

PROBATE NOTES: Friday, May 3, 2019

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

PR11010 Estate of Bruce Andrew Wing

Hearing type: Petition for final distribution
Administrator: Steven T. Wing
Administrator's counsel: None

The Court has read and considered the petition filed on March 27, 2019, and notes the following issues:

1. The proof of service of notice of hearing filed on March 27, 2019, is defective.
2. The petition does not comply with local rule 5.18.0, subdivision (e) regarding Probate Code section 9201.
3. No authorities are cited for sales of tangible personal property without notice.
4. No authority is cited for the preliminary distribution of \$100,000 in cash.
5. The petition and proposed order thereon list two different amounts of cash on hand for final distribution.

Appearance required.

PR11356 Guardianship of Zachary Kruetzfeldt, et al.

Hearing type: Petition to Transfer Proceedings to San Joaquin County
Guardians: Doug and Marcia Gill
Guardians' counsel: Jennifer J. Lothert

The Court has read and considered the petition filed on March 26, 2019. Because it appears sufficient notice has been given, the Court will disregard errors in the petition regarding the persons entitled to notice (see Prob. Code, § 2214) and errors in the notice of hearing regarding the case type and fiduciary role of Doug Gill (labeled as a conservatorship case and conservator, respectively). The petition is recommended for approval. Appearance not required.

PR11474 Conservatorship of Alice M. Moyle

Hearing type: Further review re inventory and appraisal
Conservator: Helen Moyle
Conservator's counsel: Jennifer J. Lothert

The minute orders dated January 25, March 1, and April 5, 2019, describe the need for Conservator to resolve the issues that were the subject of the hearing on January 25, 2019. Specifically, the Inventory and Appraisal form labeled "Final" that was filed on December 31, 2018, stated that Conservator had inventoried and had appraised only a portion of the estate that has come to her knowledge or possession.

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On April 3, 2019, Conservator filed a second Inventory and Appraisal form labeled “Final,” but it is not a correction of the “Final” form that was filed on December 31, 2018, as it inventories different assets. Appearance required.

A ruling on the ex parte application to waive the accounting requirement that was filed on December 31, 2018, continues to be pending resolution of the issues with the Inventory and Appraisal forms.

PR11500 Estate of Troy Michael Korba

Hearing type: Petition for final distribution, fees, and costs
Administrator: Jill Richards
Administrator’s counsel: William J. Coffill

The Court has read and considered the petition filed on March 22, 2019, which is recommended for approval. Appearance not required.

PR11509 Conservatorship of Sigried Fountain

Hearing types: (1) Further hearing re court investigator’s report (Prob. Code, § 1850)
 (2) Further review re first accounting
Conservator: Teresa Barnhart
Conservator’s counsel: Kimberly Sullivan Gray

At the time of the Court’s review of this case on April 26, 2019, the file still did not reflect that the court investigator had mailed copies of her report to Conservatee’s stepsons as required by the minute order dated March 8, 2019. The file also did not reflect that the court investigator was served with a copy of that minute order or the minute order from the April 5, 2019, hearing. The hearing will be continued again to May 24, 2019, at 8:30 a.m. in order to allow time for service of the minute order on the court investigator and service of the court investigator’s report on Conservatee’s stepsons. Appearance not required on this matter on May 3, 2019.

At the time of the Court’s review of this case on April 26, 2019, the file also did not reflect that Conservator had filed her first accounting. Appearance required if the accounting is not filed prior to the hearing.

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PR11510 Conservatorship of Gerald Fountain

Hearing type: Further review re first accounting
Conservator: Teresa Barnhart
Conservator's counsel: Kimberly Sullivan Gray

At the time of the Court's review of this case on April 26, 2019, the file still did not reflect that Conservator had filed her first accounting. Appearance required if the accounting is not filed prior to the hearing.

PR11571 Estate of Margaret Van Ausdal

Hearing type: Further review re inventory and appraisal
Administrator: Catherine M. Howard
Administrator's counsel: None

At the time of the Court's review of this case on April 26, 2019, the file did not reflect that Administrator had filed a corrected Inventory and Appraisal form as required by the minute order dated March 22, 2019. Appearance required if the corrected form is not filed prior to the hearing.

PR9919 Conservatorship of Margaret Villasenor

Hearing type: Review re court investigator's report (Prob. Code, § 1850)
Conservators: Mark Villasenor (conservator of the person)
 Martha Stayer (conservator of the estate)
Conservators' counsel: None

The Court has read and considered the report filed on April 16, 2019. Appearance not required. Due to the court investigator's inability to obtain a current mailing address for Conservatee's sister Madeline Witt after making reasonable efforts to do so, the Court dispenses with notice to Ms. Witt. A review hearing re the court investigator's next report will be set for April 30, 2021, at 8:30 a.m. So long as Conservatee's living arrangements remain the same, the court investigator may give Conservators prior notice of her next visit to Conservatee as part of the periodic review of the conservatorship pursuant to Probate Code section 1850, subdivision (a)(2); such prior notice is found to be necessary pursuant to Probate Code section 1851, subdivision (a)(1) based on information in the instant report.

