

Department 5 Probate Notes for Friday, October 10, 2025

Probate Notes are not tentative rulings. Parties and counsel are still expected to appear for the hearings unless the Probate Note specifies otherwise. Unless indicated otherwise, all parties and counsel are authorized to appear via Zoom using this link: <https://tuolumne-courts-ca-gov.zoomgov.com/j/1615813960?pwd=NTRMT0NwMDg5cnlYdzZ6VnBXWWFsUT09>. [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 so stating clearly at the outset of the first hearing in the case. By participating in the 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 entirety of the case. See CRC 2.816.

8:30 a.m.

- 1. Estate of Castanon (PR12635).** No appearance is necessary. This is a petition for letters filed by an individual seeking full IAEA authority to administer his mother's intestate estate. All forms of notice have been completed, and any required acknowledgements and waivers have been supplied. Jurisdiction and venue are confirmed. Court intends to grant the petition, issue the letters, and set a §12200 review date. No §8800 review date is required as petitioner already filed a final I&A – this Court will deem the verified DE-160 as effective notwithstanding the absence of Letters.
- 2. Estate of Voorbij (PR12683).** Before the Court this day is the continued hearing on a probate avoidance by-pass petition to determine spousal succession to real property. Pursuant to Probate Code §13500, “when a spouse dies testate and by his or her will devises all or a part of his or her property to the surviving spouse, the property passes to the survivor subject to Chapter 2 and Chapter 3 and no administration is necessary.” Although Chapter 2 gives the surviving spouse “full power to sell, convey, lease, mortgage, or otherwise deal with and dispose of” community real property without judicial intervention in most instances, Chapter 5 establishes an optional route for those wishing to create a conclusively clean title. See *Estate of Bonanno* (2008) 165 Cal.App.4th 7, 19-20. When parties seek a judicially-sanitized title to community property, they must set forth a description of the property passing, the facts supporting the claim that the property is in decedent's estate, the facts supporting the claim that the property now transfers to the spouse, the identity of all natural heirs, and all writings/instruments supporting the facts. See Probate Code §13651.

In this case, the salient averments are as follows:

- In 2019, decedent purchased APN 066-780-002 as an unmarried man;
- At some time thereafter, decedent apparently married Louise Lijkedijk (no marriage certificate is provided);
- On 04/02/2025, decedent made Last Will in which he acknowledged said marriage and bequeathed APN 066-780-002 to “Ms. Louise Lijkedijk;”
- On 04/07/2025, decedent reportedly passed away (no death certificate is provided, but there is a certified translation of one included).

There is no independent proof of a valid marriage between decedent and petitioner, let alone a union that would be recognized here in California. See Family Code §308; *Marriage of Elali & Marchoud* (2022) 79 Cal.App.5th 668, 683. There is reference to the marriage in both the will and the interpreted death certificate, so perhaps this might be close. There is no proffer by which this Court can determine if the Dutch will would be considered valid under Dutch law, as it does not appear to be valid under the Uniform International Wills

Department 5 Probate Notes for Friday, October 10, 2025

Probate Notes are not tentative rulings. Parties and counsel are still expected to appear for the hearings unless the Probate Note specifies otherwise. Unless indicated otherwise, all parties and counsel are authorized to appear via Zoom using this link: <https://tuolumne-courts-ca-gov.zoomgov.com/j/1615813960?pwd=NTRMT0NwMDg5cnlYdzZ6VnBXWWFsUT09>. [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 so stating clearly at the outset of the first hearing in the case. By participating in the 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 entirety of the case. See CRC 2.816.

Act. See Probate Code §§ 6382(b) [two witnesses], 6383(a) [signature on each page] and 6384 [certificate]. Lastly, it is unclear if California's by-pass procedure is even available since decedent's will is rather explicit that "inheritance of my estate will be governed by Dutch law and this law will govern the inheritance of my entire estate." See Para K. Petitioner can however sell the property outright. See Probate Code §§ 12541, 13540(a).

