

## Department 5 Probate Notes for Friday, August 8, 2025

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### 8:30 a.m.

- 1. Estate of Howell (PR12465).** No appearance is necessary. The Court, having received and reviewed the status report, intends to find by a preponderance of the evidence that good cause exists to extend the period of administration for this estate. Court intends to set a continued §12200 review hearing for 10/10/2025 at 8:30 a.m.
- 2. Estate of Bellatto (PR12442).** No appearance is necessary. This was to be the §12200 review hearing, but since there is already a petition for final distribution on file, the review hearing is not needed.
- 3. Estate of Rodriguez (PR12674).** This is a two-step by-pass petition to confirm via Probate Code §§ 100 and 13500 the surviving spouse's 50% interest in community property and the decedent's 50% interest in community property via §13560, 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. As a preliminary matter, the court file does not contain proof of notice to the decedent's heirs. See Probate Code §13655. As this appears to be an easy fix, the Court will proceed to the next step. Since a surviving spouse technically has the right to dispose of community property (see §13540 and *Estate of Bonanno* (2008) 165 Cal.App.4th 7, 19-20), and any 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). As such, the petition must include "the facts necessary to determine the county in which the estate of the deceased spouse may be administered." There are vital items of information lacking from this petition, to wit: proof of a lawful marriage between decedent and petitioner, and proof that the real property and two financial accounts were community property. This Court cannot declare all three assets the property of petitioner without resolving the §§ 6401(c) and 13501(a) concerns. If need be, the Court will appoint a GAL for the minor child to ensure that his interests are protected. Court will need to see current title for the real property, as well as titling records for both accounts, beneficiary designations (if any) and dates of establishment vis-à-vis date of marriage. Court intends to continue the hearing to 10/03/2025 at 8:30 a.m. unless counsel appears and requests a different date for the continuance.

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4. **Estate of Burman (PR12470).** This probate action was released into the wild on 05/15/2024. Pursuant to Probate Code §§ 12200-12201, petitioner had twelve (12) months from then to file a petition for final distribution or a status report explaining the condition of the estate, the reasons why the estate cannot be distributed and closed, and an estimate of the time needed to close administration of the estate. For those needing to file a status report, this Court has created a very fine local form (TUO-PR-125) to ease the effort. A review of the court file reveals a glaring absence of either the final petition or a status report. Court intends to continue the hearing to 09/05/2025 at 8:30 a.m. and set an OSC re: reduction of statutory fees (§12205) for the same time to ascertain why an estate valued at \$200,000 remains unresolved after this much administrative time.
5. **Estate of Larson (PR12422).** Following the hearing on 06/27/2025, a number of circumstances have changed. First, the recoverable costs have been adjusted twice – first with a reduction of duplicate fees, and then an increase for an omitted cost. Second, there is an indication that the proposed distribution must be adjusted because Donna and Nancy have also assigned their interest to Judy (just as Karl has). An assignment from Donna has been received, but not one from Nancy. All of these assignments late in the game cause this Court to engage in a §11604 inquiry, particular because the assignments favor the administrator and the absence of legal advice is obvious. Court will need to hear from Donna, Nancy and Karl.
6. **Estate of Bollinger (PR12656).** No appearance is necessary. This is the initial hearing on a petition for Letters with IAEA authority to administer an intestate probate estate for an individual who passed away three years ago. Although the petition does not clearly state a basis for venue (see Para 3.a.), this Court will assume as much from the information provided in Para 3.c. Otherwise, the balance of the petition is in order, and it is this Court's intention to grant the petition, issue the order with Letters, and set §§ 8800 and 12200 review hearing dates as follows: 01/09/2026 @ 8:30 a.m. and 09/11/2026 @ 8:30 a.m.

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### 10:00 a.m.

7. **Conservatorship of Smith (PR10905).** This matter is on calendar to review a 7<sup>th</sup> accounting, which as yet has not been filed. However, it is noted that the petition to terminate the conservatorship of the person – filed in 2020 – was withdrawn, and yet no §1850 review was put back on calendar. It seems to this Court that the court investigator will need to be re-appointed in this action to conduct an 1850 investigation. In the meanwhile, counsel should confirm whether the accountings are for the conservatorship or the special needs trust, as it appears from prior filings to be only the latter.
8. **Guardianship of Green (PR11847).** This is the initial hearing on bio mom’s petition to establish visitation rights, and to terminate the guardianship over her son, which was awarded to the maternal grandparents almost five years ago. No consent from guardians. Court will need to appoint investigator to conduct home study and evaluate bio mom’s fitness. According to bio mom, guardians previously agreed to a visitation schedule giving bio mom primary custody/timeshare, but reversed following issues in the child support proceeding in which bio mom had 38% timeshare and ordered to pay \$770/month to the guardian (see FL17169). Court to consider appointment of minor’s counsel (§1470).
9. **Guardianship of Pritchard (PR10912).** 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 guardian continues to serve the ward’s best interests. Court intends to set an annual review date.
10. **Guardianship of Douglass (PR11336).** 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.

### 1:30 p.m.

11. **Marriage of Benitez (FL18686).** Continued effort to settle spousal support concern.