

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

Department 5	April 24, 2026	8:30 am	DA Case #	Date Filed
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1	PR11602	Conservatorship of Arnie Jardine		10/12/2018
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Tuolumne County County Counsel Attorney: Sarah Carrillo

Arnie Jardine

Review Hearing

Accounting and Inventory and Appraisal

10/12/2018 Petition

File Tracking
01/13/2025 From Court Legal Document 2

Other Cases
PR11735

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Per the OAJR dtd 03/06/2026:

At a hearing in the related estate case occurring this date, the administrator advised that funds belonging to the decedent's estate had yet to be marshaled into the probate estate and were reportedly in the possession of the public guardian via the closed conservatorship estate. On 05/09/2025, this Court signed an order in that conservatorship case (PR11602) directing that the conservatorship assets "be delivered either to the administrator" or to the direct heir. Pursuant to Probate Code §§ 2631(c) and 13100, the public guardian could use the small estate process to transfer the conservatorship estate either to the administrator or directly to the lone heir - but according to the administrator the public guardian has done neither. No receipts have been filed in PR11602, and as such the public guardian has not yet been discharged. Since the public guardian has held onto these funds for close a year, the public guardian will need to immediately account for the funds, file an updated Inventory & Appraisal, and advise whether the funds were held in an interest-bearing account (see Probate Code §9705).

Since that notice, this Court has received a receipt with a letter indicating that the personal representative in the probate action has received the net balance of the conservatorship estate plus interest. Since this appears to track the 2025 "final" accounting, unless the personal representative feels otherwise, this Court will accept the receipt as proof of compliance and will proceed to close the conservatorship and discharge the public guardian's office.

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2	PR12742	Estate of Donna Proulx		01/14/2026
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Tianne Proulx

Attorney: Jason Pink

Donna Proulx

Letters of Administration

FURTHER

01/14/2026 Petition

File Tracking 03/18/2026 High Density

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This is the continued hearing on a petition to issue letters of administration for an intestate estate. The petition identifies three likely intestate heirs: the petitioner, and two apparent siblings. The fact that petitioner is offering to provide a bond for a modest intestate estate to be split amongst siblings raises some question as to why the siblings did not agree to waive bond to avoid that expense. Petitioner does not have nominations from her siblings, and while she is not required to have those, the absence of a nomination or bond waiver raises the specter of conflict.

At the prior hearing, prospective opposing counsel made an appearance to express a request for additional time for the parties to work out a resolution. Petitioner to advise.

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3	PR12267	Estate of James Kevin Walsh		04/17/2023
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Ty Walsh

Attorney: Kelsey Kern

James Kevin Walsh

Ty Walsh

Review Hearing - Report - Probate Code 12200

FURTHER

04/17/2023 Petition

File Tracking

06/27/2025 High Density

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Awaiting 25% distribution from PR12140.
Court expects to extend administration period further.

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6	FL19157	Veronica Garza vs. Jeremiah Graff		08/11/2025
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Veronica Garza	Pro Per
Jeremiah Graff	Attorney: Juley Salkeld
Klayton Graff	Attorney: Christine Parraz
Dalton Graff	Attorney: Christine Parraz
Maddox Graff	Attorney: Christine Parraz

Review Hearing - Visitation
Special Set - Visitation / Review in Chambers

08/11/2025 Petition

File Tracking 08/14/2025 High Density

Other Cases
FL19150

Review hearing with parents re: chambers interviews

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

Department 5

April 24, 2026

8:30 am

DA Case #

Date Filed

7 PR12756

Maria J Armstrong Revocable Trust

02/13/2026

Sarah J Buurkarl

Attorney: Carrie McKernan

Tracy Valett

Petition Hearing

FURTHER - claim of property

02/13/2026 Petition

File Tracking

03/18/2026 High Density

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Related to CV67764, CRM74167 and CRM74526 (120 days starting Apr 5).

This is the continued hearing on an elder abuse and trust property claw back petition commenced by the settlor's adult children against the settlor's alleged "boyfriend" who reportedly secured title to assets earmarked for the settlor's inter vivos trust. There is no proof of service upon said boyfriend.

The main asset (there are two others) appears to be settlor's primary residence, which she acquired with her boyfriend in joint tenancy in November of 2018. A joint tenancy with right of survivorship "is an estate designed primarily to allow two or more persons who jointly own property to avoid probate upon the death of one of the joint tenants." *Walters v. Boosinger* (2016) 2 Cal.App.5th 421, 434. It is, by definition, an interest held by two or more persons "in equal shares." Civil Code §683(a). Three months later, the settlor created her inter vivos trust, and listed her interest in the property as a trust asset. However, it was not until January of 2026 that the settlor recorded a deed transferring her interest into the trust, potentially severely the joint tenancy. See Civil Code §683.2; *Raney v. Cerkueira* (2019) 36 Cal.App.5th 311, 320. {At the first hearing, counsel advised that the severance was perfected.}