3. **Estate of Glasson (PR12626).** No appearance is necessary. This is the §8800 review hearing to confirm compliance with submission of a final I&A, which has indeed occurred.
4. **Estate of Howell (PR12465).** No appearance is necessary. This is the petition to approve the account, report, allowance for fees/costs, and distribution plan to the sole devisee. Notice to the entities and legal heirs has been provided, and no objection was received. The calculations are correct, as is the proposed distribution – although the distributed assets in the "ancillary proceeding" out of state (if in fact it was indeed an ancillary probate) did pose some confusion as those assets should still have been inventoried in this proceeding since all assets – even though out of state – must be included in the California estate tax return. See, e.g., §8850. Nevertheless, this Court intends to grant the petition.
5. **Estate of Correa (PR12097).** No appearance is necessary. This was to be a continued §12200 review hearing, but the final distribution petition is on calendar for 11/14.
6. **Estate of Daniel (PR12570).** No appearance is needed. Before the Court this day is a petition to approve the account, report, allowance for fees/costs, and distribution plan to the sole devisee. The manner of calculation for the statutory attorney fee is difficult to confirm. The real property was sold for \$215,000, representing a loss on sale of \$5,000. The truck, valued at \$35,000, was sold "to pay the creditor claim" of just under \$30,000, but the sale amount is unknown. The balance of the estate is liquid, stated as \$197,704.89. However, the estate received \$197,729.49 from the sale of the real property. That, added to the \$15,926.07 in cash already there, minus the \$28,816.59 paid to the creditor, informs this Court that there was a loss on the truck of \$19,049.33 (give or take). Counsel's fee basis is not \$270,926.07; it appears to be something closer to \$245,000. Plus there is no reason for a \$3,000 reserve for this simplistic administration. The petition will need to be re-submitted.
7. **Estate of Garrett (PR12432).** No appearance is necessary. This is the petition to approve the account, report, allowance for fees/costs, and distribution plan to the five intestate heirs. Notice to the entities and legal heirs has been provided, and no objection was received. The calculations are correct, as is the proposed distribution – although the proposed order does not also include MC-355s for the two minors. These will be needed with receipts before discharge can be granted.

Department 5 Probate Notes for Friday, October 10, 2025

Probate Notes are not tentative rulings. Parties and counsel are still expected to appear for the hearings unless the Probate Note specifies otherwise. Unless indicated otherwise, all parties and counsel are authorized to appear via Zoom using this link: <https://tuolumne-courts-ca-gov.zoomgov.com/j/1615813960?pwd=NTRMT0NwMDg5cnlYdzZ6VnBXWWFsUT09>. [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 so stating clearly at the outset of the first hearing in the case. By participating in the 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 entirety of the case. See CRC 2.816.

8. **Estate of Bain (PR12032).** No appearance is necessary. The Court, having received and reviewed petitioner's TUO-PR-125, finds good cause to extend the period of administration for 60 days and will continue the §12200 review hearing to 12/05/2025 at 8:30 a.m.
9. **In re Mangan 2022 Revocable Trust (PR12684).** This case is related to #11 and #12 on calendar, as well as CV65403, CV65404, CV65161, CV64802, CV64802, CV66925 and CVL65595. This is a putative trust petition under §850 though neither the petition, nor the counter-petition, contain a meaningful §850 statement permitting this Court to find the requisite probate jurisdiction. As a reminder, §855 allows parties to append civil claims within a bona fide probate petition, not to convert a civil action into a probate claim in order to (1) avoid a right to jury or (2) trigger a statutory right to double damages and attorney fees under §859. It seems to this Court that a dispute between neighbors regarding an easement and water rights is a civil action belonging to the current owners of those parcels, regardless of how ownership of those parcels is held. Parties to discuss.
10. **In re Matz Trust (PR12569).** This is a petition involving the validity of a trust, accountings, elder abuse, removal and surcharge - to name a few central concerns. The trustee has since filed a written objection. The parties shall meet and confer and be prepared to advise the Court as to the anticipated scope of discovery needed (§17201.1), whether this dispute can be resolved utilizing the probate summary procedures in lieu of an evidentiary hearing (§§ 1046, 9620, 17206), and if not whether the parties will agree to use verified pleadings, sworn declarations and deposition transcripts (§1022) in lieu of live testimony. Parties had indicated that settlement might be in the works.
11. **Patterson v. Loder (CV66926).** CHRO, initial TRO denied.
12. **Patterson v. White (CV66927).** CHRO, initial TRO denied.

