

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

February 13, 2026

8:30 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

FURTHER

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=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 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.

This is the continued hearing on a probate avoidance by-pass petition to determine automatic testate succession to decedent's purported primary residence.

Nothing has been filed since the last hearing, so the previous probate note is repeated:

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.

Superior Court of California, County of Tuolumne

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DA Case #

Date Filed

2 PR12198

Estate of Odes Bishop Ward

11/28/2022

Odes Ward

Attorney: Judy Jensen

Odes Bishop Ward

Phillips & Cohen Associates, Ltd Pro Per

Review Hearing - Report - Probate Code 12200

Motion Hearing - Attorney Withdrawal

RESERVED

11/28/2022 Petition

File Tracking

02/26/2025 From Court-Probate on Calendar

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This is the continued §12200 review hearing regarding the administration of an estate which appears to be insolvent due to a reverse mortgage encumbering the estate's only asset – an encumbrance which is reportedly increasing at a rate of \$53/day. At a previous hearing, counsel and this Court had a brief colloquy regarding the option to dismiss the petition and discharge the personal representative under §12251 if in fact no assets were left to probate. Since that time, counsel has been unable to secure any contact from the client, and has only learned from the reverse mortgage holder and realtor that the client no longer wishes to pursue a short sale. Since the property will need to be distributed to the sole heir, but the encumbrance cannot be released from the decedent, we are at an impasse. Counsel has stated more than adequate grounds for her motion to be relieved as counsel and has demonstrated adequate efforts to communicate with the client about that intention.

The motion to withdraw is GRANTED, effective immediately.

In addition, this Court will treat the TUO-PR-125 filed in this case as a de facto petition under §12251 to declare the absence of assets subject to probate because the gross value of the real property at the time of death (§13052) was \$175,000 (see DE-160) and yet the statutory allowance for small estate probate avoidance was \$184,500 (see §13100 and DE-300), so no petition for probate was ever actually needed. The petition for probate shall be dismissed.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5	February 13, 2026 10:00 am	DA Case #	Date Filed
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3 PR11388	Conservatorship of Griffin Webb Barela		11/15/2016
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Joaquin Garman	Attorney: Jennifer Lothert
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Deena Garman	Attorney: Jennifer Lothert
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Griffin Webb Barela

Review Hearing - Investigator Report - PR Code 1850

11/15/2016 Petition

File Tracking 02/14/2025 From Court-Probate on Calendar

This is the annual review of a limited conservatorship of the persohn, awaiting the investigator's report.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5		February 13, 2026 10:00 am		DA Case #	Date Filed
4	PR12182	Conservatorship of Jana Friedman			10/18/2022
		Tuolumne County Public Guardian Attorney: County Counsel			
		Jana Friedman Attorney: Carrie McKernan			
		Review Hearing - Investigator Report - PR Code 1850			
10/18/2022	Petition	<div>File Tracking</div> 07/31/2025 High Density			
10/18/2022	Petition				

This is the annual review of a general conservatorship of the person and estate, awaiting the investigator's report.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5		February 13, 2026 10:00 am		DA Case #	Date Filed				
5	PR12552	Conservatorship of Marilyn Jones			11/27/2024				
		Nerissa Colwell	Pro Per						
		Marilyn Jones	Pro Per						
		Review Hearing - Investigator Report - PR Code 1850							
		Accounting Hearing - 1 Year Review							
11/27/2024	Petition	<table><tr><td colspan="2">File Tracking</td></tr><tr><td>05/08/2025</td><td>High Density</td></tr></table>				File Tracking		05/08/2025	High Density
File Tracking									
05/08/2025	High Density								

This is the annual review of a general conservatorship of the person and estate, awaiting the investigator's report. Court is also awaiting the first annual report and a follow-up regarding the petition for substituted judgment to establish an estate plan – which was partially granted back in June of 2025.