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PR10432 Guardianship of Alicia Marie Bunow

Hearing type: Review re Confidential Guardianship Status Report
Guardian: Linda Alice Logan
Guardian's counsel: None

The Court has read and considered the report filed on April 23, 2019. Appearance not required. review hearing re the next annual Confidential Guardianship Status Report will be set for May 1, 2020, at 9:30 a.m.

Guardian is reminded to fill out the caption information in the upper third of the first page of Judicial Council form GC-251 (Confidential Guardianship Status Report), including her name and contact information, in future reports.

PR10581 Guardianship of Sunshine C. D. Jenkins Smith

Hearing type: Review re Confidential Guardianship Status Report
Guardian: Craig Steven Atkins
Guardian's counsel: None

The Court has read and considered the report filed on March 25, 2019. While there are no issues with the report, at the time of the Court's review of this case on April 26, 2019, the file did not reflect that Guardian had filed proof that he had established guardianship in Washington State as required by the order dated September 21, 2018. Appearance of Guardian by phone will be required if proof of guardianship in Washington State is not filed prior to the hearing.

PR10676 Guardianship of Sophia G. McLeod

Hearing type: Review re Confidential Guardianship Status Report
Guardian: Gay Lynn Edington McLeod
Guardian's counsel: None

At the time of the Court's review of this case on April 26, 2019, the file did not reflect that the report had been filed. Appearance required if it is not filed prior to the hearing.

PR10781 Guardianship of Troy Burk

Hearing type: Further review re Confidential Guardianship Status Report
Guardian: David Castner
Guardian's counsel: None

At the time of the Court's review of this case on April 26, 2019, the file still did not reflect that the report had been filed. Appearance required if it is not filed prior to the hearing.

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PR11165 Guardianship of Marlee R. Dalrymple, et al.

Hearing type: Review re Confidential Guardianship Status Reports
Guardians: Betty and Leo Dalrymple
Guardians' counsel: None

The Court has read and considered the reports filed on April 24, 2019, and notes they are missing personal information about the wards (item 2). Appearance required if the missing information is not filed prior to the hearing. Guardians may use Judicial Council form MC-030 (Declaration) to file the missing information.

Guardians also are reminded to fill out the caption information in the upper third of the first page of Judicial Council form GC-251 (Confidential Guardianship Status Report), including their names and contact information, in future reports.

PR11293 Guardianship of Kody Sanders, et al.

Hearing type: Review re Confidential Guardianship Status Reports for Jesse Powell
and Grace Sanders
Guardian: Carolyn Higgins
Guardian's counsel: None

The Court has read and considered the reports filed on March 27, 2019. Regarding the report for Grace, the Court notes that the following information is missing:

1. Attachment 4b
2. Item 4e

Appearance required if the missing information is not filed prior to the hearing. Guardian may use Judicial Council form MC-030 (Declaration) to file the missing information.

PR11625 Matter of the Dorothy A. Grogan Family Trust

Hearing type: First Amended Petition for Order Determining Title to Real Property
Petitioner: Michael W. Grogan
Petitioner's counsel: Timothy T. Trujillo

At the hearing on March 15, 2019, the upcoming hearing date and time of May 3, 2019, at 9:30 a.m. was selected based in part on the default prove-up hearing then set for 8:30 a.m. on May 3, 2019, in Case Number CV61892 (Grogan v. Heirs or Devises of Lockwood). By order dated April 25, 2019, the hearing in CV61892 was continued to June 11, 2019, at 8:30 a.m. Moreover, the Court is aware that a hearing in Case Number PR11656 (In re the Mary E. Grogan Living Trust) regarding a petition filed on March 23, 2019, is set for May 24, 2019, at 8:30 a.m. In the instant case, the Court acknowledges the filing of a first amended petition on March 25, 2019. It

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is the Court's understanding that the most sensible order for its determination of these three matters is first CV61892, then PR11656, and finally the instant case. Accordingly, the instant hearing will be continued to July 5, 2019, at 8:30 a.m., and, by ex parte order, the Court will continue the hearing currently set for May 24, 2019, in PR11656 to June 21, 2019, at 8:30 a.m. Appearance not required on May 3, 2019.

PR9094 Guardianship of Riley Carone Swack

Hearing type: Further review re Confidential Guardianship Status Report
Guardian: Linda Mae Sweet
Guardian's counsel: None

At the time of the Court's review of this case on April 26, 2019, the file still did not reflect that Guardian had filed the information missing from the report that was filed on February 22, 2019, as required by the minute orders dated March 8, 2019, and April 12, 2019. Appearance required if the missing information is not filed prior to the hearing. Guardian may use Judicial Council form MC-030 (Declaration) to file the missing information.

PR9959 Guardianship of Lilianna Rose Cole

Hearing type: Review re Confidential Guardianship Status Report
Guardian: Cyndra Williams
Guardian's counsel: None

The Court has read and considered the report filed on April 12, 2019. Appearance not required. A review hearing re termination of the guardianship by operation of law will be set for August 23, 2019, at 9:30 a.m.