10:00 a.m.

13. **Conservatorship of Dorrell (PR10734).** No appearance is necessary. The Court, having received and reviewed the §1850 report from the court investigator, intends to find by clear and convincing evidence that (1) the conservatee is unable to provide properly for his or her personal needs for physical health, food, clothing, or shelter; and (2) a general conservatorship is the least restrictive alternative needed for the conservatee's protection, taking into consideration the person's abilities and capacities with current and possible supports. The Court further intends to set the matter for biennial review given the conservatee's sustained condition.

Department 5 Probate Notes for Friday, October 10, 2025

Probate Notes are not tentative rulings. Parties and counsel are still expected to appear for the hearings unless the Probate Note specifies otherwise. Unless indicated otherwise, all parties and counsel are authorized to appear via Zoom 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 so stating clearly at the outset of the first hearing in the case. By participating in the 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 entirety of the case. See CRC 2.816.

14. **Conservatorship of Mansfield (PR11576).** In May, this Court referred this case to VMRC for a comprehensive assessment to determine the practicality of graduating the conservatee to a limited conservatorship given his improved level of independent functioning. Although this Court was previously of the opinion that it was unable to find by clear and convincing evidence that the conservatee was unable to provide properly for his personal needs for physical health, food, clothing, or shelter, it is noteworthy that (1) VMRC has yet to provide the requested assessment and (2) all interested parties, including the conservatee, have expressed a preference to leave the general conservatorship in place. See §1800(h).
15. **Conservatorship of Villasenor (PR9919).** Before the Court this day is the 3rd accounting hearing and confirmation of the new care plan (GC-355, GC-356). Court investigator informs that the conservatee has new housing. Conservator did not file accounting or care plan, and instead filed a petition for instructions regarding a small claims' action, a creditor claim, and various administrative expenses reportedly for the conservatee's benefit. Without an accounting, this Court is unable to assess any of the proposed expenditures/undertakings.
16. **Conservatorship of Kolpack (PR10694).** No appearance is necessary. The Court, having received and reviewed the §1850 report from the court investigator, intends to find by clear and convincing evidence that (1) the conservatee is unable to provide properly for his or her personal needs for physical health, food, clothing, or shelter; and (2) a general conservatorship is the least restrictive alternative needed for the conservatee's protection, taking into consideration the person's abilities and capacities with current and possible supports. The Court further intends to set the matter for biennial review given the conservatee's sustained condition.
17. **Conservatorship of Gillette (PR11986).** No appearance is necessary. The Court, having received and reviewed the §1850 report from the court investigator, intends to find by clear and convincing evidence that (1) the conservatee is unable to provide properly for his or her personal needs for physical health, food, clothing, or shelter; (2) the conservatee is substantially unable to manage his or her own financial resources or resist fraud or undue influence; and (3) a general conservatorship is the least restrictive alternative needed for the conservatee's protection, taking into consideration the person's abilities and capacities with current and possible supports. The Court intends to set the matter for an annual review.
18. **Guardianship of Violet (PR12486).** This was to have been the first annual review of a guardianship established in 2024 by the step-mother of a young teenage girl. When the ward was just 4 years old, the dependency court in Marin County terminated the parental rights of both her biological mother and father. Two years later, the ward was adopted by

Department 5 Probate Notes for Friday, October 10, 2025

Probate Notes are not tentative rulings. Parties and counsel are still expected to appear for the hearings unless the Probate Note specifies otherwise. Unless indicated otherwise, all parties and counsel are authorized to appear via Zoom using this link: <https://tuolumne-courts-ca-gov.zoomgov.com/j/1615813960?pwd=NTRMT0NwMDg5cnlYdzZ6VnBXWWFsUT09>. [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 so stating clearly at the outset of the first hearing in the case. By participating in the 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 entirety of the case. See CRC 2.816.

