

## Department 5 Probate Notes for Friday, December 15, 2023

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### 8:30 am: Decedent's Estates

- 1. Estate of Antonich (PR12155).** No appearance is necessary. The Court has received and reviewed the 12200 status report, and accepts the proffered basis for an extension of six months. Review hearing set for 05/10/24 at 8:30am. A subsequent 12200 report must be filed at least 10 days prior thereto. Counsel is encouraged to meet with PG&E bankruptcy counsel and determine whether PG&E would honor a direct assignment of future benefits to the intestate heirs so that the estate itself could be closed.
- 2. Estate of Hoch (PR12177).** No appearance is necessary. The Court has received and reviewed the Petition for Final Distribution, and notes that the Seller's Closing Statement is not in fact attached. Nevertheless, given the cash on hand, the amounts appear to align. Petition granted. Counsel to prepare and submit proposed order consistent herewith. See Probate Code §§ 1048 and 11603; TCSC Local Rule 5.06.0. Review hearing set for 02/09/24 at 8:30am.
- 3. Estate of Bacon (PR12329).** The Court has received and reviewed the Petition for Letters of Administration. As a nonresident, petitioner must file an §8573 statement. Thereafter, the petition will be ready for approval.
- 4. Estate of Morrow (PR12215).** No appearance is necessary. The Court has received and reviewed the Petition for Final Distribution. The assignment of distributive interests described therein has been considered, and approved. See Probate Code §11604, and *Estate of Bennett* (2008) 163 Cal.App.4th 1303, 1311-1312. Petition granted.
- 5. Estate of Shaver (PR12246).** Pursuant to Probate Code §8800, petitioner must have on file a complete (ie "final") Inventory and Appraisal within four months of the issuance of Letters. Although partials, corrected and supplemental filings are permitted, there must be a single I&A denoted "final" which includes all assets. See Probate Code §8850 and TCSC Local Rule 5.14.0.
- 6. Estate of Walsh (PR12267).** Pursuant to Probate Code §8800, petitioner must have on file a complete (ie "final") Inventory and Appraisal within four months of the issuance of Letters. Although partials, corrected and supplemental filings are permitted, there must be a single I&A denoted "final" which includes all assets. See Probate Code §8850 and TCSC Local Rule 5.14.0. At the last hearing counsel was ordered to file the "most accurate" I&A he could and file a corrected one later if the related-action distribution is different than expected.
- 7. Estate of Hayes (PR11917).** Since the civil actions appear to have been settled, this Court requires a formal written 12200 status report or the petition for final distribution on file.
- 8. Estate of Schmidig (PR12117).** Pursuant to Probate Code §12200, petitioner has one year from the issuance of Letters to "either petition for an order for final distribution of the estate or make a report of status of administration." Neither has occurred.

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9. **Estate of Brink (PR12183)**. No appearance is necessary. This review hearing is o/c since a Final Accounting and Petition for Distribution is on file (set for hearing 02/02/24).
10. **Estate of Woods (PR11846)**. No appearance is necessary. This review hearing is o/c since petitioner has filed a §12251 Petition for Termination and Discharge (set for hearing 01/19/24).
11. **Estate of Nicholls (PR12016)**. Based on the last hearing, this Court was anticipating a motion to approve a settlement or a motion for final distribution. Neither is on file, nor is there an updated 12200 report for this Court's consideration.
12. **In re Nigro Family Trust (PR12293)**. Review hearing. No updates filed since last hearing.
13. **In re Reppond Family Trust (PR12348)**. Counsel to confirm no objectors to the petition. Probate Code §853. Pursuant to Probate Code §856, this Court "shall make" an order authorizing and directing petitioner and/or interested parties "to execute a conveyance or transfer to" the subject trust "or granting other appropriate relief," if the Court is satisfied that the conveyance "should be made." This generally involves three findings: the settlor owned the real property in question, the settlor created a trust for the property with him/herself as trustor, and there exists a written instrument signed by the settlor confirming the same. See *Carne v. Worthington* (2016) 246 Cal.App.4th 548, 558-560; *Ukkestad v. RBS Asset Finance, Inc.* (2015) 235 Cal.App.4th 156, 160-161; *Estate of Powell* (2000) 83 Cal.App.4th 1434, 1443; *Estate of Heggstad* (1993) 16 Cal.App.4th 943, 950-951. This Court has received and reviewed the petition to declare APN 413-0063-003-02 (commonly referred to as 183 East Lewelling Boulevard, San Lorenzo, CA 94580) an asset of the Reppond Family Trust dtd 05/17/96. Based upon that full instrument, the attached schedules, the pour-over will, the vesting deed, and the corrected preliminary title report, this Court finds that said asset was intended to be held in trust. Absent objectors, Petition to be granted.

