

PROBATE NOTES: Friday, March 29, 2019

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

PR10995 Conservatorship of Timothy Majors

Hearing types: (1) Further review re change of venue
 (2) Order to show cause issued on February 22, 2019
Conservators: Frank and Marilee Majors
Conservators' counsel: Jennifer J. Lothert

On January 25, 2019, this case was ordered to be transferred to Sacramento County, and Conservators were ordered to submit to this Court either the first-appearance fee of \$435 or a Request to Waive Court Fees (Judicial Council form FW-001-GC) no later than February 15, 2019. Because Conservators had not complied with the February 15, 2019, deadline, appearance was required at the hearing set for February 22, 2019. Because neither Conservators nor their counsel appeared at the February 22, 2019, hearing, an order to show cause re sanctions was issued on February 22, 2019.

At the time of the Court's review of this case on March 21, 2019, the file still did not reflect that Conservators had submitted either a first-appearance fee or a completed fee-waiver request. As the Court is now aware of counsel's unavailability on March 29, 2019, these hearings will be continued to April 5, 2019, at 8:30 a.m. Counsel's appearance will be required on April 5, 2019, pursuant to the order to show cause.

PR11350 Estate of Tудie Casillas

Hearing type: Further hearing re amended petition for final distribution, compensation,
 and reimbursement
Administrator: Linda M. Betti
Administrator's counsel: Cynthia R. Hadell

The Court has read and considered the supplement filed on March 12, 2019, to the amended petition that was filed on November 7, 2018. The supplement, consisting of an accounting, resolves the last remaining issue identified in the minute order dated March 1, 2019. The Court intends to grant the amended petition, as amended and supplemented. Appearance not required.

PR11357 LPS Conservatorship

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

As also mentioned in the probate notes for the November 30, 2018, hearing, the Court is in receipt of the notice filed on April 26, 2018, that Conservatee died on April 21, 2018. At the time of the Court's review of this case on March 25, 2019, the file still did not reflect that the second and final accounting had been filed. Appearance required if it is not filed prior to the hearing.

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PR11367 Estate of Larry M. Freschi

Hearing type: Petition for removal of Administrator, appointment of Petitioner as successor administrator, and attorney fees
Administrator: Karen Robles
Administrator's counsel: Paul S. Bunt
Petitioner: Donald Freschi
Petitioner's counsel: N. Aaron Johnson

The Court has reviewed the petition filed on February 25, 2019. The proof of service filed on March 21, 2019, reflects that Administrator and her counsel were not served by mail with the notice of hearing and copy of the petition until March 11, 2019. Moreover, the declaration of Petitioner's counsel in support the request for attorney fees was not filed or served by mail until March 22, 2019, seven calendar days prior to the hearing. At the time of the Court's review of this case on March 25, 2019, the file did not reflect that Administrator had filed any response to the petition. Appearance required.

PR11450 Estate of Morris Melvin Rivard

Hearing types: (1) Further review re report on status of administration (Prob. Code, § 12200)
 (2) Order to show cause issued on February 22, 2019
Executor: Richard G. Wight
Executor's counsel: Patrick B. Greenwell

The minute order dated December 21, 2018, reflects that Executor's counsel estimated the petition for final distribution would be filed the last week of December 2018. At the time of the Court's review of this case on March 25, 2019, the file still did not reflect that Executor had filed a report or a petition for final distribution. On February 22, 2019, an order to show cause was issued based on the failure to file either document and the failure to appear at the hearing that day. Appearance required pursuant to the order to show cause.

PR11582 Estate of Rose M. Eaton

Hearing type: Petition for probate of will and letters testamentary
Administrator/Petitioner: Claudia Johnson
Administrator's counsel: Margaret Laughlin Martin

The Court has read and considered the petition filed on February 22, 2019, and notes the following issues:

1. The caption of the petition states that Petitioner seeks letters testamentary, while the body states that Petitioner seeks letters of administration with will annexed.
2. The petition does not request admission of Decedent's will to probate. (Item 2a.)

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3. Similarly, the Notice of Petition to Administer Estate filed on February 22, 2019, does not give notice that Petitioner requests admission of Decedent's will to probate.
4. At the time of the Court's review of this case on March 25, 2019, the file did not reflect that proof of publication of the Notice of Petition to Administer Estate had been filed.
5. At the time of the Court's review of this case on March 25, 2019, the file did not reflect that Petitioner had filed evidence to prove the will, which is not self-proving.
6. Petitioner asserts she is a nominee of a person entitled to letters but did not attach the nomination to the petition. (See item 3g(1)(c).)
7. Petitioner failed to complete either item 5a(7) or item 5a(8) of the petition.
8. Petitioner appears to have omitted the name of a third adult at item 8.

Appearance required.

PR11588 **Matter of Maria A. Ellert**

Hearing type: Further hearing re petition to determine succession to real property
Petitioner: Christy D. Basile
Petitioner's counsel: Donald D. Welch

The Court has preliminarily reviewed the petition filed on September 4, 2018, and the supplemental declaration filed on March 11, 2019, and questions the propriety of venue in Tuolumne County. (See Prob. Code, § 13151.) The petition states that Decedent was a resident of Tuolumne County at the time of her death. (Item 4a.) However, the attached will reflects that Decedent was a resident of Cool, California, on October 8, 2017. The instant petition reflects that Decedent died four days after executing her will—on October 12, 2017—in Cool. Cool is located in El Dorado County. Appearance required.

PR11644 **Estate of Aiko Hio Vucasovich**

Hearing type: Petition for probate of will and letters of administration with will annexed
Petitioner: James Vucasovich
Petitioner's counsel: William J. Coffill

The Court has read and considered the petition filed on February 14, 2019. The petition cannot be granted at this time because the proof of publication filed on March 11, 2019, does not reflect compliance with the timing required by Probate Code section 8121, subdivision (a), apparently due to an error on the part of the newspaper. The Court also notes that the caption of the proposed order lodged in the file indicates that Petitioner would have only limited authority, which is different from what is requested in the petition.

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PR7537 Conservatorship of Edward H. Jenkins

Hearing type: Review re change of venue
Conservator: Robert L. Jenkins
Conservator's counsel: None

On February 22, 2019, this case was ordered to be transferred to Stanislaus County, and Conservator was ordered to submit to this Court either the first-appearance fee of \$435 or a Request to Waive Court Fees (Judicial Council form FW-001-GC) no later than March 15, 2019. At the time of the Court's review of this case on March 21, 2019, the file did not reflect that Conservator had submitted either a first-appearance fee or a completed fee-waiver request. Appearance required if neither is submitted prior to the hearing.

PR8654 LPS Conservatorship

Hearing type: Review re eighteenth accounting
Conservator: Tuolumne County Public Guardian
Conservator's counsel: County Counsel

At the time of the Court's review of this case on March 25, 2019, the file did not reflect that Conservator had filed the eighteenth accounting. Appearance required if it is not filed prior to the hearing.

PR10483 Guardianship of Patrisha Lynn Trevino, et al.

Hearing type: Further review re Confidential Guardianship Status Reports
Guardians: Randall and Rebecca Deaton
Guardians' counsel: None

Appearance of Guardians required pursuant to the minute order dated March 8, 2019.