?pwd=NTRMT0NwMDg5cnlYdzZ6VnBXWWFsUT09>. [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 so stating clearly at the outset of the first hearing in the case. By participating in the 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 entirety of the case. See CRC 2.816.

8:30 a.m.

1. **Conservatorship of Elekes (PR11746).** No appearance is necessary. The review hearing is off-calendar since the conservatee has since passed away. Review hearing re accounting remains for 02/23/24 as sufficient time would have passed to do final accounting.
2. **Estate of Schrank (PR12294).** Petition by non-resident for letters of administration, alleging “invalid will.” Objection filed. OSC issued and served regarding failure to appear and failure to commence formal will contest. See PR12350.
3. **Estate of Schrank (PR12350).** Petition by spouse (nominated executor) under will. Barring proper objection, the will shall be admitted to probate, and the nominee – who likewise has intestate propriety – shall be appointed to serve as executor. Dates for §8800 and §12200 to be set.
4. **Estate of Moreno (PR12151).** No appearance necessary. With the petition for final distribution on calendar, the 12200 review hearing is off-calendar.
5. **Estate of Ward (PR12198).** There is neither a petition for distribution, nor a status report, on file. Counsel and petitioner are reminded of their obligation to keep the court apprised of the case status. See §§ 12204 [removal], 12205 [surcharges].
6. **Estate of Carrigan (PR12367).** The petition is not ready for approval, due solely to the lack of proof of publication (§8124). If proof is provided, petition will be approved and dates for §8800 and §12200 to be set.
7. **Estate of Ramsgard (PR12135).** Counsel to provide oral update regarding settlement, buy-out, loan assumption, and when petition for final distribution can be filed.
8. **Conservatorship of Thompson (PR10863).** Review hearing regarding updated I&A. Nothing has been filed yet.
9. **In re Lemas Family Trust (PR12231).** Counsel to advise regarding status of settlement, notice of proposed action, and stipulation re §664.6.

9:30 am

10. **Guardianship of Klaverweiden (PR11794).** 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 01/17/25 at 10:00 am.

Department 5 Probate Notes for Friday, January 26, 2024

Probate Notes are not tentative rulings. Parties and counsel are still expected to appear for the hearings unless the Probate Note specifies otherwise. Unless indicated otherwise, all parties and counsel are authorized to appear via Zoom using this link: <https://tuolumne-courts-ca-gov.zoomgov.com/j/1615813960?pwd=NTRMT0NwMDg5cnlYdzZ6VnBXWWFsUT09>. [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 so stating clearly at the outset of the first hearing in the case. By participating in the 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 entirety of the case. See CRC 2.816.

10:00 am

11. **Conservatorship of Acosta (PR12114).** Conservator is delinquent with annual accounting. In terms of 1850 review, based on the investigative report, this Court finds by clear and convincing evidence that the conservatee is unable to provide for himself 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 he can. See §1851(a).
12. **Guardianship of Hartzell (PR11369).** Guardianship appears to be warranted but guardian failed to file annual report. OSC issued, but too late for today's hearing.

1:30 pm

13. **Petition of Baker (CV65614).** No proof of publication on file. If proof provided, petitioner to appear for voir dire.
14. **In re Gold (FL16867).** Compliance with OAJR.
15. **In re Riley Trust (PR11848).** The parties in attendance stipulated to resolve the accounting objections via summary disposition per §9620(b). Despite this Court's briefing schedule (see Minute Order dtd 11/03/23), nothing has been filed. Have the parties resolved their differences?
16. **In re Olsen (FL18011).** Compliance with OAJR.
17. **In re Phelps (PR12340).** Petitioner was to serve relatives with petition, but POS indicates that petitioner only served Minute Orders. Petitioner and Kelly Bunnell to confirm/clarify.