

Department 5 Probate Notes for Friday, February 23, 2024

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8:30 a.m.

1. **Conservatorship of Casner (PR10398).** Court to appoint counsel for the conservatee, and to order referral report from regional center. Court to consider revision to limited (if at all), substitution of conservator from private to Public Guardian, and citation for personal appearance by conservatee. Investigative report does not support basis for required findings by clear and convincing evidence.
2. **Conservatorship of Spangler (PR11131).** There is no §1850 report on file. Court understands that conservatee may be deceased, but no notice thereof on file. Counsel and conservator to advise.
3. **Conservatorship of Barela (PR11368).** Court to consider removal of co-conservator Garman. Court to set new review period.
4. **Conservatorship of Elekes (PR11746).** No appearance is necessary. This was to be the hearing on the 2nd and final accounting, covering the period 02/16/23 – 07/13/23, and a second accounting for post-mortem activity thereafter. Although §§ 2620 and 2630-2631 do not prescribe the time period in which the conservator is to “present the accounting of the assets of the estate of the conservatee to the court for settlement and allowance,” (nor does CRC 7.575 or TCSC Rule 5.17.1), the ordinary rule of thumb is four months. While this accounting is tardy, this Court accepts petitioner’s §2620.2 explanation and request for additional time. Hearing will be continued to 04/26/24 at 10:00 a.m.
5. **Estate of Welsh (PR12217).** No appearance is necessary. The Court is in receipt of petitioner’s §12201 report and finds that additional time to close the estate is warranted. However, since no explanation regarding the Orange County litigation was provided, petitioner’s request for eight (8) months is excessive. Review hearing will be set for 04/26/24 at 8:30 a.m. Petitioner shall file updated status report on or before 04/17/24.
6. **Estate of Pittman (PR12285).** No appearance is necessary. Although petitioner has satisfied his obligation to file a “final” I&A, this Court notes that petitioner filed two “final” I&As, and there can really only be one “final” I&A. See §§ 8800, 8801; TCSC Local Rule 5.14.0; and California Practice Guide: probate §6:77. At petitioner’s convenience, a single “corrected” and “final” I&A should be submitted.
7. **Estate of Rosenthal (PR11868).** No appearance is necessary. At the prior hearing, counsel advised that a dismissal and/or updated 12201 report would be filed. Neither are here for this Court to review. Hearing continued to 03/15/24 at 8:30 a.m. Counsel is encouraged to review §§ 12204 and 12205 in the interim.
8. **Estate of Easton (PR12270).** No appearance is necessary, as a final I&A is on file.

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9. **Guardianship of Clement (PR11515).** No appearance is necessary. This was to be the hearing on the 5th accounting, covering the period 01/01/23 – 12/31/23. Although §2620 does not prescribe the time period in which the conservator is to “present the accounting of the assets of the estate of the conservatee to the court for settlement and allowance,” (nor does CRC 7.575 or TCSC Rule 5.17.1), the ordinary rule of thumb is four months. This accounting not yet tardy. Hearing will be continued to 04/26/24 at 10:00 a.m.
10. **In re Hardin Trust (PR12351).** Parties to advise whether these petitions can be resolved using the summary procedures in §§ 1022 and 9620, with briefing consistent with CCP §§ 437c, 1010, 1005(b), 1005.5, and CRC 3.1306. If not, parties should be prepared to select trial date(s), and to advise whether either party is of the opinion that Cal. Const. Art. 1 §16 provides any right to a jury regarding any factual dispute involving a question of law herein. See, e.g., §§ 825, 17006.
11. **Conservatorship of Garness (PR10012).** No appearance is necessary for this proceeding (although appearances are required for the 3:00 p.m. hearing for reappointment). This was to be the hearing on the 15th accounting, covering the period 10/01/21 – 09/30/21. Although §2620 does not prescribe the time period in which the conservator is to “present the accounting of the assets of the estate of the conservatee to the court for settlement and allowance,” (nor does CRC 7.575 or TCSC Rule 5.17.1), the ordinary rule of thumb is four months. While this accounting is tardy, this Court accepts petitioner’s §2620.2 explanation and request for additional time. Hearing will be continued to 04/26/24 at 10:00 a.m.
12. **Estate of Nicholls (PR12016).** No appearance is necessary. The Court is in receipt of petitioner’s §12201 report and finds that additional time to close the estate is warranted. Review hearing will be set for 05/03/24 at 8:30 a.m. Petitioner shall file updated status report on or before 04/24/24.

9:30 a.m.

13. **Guardianship of Brinkman (PR10808).** Confidential reports permit an inference that further inquiry is warranted regarding current visitation schedules and necessity of guardianship. Court to consider appointment of counsel for wards, and possible interview in chambers.
14. **Guardianship of Kohler-Crowe (PR10759).** No appearance is necessary. This matter was set by the Court in error.

10:00 a.m.

15. **Conservatorship of Heard (PR9661).** No appearance is necessary. This was to be the hearing on the 10th accounting, covering the period 11/01/21 – 10/31/23. Although §2620 does not prescribe the time period in which the conservator is to “present the accounting of the assets of the estate of

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16. **Conservatorship of Fueg (PR11626).** No appearance is necessary, as a final I&A is on file.
17. **Conservatorship of Harris (PR11200).** Counsel to advise on status of co-conservator’s voluntary resignation (§2660) in lieu of hearing and judgment re removal for cause (§2653). If resignation is not forthcoming, hearing will be set for removal.
18. **Conservatorship of Martinez (PR9787).** This was to be the hearing on the 8th accounting, covering the period 01/01/22 – 12/31/23. Although §2620 does not prescribe the time period in which the conservator is to “present the accounting of the assets of the estate of the conservatee to the court for settlement and allowance,” (nor does CRC 7.575 or TCSC Rule 5.17.1), the ordinary rule of thumb is four months. This accounting not yet tardy. Hearing will be continued to 04/26/24 at 10:00 a.m.
19. **Guardianship of Powell (PR11603).** No appearance is necessary. OSC vacated. Court has received the Confidential Guardianship Report and excuses the delinquency. Annual review hearing will be set for 07/12/24 at 10:00 a.m. to align with PR11554 and PR12128 (the latter of which shall be advanced to that date).

1:30 p.m.

20. **In re Altheide (PR12358).** Confidential hearing on restoration of firearm rights.
21. **Estate of Bridge (PR11944).** No appearance is necessary. Given that it appears to the Court that the parties have resolved their differences (see Dismissal filed 02/08/24 and Declaration filed 02/13/24), this Court understands that no further action regarding the pending settlement is needed. Court will set a 12200 hearing for 04/26/24 at 8:30 a.m.

3:00 p.m.

22. **Conservatorship of Garness (PR10012).** Trial setting conference for LPS reappointment.