Critically, joint tenants co-own the property for purposes of access and control, but each tenant has a separate financial existence from the others. See *In re Brace* (2020) 9 Cal.5th 903, 916; in accord, *Dieden v. Schmidt* (2002) 104 Cal.App.4th 645, 653; *Grothe v. Cortlandt Corp.* (1992) 11 Cal.App.4th 1313, 1319. When a joint tenancy is severed, the presumption that each party has a 50% interest may be challenged via "allowance, accounting, contribution, or other compensatory adjustment among the parties according to the principles of equity." CCP §872.140. Any party wishing to rebut the presumption of equal ownership with evidence of disproportionate contributions may file a petition for that purpose. From there, "the court may order an equitable compensatory adjustment to compensate the tenant for her use of separate funds for the down payment on the residence and if the appropriate motion is made and granted the partition action may be consolidated with the present dissolution action." *Marriage of Leversee* (1984) 156 Cal.App.3d 891, 897; in accord, *Marriage of Rico* (1992) 10 Cal.App.4th 706, 710. Sometimes that higher "contribution" is in the form of greater overall capital investment, and sometimes from sweat equity. See, e.g., *Marriage of Brandes* (2015) 239 Cal.App.4th 1461, 1472-1474; *Marriage of Decker* (1993) 17 Cal.App.4th 842, 850-852. It is up to the tenant seeking an allocation in excess of a presumed pro rata share to make such a claim. Until the settlor effectively severs the joint tenancy, her boyfriend retains his right of survivorship.

Since that hearing, petitioner filed an amended petition. While no law (CCP §472, Prob. Code §1021, CRC 7.104) requires highlighting of the amendments made, it is customary to do so to allow the court to track changes. Although that was not done, petitioner appears to have added averments regarding the eviction of unnamed occupants (see Para 19) – which of course would require a separate UD action – and averments regarding a POA (see Para 8).

Superior Court of California, County of Tuolumne
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Department 5

April 24, 2026 10:00 am

DA Case #

Date Filed

9 PR9661

Conservatorship of Audrey Heard

07/09/2004

Tuolumne County Public Guardian Attorney: County Counsel

Audrey Heard

Accounting Hearing

11th

04/10/2024 Accounting: Other

File Tracking

05/14/2024 High Density

Other Cases

PR9682

PR10150

Counsel's proposed accounting is approved in all respects save and except for the proposed distribution to the State via §11900.

- **First**, §11900(a) controls “property that is not ordered distributed to known beneficiaries” (emphasis added) and the public guardian here contends that there are no known beneficiaries.
- **Second**, there is no statutory provision for an escheat order directly out of a conservatorship. See, e.g., CCP §1441 and Probate Code §§ 7601, 7604, and 11902.
- **Third**, with no personal representative duty-bound to search for kin, the representative in the accounting that no kin exists does not meet the clear and convincing threshold for this Court to simply send the balance of the estate to the State. While it is presumed that the funeral director tried to locate next of kin (§7600.6), remains can be delivered directly to a conservator and often is (§7100(a)(7)). The public guardian has an affirmative duty to search for testate instruments (§7602), but there is no mention of this in the proposed distribution. In the last 1850 report, the conservatee appeared to be in good health, and it would have been prudent at that time for the public guardian to consider running a petition for substituted judgment to prepare some kind of estate plan – if for nothing else to leave funds to Saint Francis Guest House (for example).

Does public guardian wish to run the probate case per §7620? If so, and no beneficiaries are identified, the funds would escheat to the County, not the State (see §7663).

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April 24, 2026 10:00 am

DA Case #

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13 PR10766 Guardianship of Landen P. Underwood

09/23/2011

Steven Levi Zukal

Courtney Lee Zukal

Landen Paul Underwood

Janis Zukal Pro Per

Review Hearing - Guardian Rept-Probate Code 1513.2

FURTHER

09/23/2011 Petition: Other

09/23/2011 Petition

Other Cases
PR10767

File Tracking

03/13/2025 High Density

Court is awaiting receipt of the GC-251.

Superior Court of California, County of Tuolumne
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Department 5

April 24, 2026 10:00 am

DA Case #

Date Filed

14 PR11794 Guardianship of Leila Rose Klaverweiden

02/21/2020

Curtis Cashen

Carol Cashen

Leila Rose Klaverweiden

Carol Ann Cashen

Pro Per

Curtis James Cashen

Pro Per

Leila Rose Klaverweiden

Accounting Hearing

4th

11/09/2022 Petition

File Tracking

01/30/2025 High Density

Other Cases

PR11527

Court is awaiting accounting from the guardians.

Superior Court of California, County of Tuolumne
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Department 5

April 24, 2026 10:00 am

DA Case #

Date Filed

18 PR12607

In re: The Berchtold Living Trust

02/18/2025

Richard Berchtold

Attorney: Anthony Johnston

Dannie Berchtold

Petition Hearing

FURTHER - orders? dismiss petition?

02/18/2025 Petition

File Tracking

03/17/2025 High Density

Although the issue of removing Dannie and ruling on his objections is technically under submission, the trustees were to have continued working toward liquidating the trust assets to enable a distribution. Court expects an update on this effort.

