

Department 5 Probate Notes for Friday, October 17, 2025

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8:30 a.m.

1. **Estate of Phelps (PR12617).** No appearance is necessary. This is the §8800 review hearing to confirm compliance with submission of a final I&A, which has indeed occurred.
2. **Estate of Jones (PR12689).** This is the initial hearing on a probate avoidance by-pass petition to determine intestate succession to a decedent's purported primary residence. The petition cannot be approved in its current condition. First, "notice of the hearing shall be given as provided in Section 1220 to each of the persons named in the petition" (§§ 13151(b) and 13153) and the court file does not include and proof thereof. Although proof can be made "to the satisfaction of the court at" the scheduled hearing (§1260), other issues remain. Second, the petition must contain "facts upon which the petitioner bases the allegation that the described real property was the decedent's primary residence" (§13152(a)(3)). There are no facts provided in the petition, and in fact no Attachment 11 at all. Third, the petition must contain proof that the residence was "property of the decedent" at the time of her passing (§§ 13152(a)(3), 13154(b)(4)), and yet the petition only establishes that the property was owned by the decedent in 2022. Finally, petitioners failed to comply with TCSC Local Rule 5.06.0.b., requiring the submission of complete and accurate proposed orders. Court intends to continue the hearing a few weeks to permit the petitioners time to cure the aforementioned defects.
3. **Estate of Kopeczy (PR12692).** This is the initial hearing on a probate avoidance by-pass petition to determine intestate succession to a decedent's purported primary residence. Although the petition has substantially complied with the procedural and statutory requirements needed to secure the requested order, the circuitous route needed to reach the by-pass triggers this Court's right to inquire under §11604. Pursuant thereto, "the court on its own motion may inquire into the circumstances surrounding the execution of, and the consideration for, the [assignments]. The court may refuse to order distribution, or may order distribution on any terms that the court deems just and equitable, if the court finds the [assignments] were obtained by duress, fraud, or undue influence." This Court will need to hear directly from Jessica before approving this arrangement.
4. **Estate of Thomas (PR12469).** There is still no DE-160 on file, which suggests to this Court that the I&A is further delayed by the presence of squatters on the property interfering with petitioner's ability to enter the property and do the inventory. At this juncture, the Court would prefer a "final" and use the "supplement" or "corrected" approach once the squatters have been evicted. Counsel to advise if this is a feasible option.

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5. **Estate of Grunewald (PR12693).** This is the initial hearing on a probate avoidance by-pass petition to determine succession to decedent's 1/6 ownership interest in his primary residence. Petitioner contends that she takes via holographic will, which was lodged in PR12662. Even in the absence of witnesses, a holographic will can be valid if all of the essential elements are met, to wit:
 - Testator is at least 18 years of age and of sound mind (§6100(a));
 - Testator is not overpowered by duress, menace, fraud, or undue influence (§6104);
 - The signature and material provisions are in the testator's handwriting (§6111);
 - Evidence that the testator had present testamentary intent (§6111(c))."The primary purpose of the holographic will statute is to prevent fraud by requiring that the material provisions be in the testator's writing. Whether a document should be admitted to probate as a holographic will depends on proof of its authorship and authenticity, and whether the words establish that it was intended to be the author's last will and testament at the time he wrote it. Courts are to use common sense in evaluating whether a document constitutes a holographic will." See *Estate of Williams* (2007) 155 Cal.App.4th 197, 206. The extrinsic evidence supplied with the proffered holographic will is more than sufficient to support its validity. Moreover, this Court can take judicial notice of the widely-publicized news events leading to the decedent's tragic downturn. There is little doubt to this Court that decedent was incentivized to create an estate plan when he did, though his reasons for selecting the devisee (given the risk of future litigation, and the benefits of intestacy merger) are not immediately clear. Nevertheless, provided that no natural heir objects at the hearing, this Court expects to grant the petition. A revised order will need to be submitted as petitioner checked the wrong box in Para 6.
6. **Estate of Fortune (PR12502).** No appearance is necessary. This was to be the §12200 review hearing, but the petition for final distribution was already granted. This hearing should have gone off-calendar.
7. **In re Bogan Trust (PR12687).** This is the continued initial hearing on a petition seeking to compel an accounting and other information from the acting trustee. Service has been made, triggering the trustee's obligation to file a written objection or response thereto. See CRC 7.801. If no response is forthcoming, it is this Court's usual process to install a limited-purpose receiver and reserve surcharges for another day. See CCP §564(b)(9); Probate Code §17206.
8. **In re I.M. and S.H. (FL18741).** This is a custody matter specially-set for this date following court-ordered mediation to resolve Mother's RFO filed 07/21/25. The parties seemingly reached a full settlement in mediation, though Father has yet to affix his signature to the FL-355. Parties to confirm before FL-355 is entered as binding court order.