### 10:00 am: Guardianships, Conservatorships, and Misc. Hearings

14. **Petition of Dean (CV65434)**. Hearing required. Published and directed notice is satisfactory. CCP §1277. A request for a statutory name change may be granted if in the child's best interests unless the name was adopted to defraud, confuse or intrude into someone's privacy, or if the petitioner has specified law enforcement restrictions. CCP §§ 1278.5, 1279.5. Parties must be present and provide live testimony under oath. CCP §1278.
15. **Conservatorship of Heard (PR9661)**. Matter set for §1850 review. No report on file.
16. **LPS Conservatorship of Garness (PR10012)**. Matter is set for 15<sup>th</sup> accounting. No accounting is on file.
17. **Guardianship of Hiller (PR12170)**. No appearance is necessary. The Court has received and reviewed the Confidential Guardianship Status Report and concludes (1) that the guardianship

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remains necessary, convenient and in the ward's best interests, and (2) that the appointed guardian remains suitable to provide for the ward's best interests. Annual review hearing will be set.

18. **Guardianship of De la Rosa (PR12180)**. Matter is set for annual §1513.2 review. No report is on file.
19. **Guardianship of McLoughlin (PR11482)**. No appearance is necessary. The Court has received and reviewed the Confidential Guardianship Status Reports for both children, and concludes (1) that the guardianship remains necessary, convenient and in the wards' best interests, and (2) that the appointed guardians remain suitable to provide for the wards' best interests. Annual review hearing will be set.
20. **Guardianship of Calles (PR11417)**. Matter is set for annual §1513.2 review, and for OSC to guardian for failing to timely file report. No report on file. Court investigator may be dispatched, at guardian's expense, to locate guardian/ward.
21. **In re Borland (FL18178)**. Petition does not include the required consents, or Proof of Service on those entitled to notice, including the local child support agency. See Family Code §7121. Petition does not yet demonstrate "that emancipation would not be contrary to the minor's best interest." See Family Code §7122. Notwithstanding §7110, court may appoint counsel and court investigator.
22. **Conservatorship of Kuffler (PR12289)**. The Court has received and reviewed the Petition to Commence a Limited Conservatorship of the Estate to complete the settlement reached in CV64893. At the prior hearing this Court appointed the Court investigator to assist tracking down the proposed conservatee. Court will await that report, as there is no evidence that the proposed conservatee was involved in the decision to settle. See, e.g., CRPC 1.2(a); *Matter of Guzman* (2014) 5 Cal. State Bar Ct Rptr 308, 314; *Amjadi v. Brown* (2021) 68 Cal.App.5th 383, 388-389.
23. **Conservatorship of Smith (PR10905)**. Matter is set for 6<sup>th</sup> accounting. No accounting is on file.
24. **Guardianship of Zwicker (PR11002)**. No proof of service on petition to terminate in the court file. See Probate Code §1601. Court may appoint counsel and court investigator.
25. **Guardianship of Steele (PR11417)**. No proof of service on RFO re parenting reunification. Matter set for hearing on OSC to drop matter if service incomplete.
26. **Guardianship of Gonzales (PR12260)**. No appearance is necessary. The Court has received and reviewed the investigator report and confirms that guardianship is still necessary, convenient and warranted. Court notes that the file does not reflect any Probate Code §1500.1 vetting of the biological parents' consents. Counsel may wish to inquire. Annual review hearing will be set.