

Department 5 Probate Notes for Friday, May 23, 2025

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8:30 a.m.

1. **Estate of Blanchard (PR12634).** This is a two-step by-pass petition to confirm via Probate Code §100 the surviving spouse's 50% interest in community property and the decedent's 50% interest in community property, and then to confirm via Probate Code §§ 6401(a) and 13650(a) the surviving spouse's intestate right to the decedent's 50% share of that community property. The petition is not ready for approval, for a number of reasons.

First, pursuant to §13651(a)(1), the petition must include "the facts necessary to determine the county in which the estate of the deceased spouse may be administered." There are no facts connecting this petition to Tuolumne County other than box 4.a. There is no declaration from petitioner or a death certificate attached.

Second, pursuant to §13651(a)(2), the petition must include "a description of the property of the deceased spouse." That is further defined as "property that becomes part of the decedent's estate on the decedent's death" (§13055) – which is a cumbersome way of saying proof that decedent actually owned the property when he died. The petition itself has no attachments, is only two pages, and does not check box 7.b. While the proposed order contains a long list of property, there is no evidence from which to glean that those entitled to notice received the list of property subject to the petition, let alone proof that the decedent owned the property at the time of his passing.

Third, since a surviving spouse technically has the right to dispose of community property without a transfer deed (see §13540 and *Estate of Bonanno* (2008) 165 Cal.App.4th 7, 19-20), and transfer orders hereunder are conclusive (§13657), there must be evidence supporting "the facts upon which the petitioner bases the allegation that all or a part of the estate of the deceased spouse is property passing to the surviving spouse." §13651(a)(3). Setting the issues addressing above, there is no declaration from petitioner stating that these items are presently owned, when they were acquired, when she and decedent were married, that they remained married until death, and what "intangibles" those are in section II.

Court intends to continue the hearing unless counsel can marshal the needed information in time for the hearing.

2. **Estate of Ward (PR12198).** The Court, having received and reviewed the TUO-PR-125, is curious if petition is able to personally satisfy administration costs and take a direct distribution of the real property rather than wait for a possible sale of a seemingly distressed property. If that is not an option, the Court intends to find by a preponderance of the evidence that good cause exists to extend administration of this estate another 120 days.

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3. **Estate of Palombi (PR12625).** Before the Court this day is a petition to admit decedent's will to probate and for Letters Testamentary. A review of the petition and supporting documentation demonstrates that everything appears to be in order except that the alternate executors were not given notice. See Para Eighth and §8110(b). Counsel to advise. Otherwise, petitioner is entitled to the appointment and setting of §§ 8800/12200 dates.
4. **Estate of Nichols (PR12411).** Before the Court this day is an \$850 petition relating to certain real property, and rental income associated therewith, in the probate estate William Nichols, but alleged to be part of the Leslie Nichols Trust. This being a probate petition, the parties are entitled to discovery if needed. §17201. Once discovery commences, it proceeds just like normal civil actions (see §1000(b)). This Court does not pretend to foretell the need, or scope, of discovery herein, but now that a response is on file, the parties are presumable in a position to advise whether this can be resolved as a summary proceeding using briefing, declarations, and argument (§437c, 1010, 1005 et seq, CRC 3.1306), 1022, 1046 and 9620, or if live witness testimony will be needed.
5. **In re Hardin Trust (PR12351).** The Court, having received and reviewed the receiver's updated report, but having not received any updated report from the trustees, posits the following material inquiries:
 - 1) Are there any remaining financial/intangible accounts in the name of Alice Hardin?
 - 2) Are there any financial/intangible accounts that parties believe need to be moved into the Alice C. Hardin Trust?
 - 3) What is the current status on the sale of:
 - a. Hope Lane, Sonora Property?
 - b. Banner Drive, Sonora properties?
 - c. Stud Horse Flat Road, Tuttletown, parcels?
 - d. Calaveras parcel
 - e. LLC: Shepard Street, Sonora property?
 - f. LLC: Barretta Street, Sonora parcel
 - g. LLC: Parrotts Ferry, Columbia parcel
 - 4) Other than the trust, who holds membership units in LLC? IS there anyone willing to purchase the membership units from the trust?
 - 5) Assuming the trust owns a 50% interest in the cabin, what is the status on transferring the trust's interest in the cabin? Which trust beneficiaries wish to own an interest in the cabin?

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10:00 a.m.

