

**Superior Court of California, County of Tuolumne**  
**Consolidated Calendar**  
**Commissioner Steven Streger**

**Department 5**

**June 5, 2026 8:30 am**

**DA Case #**

**Date Filed**

**1 PR12617 Estate of Breck McDowell Phelps**

04/02/2025

**Josiah Phelps**

Attorney: Tamara Polley

**Breck McDowell Phelps**

**Final Distribution Hearing**

**04/02/2025 Petition**

**File Tracking**

04/02/2025 High Density

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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=NTRMT0NwMDg5cmlYdzZ6VnBXWWFsUT09>. [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.

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This is a petition to approve the proposed distribution of this intestate estate. While there is only one heir, and only one asset to speak of, the Court notes that approximately one year ago the petitioner was to have placed \$239,330.83 into an estate account. Since estate deposits are supposed to be into an interest-earning account (see Probate Code §9652; *Estate of Gerber* (1977) 73 Cal.App.3d 96, 111), this Court would have expected to see more than \$239,330.83 on hand for distribution. Instead, there is only \$226,518.97 on hand, which technically reflects a “loss” for purposes of the statutory fee basis. This Court does not intend to dwell on the minutia but is curious where roughly \$16,000 wandered off to ...

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<b>2</b>	<b>PR12789</b>	<b>Estate of Brenda Joyce Loftin</b>		<b>04/24/2026</b>
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**Kimberly Loftin** Pro Per

**Brenda Joyce Loftin**

**Determine Succ to Real Property - Other**  
succession

**04/24/2026** Petition

<b>File Tracking</b> 04/24/2026 High Density
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This is a by-pass petition to transfer decedent’s primary residence to her three devisees by will. Although notice is technically deficient since it was not waived in the “consent to appointment” (see Para 8) and there is no proof of notice in the court file, the petition is otherwise in very good condition. All that is missing from the petition is proof that decedent actually held an ownership interest in the subject real property, which appears to have been glossed over by petitioner (but likely an easy fix).

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<b>3</b>	<b>PR12763</b>	<b>Estate of George Russell Morrow</b>		03/11/2026
		<b>Susan Morrow</b>	Attorney: Anthony Johnston	
		<b>George Russell Morrow</b>		
		<b>Alisha Morrow</b>	Pro Per	
		<b>Letters of Administration</b>		
		FURTHER		

03/11/2026 Petition

<b>File Tracking</b> 03/12/2026 High Density
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This is a petition to appoint a personal representative and issue Letters of Administration to manage an intestate probate estate. There is no proof of publication on file, making the petition itself not yet ripe for consideration. However, in the interim this Court has received an objection to the petition to decedent's natural heir, claiming an equitable interest in the single asset inventoried in the estate. Objector claims that a neutral party should serve as administrator.

Although petitioner may be deemed to have waived her priority in light of her delay (see §§ 8001 and 8468), there is no other person who has petitioned for appointment. Per §8461(a), petitioner is entitled to priority in appointment so long as she is entitled to succeed to at least a part of the estate. See §8462(a). That has yet to be shown. Nevertheless, the objector contends that petitioner should be disqualified from service based on a conflict of interest. See §8502. This Court will require evidence and/or additional briefing to understand the nature of this claimed disqualification.

Objector requested time to assess options for a buy-out.

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<b>4</b>	<b>PR12788</b>	<b>Estate of Laurel Ellen Nelson</b>		04/22/2026
		<b>Emery Eugene Nelson</b>	Attorney: Tamara Polley	
		<b>Laurel Ellen Nelson</b>		
		<b>Letters of Administration</b>		

04/22/2026 Petition

**File Tracking**  
04/24/2026 High Density

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This is a petition to admit a foreign will to probate and to appoint a nominee to serve as administrator thereof. The personal representative can certainly assume the position of administrator with will annexed. The will appears to have been validly executed (§6113), but not necessarily self-proving as alleged under Para 3.f(2) because Para 9 of the will permits an inference that the testator intended for the laws of the State of Wyoming to control the legal effect of this instrument. See Probate Code §21103. In Wyoming, such instruments are self-proving only if notarized. See Wyoming Statutes §2-6-114. Since there is no notary acknowledgement with the will, direct testimony from a subscribing witness is required. See §2-6-205. In California, we refer to that as using the DE-131 form.