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10:00 a.m.

9. **Conservatorship of Juniewicz (PR12158).** 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. Although the conservatee's condition is static and sustained, due to the fact that the conservators continue to reside some distance away, the Court intends to set the matter for annual review.
10. **Conservatorship of Dorsett (PR11573).** 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. As the conservatee's condition is static and sustained, the Court intends to set the matter for biennial review.
11. **Conservatorship of DiRubio (PR12643).** This is the continued hearing on a petition to extend a provisional transfer order of an existing conservatorship out of Maine. The conservatee has been conserved out of Colorado and Maine, and now resides full-time here in California. There is no question 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 parties previously agreed to streamline the process by aborting a formal transfer and establishing a new conservatorship here in California; however, confusion arose as to whether bio mom would serve as the sole conservator, or if bio dad wishes to serve as co-conservator. Both parents have filed a petition to serve as conservator of the person, but neither have expressly indicated a desire to serve as co-conservators. Unless the conservatee is able to state an informed preference (§1810), this Court must "be guided by what appears to be for the best interests of the proposed conservatee," taking into account prior service as conservator and broader family preferences. See §1812. In addition, appointed counsel for the conservatee may express a preference. See §1471(d). If bio dad is to be appointed as sole conservator, he shall have the power to move the conservatee to Roseville (see §2352), which would then trigger a transfer to that county (§2211).

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12. **Conservatorship of Kleier (PR12410).** No appearance is necessary. The Court, having reviewed the court file, 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.
13. **Conservatorship of Fowles (PR12409).** No appearance is necessary. The Court, having reviewed the court file, 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.
14. **Conservatorship of Stone (PR7726).** This is a conservatorship of long-standing here in the community, in which annual accountings have generally been approved without much scrutiny. On 04/22/2025, the co-conservators submitted their 17th annual accounting for approval. It came the attention of this Court that the annuity income stream has changed, necessitating a hard look at the fiduciary fees, conservator stipends, conservatee charge-offs, and the like. As warranted by statute, this Court appointed counsel for the conservatee to review the accounting in more detail. Appointed counsel has since filed an objection to the accounting (§2622), with additional questions presumably posed to the conservators. Do the conservators intend to file a response/opposition to the objections (§2622.5(b))? Since the 16th accounting ran through 06/30/2022, and the Court approved monthly fees through 01/09/2023, this Court intends to consider the objection reserved through 01/10/2023. It is further noted that §2623 only allows "such compensation for services rendered by the conservator as the court determines is just, reasonable, and in the best interest of the conservatee," and that family is usually not compensated for such services. For a list of standards to consider, see CRC 7.756. Parties to address mechanics of resolution.
15. **Guardianship of Labrado (PR10632).** Court is awaiting GC-251 from guardians.
16. **Guardianship of Millis et al (PR12440).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments for both wards, intends to find by a preponderance of the evidence that the guardianship for both remains necessary and

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convenient, and that the guardian continues to serve the wards' best interests. Court intends to set the annual review hearing date.