6. **Conservatorship of Zapata (PR11778).** This is on for the annual review of a general conservatorship but the investigative report is not yet available for review.
7. **Conservatorship of Conly (PR12412).** This is on for the annual review of a general conservatorship but the investigative report is not yet available for review.
8. **Conservatorship of Gilbert (PR12632).** This is a petition to establish a general conservatorship over the person and estate of an 18 year-old male by his biological mother, seeking authority to make medical decisions for what appears to be a developmentally disabled adult, without the required physician's declaration (§1890). Court will be required to appoint the investigator, and may consider appointing an attorney for the proposed conservatee unless the evidence is easily clear and convincing.
9. **Conservatorship of Lail (PR11963).** This is on for review of the fourth accounting but there is no accounting on file to consider.
10. **Conservatorship of Stone (PR7726).** The Court appreciates the detail provided in this accounting, and understands the unique circumstances present. Given that bonded/insured professionals handle most of the financial decision-making – and those fees are not small – if the conservators agreed to take as their stipend only the net profit each year (which appears to be fairly close to the current monthly amounts), that might eliminate the need for the \$2,500/yr bond premium and might also reduce the need for a formal accounting in favor of a simplified version. Since the conservators are already getting \$5,000/yr from co-ownership, it seems that the monthly fees are getting high. Most parents are not getting paid to care for a child. Are the annuities still paying out or is this now just accrued interest for the balance of the conservatee's life? The legal fees are approved as is.
11. **Guardianship of Woodall (PR12068).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary/convenient, and that the guardians continue to serve the ward's best interests (despite the ward's present circumstances residing in San Diego). Court intends to set an annual review date.
12. **Guardianship of Block (PR12079).** This is an annual guardianship review. Pursuant to Probate Code §1513.2(a), every year the guardian shall complete and return to the court a status report (GC-251). The court clerk is required to provide a reminder to the guardian, along with a blank GC-251, which did occur herein on 03/25/2025. Based on prior

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reporting, it does appear that the guardianship remains necessary/convenient, and may be temporary carried over until a report and order are completed. Guardians to advise.

13. **Guardianship of Robertson (PR11282).** This is an annual guardianship review. Pursuant to Probate Code §1513.2(a), every year the guardian shall complete and return to the court a status report (GC-251). The court clerk is required to provide a reminder to the guardian, along with a blank GC-251, which did occur herein on 03/25/2025. Based on prior reporting, it does appear that the guardianship remains necessary/convenient, and may be temporary carried over until a report and order are completed. Guardian to advise.
14. **Guardianship of Hernandez (PR10832).** Related to #17. No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary/convenient, and that the guardians continue to serve the ward's best interests. Although guardians have expressed some concern about bio mom, she does not presently have any parenting allocation. Court intends to set an annual review date.
15. **Guardianship of Murphy (PR12080).** Related to #19. This is an annual guardianship review. Pursuant to Probate Code §1513.2(a), every year the guardian shall complete and return to the court a status report (GC-251). The court clerk is required to provide a reminder to the guardian, along with a blank GC-251, which did occur herein on 03/25/2025. Based on prior reporting, it does appear that the guardianship remains necessary/convenient, and may be temporary carried over until a report and order are completed. Guardians to advise.
16. **Guardianship of Price (PR11618).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary/convenient, and that the guardian continues to serve the ward's best interests. Court intends to set an annual review date.
17. **Guardianship of Hernandez (PR11351).** The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary/convenient, and that the guardian continues to serve the ward's best interests. Court intends to set an annual review date. As for the guardian's concern regarding bio mom's ability to remain focused during her parenting allocation, this Court can make orders pursuant to Family Code §3041.5 if a basic showing is made to the Court's satisfaction. Parties to discuss. At present, parties have agreed that bf will not be present during the visits.

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18. **Guardianship of Okelsrud (PR12397).** There is presently on calendar a petition by the guardian (paternal grandmother) to terminate her own guardianship in favor of restoring bio dad's parenting rights and duties, as well as a new petition by bio dad to terminate the guardianship as “reunify” the family. The court investigator was previously dispatched to locate and give notice to bio mom. Awaiting update to determine whether minor’s counsel will be needed.
19. **Guardianship of Murphy (PR12081).** This is an annual guardianship review. Pursuant to Probate Code §1513.2(a), every year the guardian shall complete and return to the court a status report (GC-251). The court clerk is required to provide a reminder to the guardian, along with a blank GC-251, which did occur herein on 03/25/2025. Based on prior reporting, it does appear that the guardianship remains necessary/convenient, and may be temporary carried over until a report and order are completed. Guardians to advise.
20. **Guardianship of Corne (PR12378).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary/convenient, and that the guardian continues to serve the ward’s best interests. Court intends to set an annual review date.

1:30 p.m.

21. **Petition of MGH (CV67030).** Nonconfidential petition to change last name.