

## Department 5 Probate Notes for Friday, August 1, 2025

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### 8:30 a.m.

- Estate of Vasquez (PR12468).** Before the Court this day is a petition to approve the plan for final distribution, with waivers of formal accounting. The combined I&As reflect an estate close to \$1.3M, and a statutory fee base of \$1.26M – which this Court has no quarrel with. The confusion stems from the delta between the reputed \$1.26M and the cash on hand, which purports to only be \$302,000:

72 Green		\$250,000 cash
1983 GMC		\$38,000 cash
WF 2597		\$153,000 cash
WF 0158	Business profit	cash ???
TOTAL		\$441,000

Assuming WF-2597 was closed and moved into WF-0158, and WF-0158 ballooned to over \$300,000 after business profits from operating the food truck until it was sold, there is an obvious loss of cash which the report does not account for.

- Estate of Nichols (PR12411).** There is still no I&A on file. Pursuant to Probate Code §8804, “if the personal representative refuses or negligently fails to file an inventory and appraisal within the time allowed under this chapter, upon petition of an interested person,” the trial court may compel compliance upon threat of contempt (see §11052), remove the personal representative from office, or impose personal liability for injury against the bond. Unless a Final Inventory & Appraisal is on file before the hearing, a citation shall issue forthwith for the appearance of the personal representative at the next duly noticed hearing to show cause why she should not be held in contempt and/or removed from office.
- In re Sagaser Trust (PR12667).** This is the initial hearing on a trust petition seeking a formal accounting, an inventory of trust assets, and “instructions” regarding the manner in which assets believed to be held in trust should be distributed (or clawed back if need be). There is a defect regarding notice to the trustee. Probate Code §1215(a) demands that delivery of notice by mail is to be via first-class, which “includes certified, registered, and express mail.” Moreover, the mail is to be directed “to the person at the person's place of business or place of residence.” Notice to Matthew – the successor trustee and the one to whom the alleged wrongdoing is directed – was notified via mail directed to a Post Office Box, which is generally frowned upon for new court actions. See CCP §415.20. Proof of notice is not yet to this Court’s satisfaction. Probate Code §§ 1202, 1260. Should Matthew nevertheless appear, he will be entitled to lodge his response/objections or seek a continuance at that time. See Probate Code §1043.

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**10:00 a.m.**

4. **In re Garner (PR12361 and FL17944).** This is the initial hearing on Father's *renewed* petition to terminate the guardianship now held by the paternal grandparents. The court investigator has completed her assessment and recommends that the guardianship be terminated. This recommendation appears to be echoed by the ward, the current guardians and to a lesser degree Mother (via text message). The Court, being intimately familiar with both the history of this case, and the Herculean steps undertaken by all members of this blended/extended family, is pleased to note the progress made by Father to return himself to the position of fitness, and to his parents for coming to the rescue when he needed them most. Court intends to find by a preponderance of the evidence that the best interests of this child are met with the termination of this guardianship and the recognition that the grandparents shall be entitled to ongoing visitation pursuant to Probate Code §1602. With the closing of the guardianship, this Court must consider on an interim basis what is in the child's best interests in terms of custody and visitation as between her biological parents. When the guardianship was first established, the parents shared joint custody and equal parenting time. However, Mother violated court orders by abducting the child and fleeing to another state, prompting an interstate manhunt and numerous court proceedings. See Order issued 05/07/2024. Mother has since left the state once again, despite indicating an intention to "fight" for the child. Although Mother and Father might be *in pari delicto* for several of the best interests factors used to determine long-term custody and visitation orders, since the child presently resides full-time with Father and Mother has shown little to any interest in participating as a law-abiding parent, Father's request for temporary sole custody is likely to be granted. Parties will be referred to workshops, mediation, and trial setting for final resolution of the custody and visitation concerns.
5. **Conservatorship of Love (PR12105).** Although the updated report is not yet available for review, based on prior reports this Court is prepared to find by clear and convincing evidence that the conservatee still meets the statutory requirements for a general conservatorship, that a general conservatorship remains the least restrictive alternative for the conservatee's protection, and that the conservators continue to serve the conservatee's best interests. Court intends to set **biennial** review hearing date.
6. **Guardianship of Vazquez (PR12445).** This is the first 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 06/03/2025. Based on the initial reports, it does appear that the guardianship remains necessary/convenient, and may

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be temporary carried over until a report and order are completed. Guardians to advise as to the status.

7. **Guardianship of Hartzell (PR11369).** This is the initial hearing on a petition to re-establish a guardianship over three children who were just recently emancipated from a guardianship with their maternal grandmother, who suffers from cognitive decline. Their biological mother presented well-enough to the guardian, the wards, minor's counsel, the court investigator and this Court to convince everyone that returning the children to her care was a safe choice. We were all duped. We were all wrong. Thankfully, another family member, better equipped to care for three children, has surfaced and has agreed to take over the duties of guardian for these children. While the obligatory court investigation proceeds, this Court is amenable to proceed sans report and sans minor's counsel, to wit: appointment as temporary guardians appears entirely needed. Court will require some clarification from the GC-212 responses, most notable #4 and petitioner's need to blame a bench officer for some past court proceeding that did not go her way. Meanwhile, the court investigator will continue to work the entire "23 and Me" family tree to see what options exist, including whether a return to the previous guardian makes sense.
8. **Conservatorship of Bass (PR10328).** This Court, having received and reviewed the investigative report, is prepared to find by clear and convincing evidence that the conservatee still meets the statutory requirements for a limited conservatorship, that a limited conservatorship remains the least restrictive alternative for the conservatee's protection, and that the conservators continue to serve the conservatee's best interests. Although this limited conservatorship includes the estate, the Court's previous waiver of accounting based on a lack of any assets appears to still be warranted. Court intends to set **biennial** review hearing date and to align with **PR10249** – which is set for annual review next week. That matter is advanced to this date, granted on the same terms and conditions, and set for biennial review.

**1:30 p.m.**

9. **Petition of ACH (CV67199).** Nonconfidential name change, still lacking publication or filing fee despite notice from court. Subject to dismissal.
10. **Herd v. Monlin (FL18509).** Court trial, Day 2.