

Department 5 Probate Notes for Friday, July 18, 2025

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8:30 a.m.

1. **Estate of Costa (PR12441).** No appearance is necessary. Before the Court this day is the scheduled §12200 review hearing, but the estate has already been distributed and this hearing should have been removed from the calendar.
2. **Estate of Campbell (PR12439).** No appearance is necessary. The Court, having received and reviewed the TUO-PR-125 with attachments, intends to find by a preponderance of the evidence that good cause exists to extend the period of administration for 120 days. Court intends to set a §12200 review hearing for 11/14/2025 at 8:30 a.m.
3. **Estate of James Walsh (PR12267).** No appearance is necessary. The Court, having received and reviewed the TUO-PR-125, intends to find by a preponderance of the evidence that good cause exists to extend the period of administration for 120 days. Court intends to set a §12200 review hearing for 11/14/2025 at 8:30 a.m.
4. **Estate of John Walsh (PR12140).** No appearance is necessary. The Court, having received and reviewed the TUO-PR-125, intends to find by a preponderance of the evidence that good cause exists to extend the period of administration for 120 days. Court intends to set a §12200 review hearing for 11/14/2025 at 8:30 a.m.
5. **Estate of Kincaid (PR12205).** No appearance is necessary. The Court, having received and reviewed the TUO-PR-125, intends to find by a preponderance of the evidence that good cause exists to extend the period of administration for 120 days. Court intends to set a §12200 review hearing for 11/14/2025 at 8:30 a.m.
6. **Estate of Almstrom (PR12650).** Before the Court this day is a probate avoidance by-pass petition to determine intestate succession to real property. The petition is not ready for approval for a number of reasons. First, there is no evidence sufficient from which to find who should serve as decedent's personal representative, and thus who can consent to the use of this procedure (§13150(b)(1)). Second, there is no evidence showing this Court that the real property subject to the petition was decedent's primary residence, as that term is defined by statute (§13151(a)). Third, the required Inventory & Appraisal shows that the gross value of said property exceeds the statutory cap in effect when decedent died (see §13152(a)(2)). Finally, there is no evidence from which to show that the property was owned by the decedent at the time of his passing (§13152(a)(3)). It seems that petitioner will likely need to proceed with a full-fledged probate petition.

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7. **Estate of Jenkins-Bushart (PR12455).** Before the Court this day is a petition to allow fees/costs and approve the proposed distribution of a probate estate. Decedent passed away in October of 2023. Based on her cause of death, it seems fortuitous that she prepared – just six months prior – a Last Will & Testament. Although decedent was purportedly survived by a spouse (he reportedly died in the interim), one biological child, and three step-children, she left the entirety of her separate property to the Wilma H. Bushart 2017 Trust, and the balance of her estate to the Bushart 2017 Family Trust. The petition and proposed distribution permits the following inferences by deduction: (1) decedent’s biological child Brent left no next of kin; (2) decedent’s other biological child William left three next of kin (Kevin, Kaitlyn, Matthew); and (3) decedent’s step-children Danny, Randy and Debra did not receive any gift from either the Wilma H. Bushart 2017 Trust or the Bushart 2017 Family Trust. The petition cannot be approved yet. First, there is no proof that the subject financial accounts were assets of the decedent, particularly since financial accounts generally have designated beneficiaries other than the settlor of the account. Second, assuming that the accounts did indeed belong to the decedent, and therefore her estate, the order for distribution would only direct the accounts to be delivered to the trustee of the trust receiving the account, which means the account(s) must be characterized as separate property or otherwise. Once petitioner establishes to the Court’s satisfaction which trust the accounts go to, that is what the order for distribution entails. From there, the trustee makes the distribution out of the trust without judicial involvement. If petitioner is asking this Court to sanitize a further distribution out of the trust, a copy of the trust must be provided as part of the petition, and account waivers must be secured from all interested parties, not just decedent’s biological heirs. Petitioner to advise how he would like to proceed.

10:00 a.m.

8. **Conservatorship of Villasenor (PR9919).** By request of the court investigator, this review hearing will be continued 30 days to permit further inquiry regarding a change in the conservatee’s residence. Court intends to involve APS and the Public Guardian.
9. **Guardianship of Heinze (PR12458).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachment, 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. Court intends to set an annual review date.
10. **Guardianship of Chandler (PR12295).** This is an annual guardianship review. Pursuant to Probate Code §1513.2(a), every year the guardian(s) shall complete and return to the court a status report (GC-251). The court clerk is required to provide a reminder to the guardian(s), along with a blank GC-251, which did occur herein on 05/06/2025. Based on the nature of

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the proceedings to date, this Court assumes that the guardianship is still needed, warranted and desired. Thus, the guardianship may be temporarily carried over until a report and order are completed. Guardians to advise as to the status.

11. **Conservatorship of Wolff (PR12655).** This is the initial hearing on a petition to establish a general conservatorship over the person and estate of Karran Wolff, who presently resides in both Stanislaus and Merced Counties, but most assuredly not in Tuolumne County. Petitioner resides in this county. It is alleged that the proposed conservatee suffers from dementia and is susceptible to financial abuse and undue influence. Despite ex parte authority to file without notice, no capacity declaration has been filed to support authority over medical decision-making. Objection was filed on behalf of the proposed conservatee (represented by private counsel), and separately by her other biological child. Venue was raised as a concern, although this Court would like to stress for the objectors that venue does not equate with permission to relocate the conservatee. A court investigator has already been appointed to perform the statutory investigation, but if venue is to be litigated, the Court will suspend the investigation. The investigation here, or in another county, will help answer the question of whether any conservatorship is warranted, and to a lesser degree who should serve as conservator(s). The fact that both children accuse one another of financial mismanagement more likely than not supports a co-conservatorship of the person, and a professional fiduciary as trustee to handle estate matters – not all the power over the person *and* estate in the hands of one direct beneficiary. Parties to address.

1:30 p.m.

12. **Marriage of Hardman (FL18336).** Settlement conference per request of matter assigned to Dept 2 inventory. Long-term marriage with two minor children. Court previously awarded \$3,500/month in temporary “spousal” support though it appears from a review of the file to be “family” support.
13. **Marriage of Radetich (FL18672).** Stipulated proceeding to bifurcate status only. Child support recently established. Update sale of residence. Set briefing schedule and hearing date on Petitioner’s counter-RFO to reduce spousal support to zero per Family Code §§ 3600 and 4320(i).