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**Consolidated Calendar**  
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**Department 5**

**June 5, 2026 8:30 am**

**DA Case #**

**Date Filed**

**6 PR12775 Estate of Pamela Joan Franciosa**

03/23/2026

**Joseph Franciosa** Pro Per

**Pamela Joan Franciosa**

**Letters of Administration**

**03/23/2026 Petition**

**File Tracking**

03/24/2026 High Density

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This is a petition to admit a will to probate, and for appointment of an executor. There is no proof of publication yet, so the hearing may be delayed on this basis alone. The will is not perfectly self-executing, but under the circumstances this Court will likely permit its admission with just one DE-131. Even though the will provides for execution without bond (see §8422(a)), petitioner is non-resident and as such may be tasked with securing a bond first (see §8571). Alternatively, if the estate consists of liquid accounts and those are deposited into a blocked, interest-earning account (see §§ 8483(a) and 9703), the bond requirement can be avoided.

Petitioner to advise regarding liquidity.

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<b>7</b>	<b>FL9963</b>	<b>Teresa Houston vs. Matthew C. Nugent</b>	2000000766054	06/08/2010
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<b>Teresa Houston</b>	Attorney: Hal Channell
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**Matthew C Nugent**

<b>Dept. of Child Support Services</b>	Attorney: Dept. of Child Support Services
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**Review Hearing - Child Support**

FURTHER

06/08/2010 OSC Application

<b>File Tracking</b> 08/13/2024 High Density
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W paying \$471/month with zero timeshare







**Superior Court of California, County of Tuolumne**  
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<b>Department 5</b>	<b>June 5, 2026 10:00 am</b>	<b>DA Case #</b>	<b>Date Filed</b>
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11	<b>PR12354</b>	<b>Conservatorship of Annette Louise Ferreira</b>	10/27/2023
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**Genevieve Reyes** Pro Per

**Annette Louise Ferreira**

**Janice G. Lopez**

**Simpson-Van Bokkelen Bonding** Pro Per

**Review Hearing - Investigator Report - PR Code 1850**

FURTHER

10/27/2023 Transfer In

<b>File Tracking</b>
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05/06/2024 High Density
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This is an existing limited conservatorship over the person and estate. This Court, having received and reviewed the court investigator's annual report, anticipates finding by clear and convincing evidence that the limited conservatorship continues to be necessary and the least restrictive alternative for the conservatee's protection.

Annual review date: \_\_\_\_\_, 2027

**Superior Court of California, County of Tuolumne**  
**Consolidated Calendar**  
**Commissioner Steven Streger**

**Department 5**

**June 5, 2026 10:00 am**

**DA Case #**

**Date Filed**

12 PR10894

**Conservatorship of Augustus Kipper**

12/28/2012

**Cindy Miller**

Attorney: Jennifer Lothert

**Augustus Kipper**

**Review Hearing - Investigator Report - PR Code 1850**

12/28/2012 Petition

**File Tracking**

06/14/2024 High Density

Related to #16

This is an existing general conservatorship over the person. This Court, having received and reviewed the court investigator's annual report, anticipates finding by clear and convincing evidence that the general conservatorship continues to be necessary and the least restrictive alternative for the conservatee's protection.

Annual review date: \_\_\_\_\_, 2027



**Superior Court of California, County of Tuolumne**  
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<b>Department 5</b>	<b>June 5, 2026 10:00 am</b>	<b>DA Case #</b>	<b>Date Filed</b>
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14	PR12057	Conservatorship of Jill McClintock-Cole	02/18/2022
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**Tuolumne County Public Guardian** Attorney: Sarah Carrillo

**Jill McClintock-Cole**

**Review Hearing - Investigator Report - PR Code 1850**

FURTHER

**Accounting Hearing**

FURTHER 2nd simplified

02/18/2022 Petition

02/18/2022 Petition

Other Cases

CVL65145

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<b>File Tracking</b>
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04/29/2024 High Density
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Court is awaiting update on both 1850 report and accounting.