17. **Guardianship of Moore (PR12503).** No appearance is necessary. The Court, having received and reviewed the GC-251, intends to find by a preponderance of the evidence that the guardianship remains necessary and convenient, and that the guardians continue to serve the ward's best interests. Court intends to set annual review hearing date.
18. **Guardianship of Ramirez (PR11538).** No appearance is necessary. The Court, having received and reviewed the GC-251, intends to find by a preponderance of the evidence that the guardianship remains necessary and convenient, and that the guardians continue to serve the ward's best interests. Court intends to set annual review hearing date.
19. **Guardianship of Towler et al (PR11524).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that Kylee's guardianship remains necessary and convenient, and that the guardians continue to serve the ward's best interests. Court intends to set review hearing for early January to align with termination by operation of law. Elishia's guardianship has already terminated by operation of law. No further reporting is required for either.
20. **Guardianship of Payne (PR10864).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary and convenient, and that the guardian continues to serve the ward's best interests. Court intends to set annual review hearing date.
21. **Guardianship of Gevock (PR12664).** This is the continued hearing on a petition by the maternal grandmother to establish a guardianship over a minor without the consent of either legal parent. There is no notice provided, and petitioner requests permission to dispense with notice to bio dad. The proposed ward apparently resides with bio mom in Lathrop, but until recently lived in Tuolumne County. Court investigator was appointed.
22. **Guardianship of Bacon (PR11781).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary and convenient, and that the guardians continue to serve the ward's best interests. Court intends to set annual review hearing date.
23. **Guardianship of Rector (PR11220).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship has been necessary and convenient, and that the guardian

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have served the ward's best interests. Since the ward will reach the age of majority during the weekend, the guardianship will be deemed terminated by operation of law and no further hearings will be set.

24. **Guardianship of Perkins (PR11004).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary and convenient, and that the guardian continues to serve the ward's best interests. Court intends to set annual review hearing date.
25. **Guardianship of Smith et al (PR11605).** No appearance is necessary. There being no petition to extend the guardianship, the guardianship hereby terminates by operation of law.
26. **Guardianship of Flynn (PR11513).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary and convenient, and that the guardians continue to serve the ward's best interests. Court intends to set annual review hearing date.
27. **Guardianship of Betti (PR11632).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary and convenient, and that the guardian continues to serve the ward's best interests. Court intends to set annual review hearing date.
28. **Guardianship of Anderson (PR12690).** This is the continued hearing on a petition by the aunt of a child (age 12) to establish both a temporary and a permanent guardianship based upon allegations that both parents are presently unfit. The petition itself is incomplete, as there is no nomination form, no consent form, no UCCJEA declaration, and no GC-210(CA) attachment. Petitioner alluded to recent CWS involvement. There are related matters: JV7685, FL12701, FL14643. Father just secured via TECO a hearing in the family case with travel restrictions and an order requiring proof of enrollment in school. Court investigator already appointed, and report is expected to be on file on or before next hearing.
29. **Guardianship of Avilla (PR11592).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary and convenient, and that the guardian continues to serve the ward's best interests. Court intends to set annual review hearing date.

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1:30 p.m.

- 30. Petition of CR (CV67349).** Nonconfidential petition to change last name. No proof of publication yet. Confirm bio parent consent or best interests.
- 31. Marriage of Allen (FL18690).** Settlement conference (TBD).
- 32. Conservatorship of Carilli (PR12620).** Trial, Day 2 (if needed).
- 33. Marriage of Dorsett (FL18606).** Review hearing to confirm completion of judgment packet.
- 34. Petition of MF (CV67552).** Nonconfidential petition to change last name. Publication complete. Confirm bio dad consent or best interests.
- 35. Marriage of Royce (FL15007).** In-chambers conference with children (TBD).
- 36. Marriage of Wheeler (FL18368).** Settlement conference off-calendar as full judgment packet already filed.