

PROBATE NOTES: Friday, January 11, 2019

These notes are not updated based on subsequent filings once they are posted.

PR10012 LPS Conservatorship

Hearing type: Further review re twelfth accounting
Conservator: Tuolumne County Public Guardian
Conservator's counsel: County Counsel

At the time of the Court's review of this case on January 7, 2019, the file still did not reflect that the accounting had been filed. Appearance required if it is not filed prior to the hearing.

PR10521 Conservatorship of Ronald Jackson

Hearing type: Further hearing re fifth and final account and report of conservator;
 petition for fees and discharge
Conservator: Tuolumne County Public Guardian
Conservator's counsel: County Counsel

The Court has read and considered the amendment filed on November 21, 2018, to the pleading filed on October 4, 2018. Appearance required to address the following issues:

1. The continued failure to present two separate accountings, one for the pre-death period and one for the post-death period.
2. The end date of the post-death accounting period.
3. Issues with the 7/17/18 "amended final" Inventory and Appraisal form and their impact on the instant accounting.
4. Schedule E, reflecting depreciation of the vehicle.
5. The fee requests.

The review hearings set for February 1, 2019, and August 23, 2019, shall be vacated as unnecessary.

PR11207 Estate of Michael Allott

Hearing type: Further review re report on status of administration (Prob. Code,
 § 12200)
Executor: Pam Bitner
Executor's counsel: William J. Coffill

At the time of the Court's review of this case on January 7, 2019, the file still did not reflect that a fourth status report or a petition for final distribution had been filed. Appearance required if neither is filed prior to the hearing.

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Hearing types: (1) Review re report on status of administration (Prob. Code, § 12200)
(2) Review re completion of sale of real property
Administrator: Mary F. Gallagher
Administrator's counsel: Nini Lee

PR11497 Estate of James Glosick

The Court has read and considered the petition filed on November 21, 2018. Appearance required to address the following issues:

- PR11529 Estate of Ronald D. Jackson

At the time of the Court's review of this case on January 7, 2019, the file still did not reflect that a final Inventory and Appraisal form had been filed. Appearance required if it is not filed prior to the hearing.

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PR11548 Estate of Warren Patrick Lynch

Hearing type: Petition for final distribution and fees
Executor: Kelli Lynch Davis
Executor's counsel: Cynthia R. Hadell

The Court has read and considered the petition filed on November 28, 2018, which is recommended for approval. The Court interprets Executor's counsel's omission of the gain on sale of the vehicle from the fee base to constitute a waiver of additional statutory compensation based on that figure. Appearance not required.

PR11577 Matter of the Wayne R. Cokeley and Estie A. Cokeley Revocable Trust

Hearing type: First Amended Verified Petition for Order for Conveyance of Property and Related Causes of Action and for an Accounting
Petitioner: Wayne R. Cokeley
Petitioner's counsel: Sarah A. Brooks
Respondents: Kim Williams and Richard Williams
Respondents' counsel: Mary E. Varni
Respondent: Esther A. Cokeley
Respondent's counsel: Leslie F. Jensen

Petitioner filed his first amended petition on November 14, 2018. It names three respondents—Richard C. Williams, Kim Williams, and Esther Cokeley—and also is brought against fictitiously named respondents. It alleges seven causes of action, titled as follows: “Request for Order for Conveyance of Property,” “Financial Abuse of an Elder,” “Undue Influence,” “Conversion,” “Breach of Fiduciary Duty,” “Accounting by Attorney-in-Fact for Wayne and for Surcharge,” and “Constructive Fraud.” The first amended petition was set for hearing on January 11, 2019, as part of the Court's general system for calendaring hearings on petitions filed in probate cases.

On December 21, 2018, Respondents Kim Williams and Richard Williams filed a demurrer to the first amended petition and a motion to strike portions of the first amended petition. The demurrer and motion to strike are set for hearing on February 8, 2019.

On December 31, 2018, Respondent Esther Cokeley filed a response to the first amended petition. On January 4, 2019, Respondent Esther Cokeley filed a document entitled “Objections to Amended Petition for Determination of Ownership of Property by Probate Court and Request to Abate Petition.” The latter document is set for hearing on February 15, 2019.

Appearance required on January 11, 2019, at 9:00 a.m. for purposes of case management as to the various Cokeley cases and numerous pending court dates. Attendance by CourtCall is encouraged.

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PR11606 Estate of Mary Ann Marriott

Hearing type: Amended petition for probate of will and letters testamentary
Petitioner: Wayne William Booth
Petitioner's counsel: None

The Court has read and considered the amended petition filed on December 10, 2018.
Appearance required to address the following issues:

1. The amended petition lists a second petitioner (Roxann Booth) but does not include her signature.
2. The proof of service of the notice of hearing that was filed on December 10, 2018, is defective because Petitioner mailed the notice himself.
3. The duties form filed on December 10, 2018, is defective because it lacks Petitioner's contact information on page 2 and it includes the name of Ms. Booth, even though the Court does not understand Ms. Booth to be a proposed executor.
4. The proof of publication filed on November 13, 2018, referenced the original petition filed on October 3, 2018, which has been superseded and which did not include, among other things, a copy of the will sought to be admitted to probate.
5. The proposed letters testamentary that are lodged in the court file contain a misspelling of Decedent's last name.

PR11614 Matter of Lehman 2004 Revocable Trust

Hearing type: Further hearing re petition to confirm title to trust property
Petitioner: Carol Dougherty
Petitioner's counsel: Jason G. Pink

The hearing re the petition filed on October 29, 2018, was continued on December 14, 2018, due to the need for an amendment. The amendment was filed on December 18, 2018, and the order granting the petition, as amended, was signed on December 19, 2018. Accordingly, appearance is not required.