**Superior Court of California, County of Tuolumne  
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<b>Department 5</b>	<b>June 5, 2026 10:00 am</b>	<b>DA Case #</b>	<b>Date Filed</b>
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16 PR10683	Conservatorship of Zackery Kipper		02/08/2011
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Cindy Miller	Attorney: Jennifer Lothert
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Zackery Kipper

Review Hearing - Investigator Report - PR Code 1850

02/08/2011 Petition

<b>File Tracking</b> 06/25/2024 High Density
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This is an existing general conservatorship over the person. This Court, having received and reviewed the court investigator's annual report, anticipates finding by clear and convincing evidence that the general conservatorship continues to be necessary and the least restrictive alternative for the conservatee's protection.

Annual review date: \_\_\_\_\_, 2027

**Superior Court of California, County of Tuolumne**  
**Consolidated Calendar**  
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**Department 5**

**June 5, 2026 10:00 am**

**DA Case #**

**Date Filed**

**17 PR12782**

**Estate of Lynn Reed**

04/06/2026

**Vivian Patricia Reed**

Attorney: Jack Klosek

**Lynn Reed**

**Spousal Property Hearing**

**04/06/2026 Petition**

**File Tracking**

04/09/2026 High Density

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This is a probate by-pass petition to confirm property passing to the surviving spouse. Pursuant to Probate Code §13500, “when a spouse dies intestate leaving property that passes to the surviving spouse under Section 6401, the property passes to the survivor” without the need for formal administration. Probate Code §6401 then describes three different types of property subject to potential by-pass, to wit:

- Community property, 100% of which vests directly in the surviving spouse;
- Quasi-CP, 100% of which vests directly in the surviving spouse; and
- Separate property, 50% of which vests directly in the surviving spouse.

As set forth in the petition, APN 043-760-008/009 was acquired while decedent and petitioner were married but taken in decedent’s name alone “as his sole and separate property.” As explained by the courts in *In re Brace* (2020) 9 Cal.5th 903 (at 931-934), and *Estate of Wall* (2021) 68 Cal.App.5th 168 (at 174-175), in a proceeding involving heirs, the form of title held by decedent controls. This means that petitioner is presently entitled to only 50% of APN 043-760-008/009. Since she is seeking an order confirming 100% of APN 043-760-008/009, she is required to establish “by clear and convincing evidence” that decedent did not hold “full beneficial title.” See Evidence Code §662. Petitioner offers evidence that the loan was assumed in decedent’s name because he had better credit, but the loan and recorded title are two distinct things (which petitioner seems to conflate). Once the loan attached to the property, decedent was free to transfer by interspousal deed his interest into the community – yet he decided not to do that. Moreover, he decided not to create a will that would have made plain his alleged plan of action.

Nevertheless, since petitioner is described as a “borrower” on the refi Deed of Trust (doc 2019012334), claims that the down payment was from her own separate property source (see Para 3), and some portion of the debt presumably was paid down using community funds, it does appear as though petitioner acquired some beneficial title which would be recognized in family court. See Family Code §§ 760, 803, 2640. A supplemental declaration from petitioner clearly addressing her beneficial interest in the property will be needed. Moreover, additional effort to locate and give notice to the residual heirs is required.





**Superior Court of California, County of Tuolumne**  
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<b>Department 5</b>	<b>June 5, 2026</b>	<b>1:30 pm</b>	<b>DA Case #</b>	<b>Date Filed</b>
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20	FL18879	<b>Austin Frederick and Nariah Frederick</b>		12/16/2024
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**Austin Frederick**

Attorney: Hal Channell

**Nariah Frederick**

Attorney: Mark Smith

**Court Trial: Short Cause**

**Pre-Trial Conference**

12/16/2024 Complaint

<b>File Tracking</b>
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09/02/2025 High Density
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Other Cases

FL18856

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Court is awaiting/anticipating report from court investigator as part of Father's proposed step-up request.