Superior Court of California, County of Tuolumne
Consolidated Calendar
Hon: Steven Streger

Department 5		February 13, 2026 10:00 am	DA Case #	Date Filed
6	PR12739	Conservatorship of Robert Horne		12/11/2025
		Tuolumne County Public Guardian	Attorney: County Counsel	
		Robert Horne		
		Appoint Conservator		
12/11/2025	Petition		<div>File Tracking</div> <div>12/24/2025 High Density</div>	
12/11/2025	Petition			

As a result of the proposed conservatee's recent passing, the temporary conservatorship of the person is hereby terminated and the hearing on the petition to establish a permanent conservatorship is vacated.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

February 13, 2026 10:00 am

DA Case #

Date Filed

7 PR12620

Conservatorship of Salvatore Vincent Carilli

03/24/2025

Brian Carilli

Attorney: Jennifer Lothert

Salvatore Vincent Carilli

Attorney: Brandon Meyer

Review Hearing

from Statement of Decision

03/24/2025 Petition

File Tracking

04/11/2025 High Density

Review hearing to confirm Amy's compliance with:

- Clearing the warrant in CRM77398;
- Completing the terms of her DEJ;
- Validating her driver's license;
- Making sure she has a vehicle that is registered and insured to transport Sal;
- File/serve GC-348;
- Pay fair market rent or provide equal value services

If so, Attorney Meyer can be relieved.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5

February 13, 2026 10:00 am

DA Case #

Date Filed

8 PR10432 Guardianship of Alicia Marie Bunow

03/05/2009

Linda Alice Logan

Pro Per

Alicia Marie Bunow

Stephen Calvillo

Review Hearing

Terminate - Ward turns 18 2/9/26

03/05/2009 Petition: Other

03/05/2009 Petition

File Tracking

04/12/2024 Orders-Probate

Other Cases

FL8059

The ward having reached the age of majority, and there being no petition to extend the guardianship on file, this guardianship terminates by operation of law.

Superior Court of California, County of Tuolumne

Consolidated Calendar

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Department 5

February 13, 2026 10:00 am

DA Case #

Date Filed

9 PR12748 Guardianship of Jeremy Twofeather Kerr

01/23/2026

Sandra Aguilar Pro Per

Jeremy Twofeather Kerr Pro Per

Frank Aguilar Pro Per

John Aguilar Pro Per

Petition Hearing

for Appointment of Temporary Guardian

01/23/2026 Petition

File Tracking

This is the initial hearing on a petition by three individuals (aunt, uncle, great grandfather) to establish a guardianship over one child who presently resides with one of the proposed guardians (great grandfather). The child appears to be a member of a federally-recognized tribe, triggered ICWA protections – including the obligation to voir dire both biological parents before accepting any consent from them to the guardianship. The petition indicates that the father is unknown, and the mother is incarcerated (see CRF78377).

There is presently a CPO issued against mother in the felony case protecting both the proposed guardian and the proposed ward.

There is also a partial DV-TRO issued in FL19372 barring mother from having any contact with the proposed guardian or proposed ward, but it only includes a “stay away” from the proposed guardian and not the proposed ward. That appears to be an oversight considering the allegations contained in the criminal complaint.

A major purpose of the ICWA is to protect children who are members of or are eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. See 25 USC §1903(4). The ICWA and its notice requirements apply to guardianships under the Probate Code. Probate Code §1459.5; CRC 5.480, 7.1015; in accord, *Guardianship of D.W.* (2013) 221 Cal.App.4th 242, 249. The statute imposes a duty of inquiry to ask all involved persons whether the child may be an Indian child. If that initial inquiry creates a ‘reason to believe’ the child is an Indian child, then the court shall make further inquiry regarding the possible Indian status of the child, and shall make that inquiry as soon as practicable. Third, if that further inquiry results in a reason to know the child is an Indian child, then the formal notice requirements of W&I Code §224.3 apply. See *In re D.S.* (2020) 46 Cal.App.5th 1041, 1052.

Before appointing a temporary guardian of the person for an Indian child over the objection of a parent, tribe, or Indian custodian, the court must: (1) advise the parent or Indian custodian that if they cannot afford counsel, the court will appoint counsel for them under section 1912(b) of the Indian Child Welfare Act; and (2) find, in addition to facts in the petition establishing good cause for the appointment and any other showing the court may require under Probate Code section 2250(b), that the appointment is necessary to prevent imminent physical damage or harm to the child.

Superior Court of California, County of Tuolumne

Consolidated Calendar

Hon: Steven Streger

Department 5 February 13, 2026 10:00 am DA Case # Date Filed

10 PR12749 Guardianship of Joeseph Steven Ashlock

01/26/2026

Haley Ferraro

Pro Per

Joeseph Steven Ashlock

Linda Ashlock

Pro Per

Appoint Guardian - Person

temp

01/26/2026 Petition

File Tracking

01/29/2026 Cubicle 2

This is the initial hearing on a petition by two individuals (aunt, paternal grandmother) to establish a guardianship over one child who presently resides with the proposed guardians?