her maternal uncle. When the ward was 8 years old, her adoptive father married the current guardian. When the ward was 12 years old, the current guardian kicked the adoptive father out of the home following his lengthy bender and crime spree. See, e.g., CRM75700, CRM56310. She secured the current guardianship based on allegations that the adoptive father was abusing drugs, unstable, homeless, and unfit to parent. One year later, she failed to comply with the statutory reporting requirements for all guardians (Probate Code §1513.2(a)), and now reports to the court investigator that the adoptive father is back in the home and the guardianship is no longer needed. If only it were that simple. Guardian to appear in Court to answer questions.

19. **Guardianship of Griffin et al (PR12699).** This is the initial hearing on the maternal grandmother's petition to establish a guardianship for two young children – with the consent of the biological mother. According to petitioner, the proposed wards have been residing with her for two months, and that the biological father is presently unfit to parent. The court investigator has been appointed, and is working her way through the backgrounds. Biological father presumably objects to the guardianship, but has not filed any formal objection yet.
20. **Guardianship of Bustamante (PR11337).** Court is awaiting annual report.
21. **Guardianship of Mutchler (PR12159).** Court is awaiting annual report. Guardianship will terminate by operation of law in February.
22. **Guardianship of Castillo (PR11445).** Ward remains missing and has a warrant out from juvenile probation. Query whether guardian wishes to resign under §2660.
23. **Thomson v. Grogan (FL18372).** This case is on for a review hearing, and it seems things have become a bit confusing. On 08/27/2025, the parties apparently reached a global resolution of their parenting dispute in this case (FL18372), committed that resolution to a signed and notarized writing, agreed to dismiss the Tuolumne case, and then filed that written agreement in the Stanislaus guardianship case. However, one week later, on 09/04/2025, Judge Distaso in Stanislaus granted the motion by minor's counsel to transfer the guardianship case from Stanislaus to here in Tuolumne. Petitioner was directed to cover the transfer fees, and a review of this Court's file shows a void where transfer action would normally be. Instead, there is a copy of the aforementioned settlement documents filed here on 10/01/2025, the clear implication being that this hearing should go off-calendar. There is a representation that petitioner has agreed to have no formal parenting allocation, and to only have passive parenting rights unless/until respondent is unable to continue in her role as guardian. There is a further representation that the ward is now enrolled locally in 4th

Department 5 Probate Notes for Friday, October 10, 2025

Probate Notes are not tentative rulings. Parties and counsel are still expected to appear for the hearings unless the Probate Note specifies otherwise. Unless indicated otherwise, all parties and counsel are authorized to appear via Zoom using this link: <https://tuolumne-courts-ca-gov.zoomgov.com/j/1615813960?pwd=NTRMT0NwMDg5cnlYdzZ6VnBXWWFsUT09>. [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 so stating clearly at the outset of the first hearing in the case. By participating in the 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 entirety of the case. See CRC 2.816.

grade, which is remarkable given that she was performing at only the 1st grade level this summer. If this parentage action is indeed complete, the Court will invite the parties to submit briefing, if they like regarding any allocation of fees for minor's counsel different from the standard 50/50 split. See Probate Code §1470; Family Code 3150; CRC 5.241.

1:30 p.m.

24. **Petition of MWB (CV67356).** Court investigation was unable to illuminate a basis for waiving publication so Court invites the petitioner to proceed as previously outlined.
25. **Broderson v. Yahyaie (FL19126).** Continued hearing on existing DV-TRO. Restrained party filed supplemental response, including new request for competing TRO (denied but set for hearing on 11/06/25 in D.2). Protected party filed lengthy response to new allegations.
26. **Petition of EMH (CV67523).** Nonconfidential petition to change last name. Publication complete. Voir dire.
27. **Petition of JAG and BJJ (CV67538).** Related to FL13766, where petitioner's last name restored. Nonconfidential petition to change last name of children. Consent from living biological parent confirmed via Judgment in FL case. Publication complete. Voir dire.