

Department 5 Probate Notes for Friday, October 31, 2025

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8:30 a.m.

1. **Estate of Jenkins-Bushart (PR12455).** No appearance is necessary. The order on final petition has already been signed and entered.
2. **In re Hardin Trust (PR12351).** The Court, having received and reviewed the Receiver's 5th report, and the declaration from Attorney Kishani, makes the following observations regarding impediments to the closing of this trust administration:
 - (1) It now appears that the "20 boxes of original photographs" have been adequately distributed to the trust beneficiaries via scan copies, with the originals being retained by Ariane. She should, for six months, make the original images available to other beneficiaries for alternative copying or purchasing @ \$20 each. Parties can discuss.
 - (2) revaluation of the Melones/Tuttletown parcels. This Court accepts the receiver's representation that the trust owns a mere 16.67% of those parcels, and that Ariane's offer to purchase should be accepted at \$23,250.00.
 - (3) valuation of the Calaveras County parcel. While this Court accepts the representation that the vacant lot has very limited value, this Court was unable to reliably pinpoint the parcel on any map. On the Accessor parcel map, it appears to be an 11-acre landlocked parcel very close to the Stanislaus River. On the GIS parcel map, the APN does not exist and all the parcel in that area are on page 29 or 31, not 432. Is this parcel "Lot 9, T.2N, R14E, Sec S.17-20, adjacent to the Red Hill, Gopher and Rising Sun mines? Either way, it is hard to imagine any parcel of land having a true value of "zero" but if the beneficiaries do not object, neither will this Court. Either way, the sale must be completed forthwith.
 - (4) permission to sell APN 032-220-001-000 (the Quarry) to Ariane for \$60,000. As previously noted, this Court understands this to be is FMV for the parcel. Beneficiaries shall have 10 days to serve written objection on counsel for the trustees; thereafter, the sale may be consummated. With that, the LLC can be immediately dissolved and final tax returns filed, resolving that asset as well.
 - (5) permission to accept an insider sale for the primary residence. As previously noted, absent evidence to the contrary, this Court believes that the FMV for this residence is \$688,000, with the recommendation to go to market around \$698,000. The property is not presently on market, which this Court assumed meant that an insider sale was in the works. It is not clear to this Court if the new 3-party offer at \$625,000 is new

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money or pro rata. Parties to clarify. Either way, assuming the listing agreement with Coldwell Banker has expired, receiver is expected to retain a different company to list next, as one below-ask offer for a residence on acreage in town is not indicative of aggressive marketing.

- (6) the permit for the cabin must be put in the name of an LLC with a managing member, which appears to be Ms. Thorup. This Court has previously recommended a fractional ownership LLC for the cabin, and understands that the receiver is working on a tenancy in common agreement instead. Either way, since Robert and Maedine are no longer involved, the Court expects this trust asset to be distributed to someone or something in due course, as it is long overdue for this asset to leave the trust.

Although the receiver recommends another partial distribution to ameliorate ongoing angst associated with delays, this Court would prefer to see a summary accounting of the books before directing any further distributions. The trustees are, of course, welcome to do so on their own, but this Court is not going to direct that to occur without a closer examination of the funds on hand, the distributions already made, the funds potentially due and owing to the trustees (for whom distributions have been stayed) and accounts receivable for trust counsel. Without more, it seems to this Court that funds on hand ought to be deposited in high-yield savings or money market account until all of the trust assets have been liquidated and legal fees and administrative costs have been calculated. That is the point at which we have confidence that claw-back will not be a serious issue.

Finally, counsel for the trustees raised a new concern regarding the procedure to use to effectuate the insider sales. She states that a notice of proposed action cannot be used to sell property to the trustee, citing §16501(d)(5), not (a). Ms. Kishani is being too literal, as this dispute is already before the court, already subject to court approval for each of the various actions being proposed. See §16503(c). There is no expectation that the trustees will serve a formal Notice of Proposed Action and give the beneficiaries 45 days to respond; instead, this Court is simply asking that the trustees put their request in writing akin to §16502, and that the beneficiaries state quickly whether they object or not. If not, this Court makes the order approving the action – it is not default permission as set forth in §16503(b).

3. **Mathis v. Hyder (FL18741)**. This is the continued hearing on a parentage custody case in which the parties are to confirm a mediated resolution and submission of the FL-324(NP).

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10:00 a.m.

4. **Conservatorship of Bonilla (PR11958).** The Court, anticipating 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. Court intends to set annual review.
5. **Guardianship of K. Hernandez (PR10832).** This is related to #6. Bio mother previously secured a formal visitation allocation within the guardianship. Recently, the guardians obtained via TECO an order suspending those visits due to ongoing concerns regarding bio mother's fitness. No response from bio mother after visits were suspended. Court file does not reflect POS on bio mother. Guardians to update Court on bio mother's status and whether any visits have taken place since TRO.
6. **Guardianship of M. Hernandez (PR11351).** See #5.

1:30 p.m.

7. **Petition of Jack (CV67614).** Nonconfidential petition to change last name. Publication complete. Ready for voir dire.
8. **Petition of Danielle (CV67620).** Nonconfidential petition to change middle name. Publication complete. Ready for voir dire.
9. **Petition of Lee (CV67604).** Nonconfidential petition to change entire name. Publication complete. Ready for voir dire.
10. **Petition of Jasmine (CV67580).** Nonconfidential petition to drop (or change?) middle name. Awaiting proof of publication.
11. **Marriage of Robicheaux (FL18116).** Day 2 – cancelled due to time constraints.
12. **Petition of Dezirae (CV67616).** Nonconfidential petition to change last name. Publication complete. Ready for voir dire.
13. **Petition of Jeremiah (CV67615).** Nonconfidential petition to change last name. Publication complete. Ready for voir dire.