Bio mother – no consent

Bio father – apparent consent

The child appears to be a member of a federally-recognized tribe, triggered ICWA protections – including the obligation to voir dire both biological parents before accepting any consent from them to the guardianship. Proposed guardian denies ICWA.

Related to:

- JV8555: father was awarded sole legal and sole physical, with mother to receive limited supervised visits.
- FL19269: exit order but parties signed stip/order a few weeks ago converting to JOINT legal and physical custody and an equal 50/50 unsupervised timeshare with mid-week exchanges.

Father and Mother reached an agreement for joint custody and 50/50 before the petition for guardianship was filed, but their agreement was not entered as a court order until a few days after the guardianship petition was filed. Father signed his consent to the guardianship AFTER he went into Department 2 informing the court that he and mother would be jointly raising the child.

It does appear as though Father does not wish to have any parenting responsibilities, so perhaps Mother should be given sole custody instead. Refer back to Dept 2.

Superior Court of California, County of Tuolumne
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Department 5	February 13, 2026 10:00 am	DA Case #	Date Filed
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11	PR11901	Guardianship of: Nathan Shrader, Austin Shrader and Jordan Shrader		01/27/2021
		Robert Patania	Pro Per	
		Nathan Shrader	Attorney: Jennifer Lothert	
		Austin Shrader	Attorney: Jennifer Lothert	
		Jordan Shrader	Attorney: Jennifer Lothert	
		Robin Grove	Pro Per	
		Johnathan Shrader	Pro Per	
		Motion Hearing - Visitation		
		Modify		
03/18/2025	Termination of Guardianship		<div>File Tracking</div> <div>03/24/2025 High Density</div>	

On 03/28/2025, the parties agreed that Father would be entitled to visits with the boys as follows:

- Alternate weekends Sat 10am → Sun 2pm
- 4 hrs around each child’s bday
- 4 hrs around his own bday

On 01/02/2026, the guardian filed a motion to change the visitation agreement from the above to supervised visits at 2-hrs each week. She provided no information in the motion to explain the request. POS is included. No opposition is on file.

Superior Court of California, County of Tuolumne

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February 13, 2026

1:30 pm

DA Case #

Date Filed

12 FL18336 Margaret Hardman and Kristofer Hardman

10/27/2023

Margaret Hardman

Attorney: Juley Salkeld

Kristofer Hardman

Attorney: Sally Chenault

Settlement Conference

OSC Hearing - Child Support

10/27/2023 Petition

File Tracking

04/29/2025 From Court-Family on Calendar

This is a petition for dissolution with the following salient data points:

- Duration: 17 yrs
- Children: 2 minor (1 major)
- Father: Superintendent, PG&E
- Mother: Server, Diamondback Grill; part-time breeder

Pertinent History:

- 02/29/2024: Petitioner non-stip
- 03/21/2024: Respondent ordered to pay \$4,536/month in family support
Respondent granted visitation 1st, 2nd, 3rd weekends Fri – Mon
- 09/26/2024: Parties file FL-355: joint legal/physical; older two visits at discretion;
younger child alternate weekends to Respondent Thurs- Mon
- 12/17/2024: Respondent ordered to pay \$3,929/month in family support (using
Santa Clara)
- 03/07/2025: Respondent ordered to pay \$3,517/month in family support (using
Santa Clara)
- 07/18/2025: Parties stip to Dept 5 serving as settlement conference judge

Issues to resolve:

- Increased parenting time for Respondent
- Liquidation vs equalization of the residence
- Equalization of the 401k and pension
- Permanent spousal support
- Ostler/Smith calculus, which refers to *Marriage of Ostler & Smith* (1990) 223 Cal.App.3d 33. An Ostler/Smith provision is an additional award, over and above guideline support, expressed as a fraction or percentage of any discretionary bonus actually received. Its purpose is to capture fluctuations in the supporting spouse's income that are not included in a flat rate amount of support. See *Marriage of Pletcher* (2021) 68 Cal.App.5th 906, 916; *Marriage of Minkin* (2017) 11 Cal.App.5th 939, 949; *Marriage of Khera & Sameer* (2012) 206 Cal.App.4th 1467, 1472-1473.