PROBATE NOTES: Friday, May 10, 2019
These notes are not updated based on subsequent filings once they are posted.

PR10174 **Conservatorship of Claudia Grimes**

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

The Court has read and considered the second amendment filed on March 22, 2019, to the amended pleading filed on October 10, 2018. The Court intends to approve the accounting, as amended, and grant the petition for fees. Appearance not required. A review hearing re the seventh accounting will be set for September 25, 2020, at 8:30 a.m.

PR11096 **LPS Conservatorship**

Hearing types: (1) Further hearing re petition to Confirm Irrevocable Burial Trust
(2) Further hearing re fourth account and report of conservator; petition for fees
Conservator: Tuolumne County Public Guardian
Conservator's counsel: County Counsel

The Court has reviewed the originals of the California Master Trust Preneed Funeral Trust Agreement and Terzich & Wilson Funeral Home, Inc., Funeral Service Contract lodged in support of the Petition to Confirm Irrevocable Burial Trust that was filed on March 6, 2019. It appears from the minute order dated March 22, 2019, that Conservator planned to lodge an additional page, but no such additional page was found lodged in the file at the time of the Court's review of this case on May 6, 2019. Regardless of whether there is an additional page that is intended to be reviewed by the Court, appearance will be required to address further questions about the Funeral Service Contract.

The Court also has read and considered the second amendment filed on April 12, 2019, to the account, report, and related petition filed on October 4, 2018. Although a ruling on this pleading, as amended, will be deferred until the Court renders a decision on the related Petition to Confirm Irrevocable Burial Trust, which is addressed above, the Court makes the following observations:

1. The use of estate funds to "acquire" an irrevocable burial trust has now been properly removed from schedule C (other property acquisitions) and schedule D (disbursements).
2. While the September 19, 2016, transfer of estate funds to a separate burial savings account should not be accounted for as a negative change in the form of assets (see amended schedule F in the April 12, 2019, second amendment), the Court understands that this approach reflects Conservator's attempt to correct an error in the third accounting, which was filed on December 13, 2017, and approved on December 29, 2017, without the Court's knowledge of the error. Accordingly, the Court will not require further correction of this item.

PR11212 **Conservatorship of Leigh Henderson**

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

The Court has read and considered the second amendment filed on March 22, 2019, to the amended pleading filed on October 10, 2018. The Court intends to approve the accounting, as amended, and grant the petition for fees and loan repayment. Appearance not required. A review hearing re the third accounting will be set for September 25, 2020, at 8:30 a.m.

PR11450 **Estate of Morris Melvin Rivard**

Hearing type: Petition for final distribution, fees, and costs
Executor: Richard G. Wight
Executor's counsel: Patrick B. Greenwell

The Court has read and considered the petition filed on April 5, 2019, which fails to list and describe in detail the property to be distributed. (Cal. Rules of Court, rule 7.651; local rule 5.18.0, subd. (b).) Executor shall file a supplement to the petition that supplies the missing information. (See Cal. Rules of Court, rule 7.3, subd. (5) [defining "supplement"]; *id*., rule 7.104, subd. (b) [requiring verification of supplement].)

PR11498 **Estate of Carole S. Schneider**

Hearing type: Review re report on status of administration (Prob. Code, § 12200)
Administrator: Ridgeley T. Schneider
Administrator's counsel: Michael R. Germain

Prior to reviewing the instant report, the Court reviewed the corrected supplemental Inventory and Appraisal form filed on April 23, 2019, and questions the purpose of the filing. Like the supplemental Inventory and Appraisal form filed on April 11, 2019, that was stricken on April 26, 2019, it appears the corrected supplemental form reflects the proceeds from the sale of an estate asset that was included on the Inventory and Appraisal form filed on May 1, 2018. If so, the supplemental form was filed in error. Appearance required to address this matter.

The Court has reviewed the report filed on April 25, 2019, which is not verified by Administrator. Administrator's counsel attempts to substitute his own verification for that of Administrator, but Administrator himself has a duty to make the report (Prob. Code, § 1021, subd. (b)(2)), and counsel's verification is not a proper substitute under these circumstances (*id*., § 1023). Administrator shall file proper verification of the instant report, clearly referencing the filing date of the report in the separately filed verification. The hearing will be continued to May 31, 2019, at 8:30 a.m. Appearance not required on this matter on May 10, 2019.

PR11559 **Estate of Rene Leon Cappadocia**

Hearing type: Review re inventory and appraisal
Administrators: Candida Cappadocia and Simone Cappadocia
Administrators' counsel: Gary P. Dambacher

Due to clerical error, the instant review hearing was set prematurely by minute order dated January 25, 2019. The hearing will be continued to May 31, 2019, at 8:30 a.m. Appearance not required on May 10, 2019.

Due to similar clerical error, the review hearing pursuant to Probate Code section 12200 also was set prematurely by minute order dated January 25, 2019. That hearing, currently set for January 17, 2020, will be continued to January 31, 2020, at 8:30 a.m.

PR11581 **Estate of Edward Eaton**

Hearing types: (1) Review re increased bond amount
(2) Review re lodging of original will
Administrator: Claudia Johnson
Administrator's counsel: Margaret Laughlin Martin

On April 19, 2019, the Court issued an ex parte order increasing bond. The order required that a supplemental undertaking be filed within 15 days of the date of the order; the next court day after the expiration of 15 days was May 6, 2019. At the time of the Court's review of this case on May 7, 2019, the file did not reflect that the supplemental undertaking in the amount of $231,000 had been filed. Appearance required if it is not filed prior to the hearing.

The minute order dated April 19, 2019, stated, among other things, that the original will was not filed at the time of its admission to probate on December 21, 2018, and that it appeared Administrator may have neglected to lodge it in advance of that hearing. The Court has read and considered the declaration of Administrator's counsel filed on April 22, 2019, which asserts that the original will was mailed to the Court on August 14, 2018, and which describes the history of certain correspondence and communications with the clerk's office. The Court also notes that, at the time of its review of this case on May 3, 2019, the original will was lodged in the file. Upon investigation, it has become clear that the original will was not in the file after it was timely mailed to the Court due to clerical error. The Court apologizes to Administrator and her counsel for any inconvenience and confusion the clerical error has caused. The Court will order the original will to be filed as of the date of its admission to probate. Appearance not required on this matter.

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PR11582 **Estate of Rose M. Eaton**

Hearing types: (1) Amended petition for probate of will and letters of administration with will annexed
(2) Review re increased bond amount
Administrator/Petitioner: Claudia Johnson
Administrator's counsel: Margaret Laughlin Martin

The Court has read and considered the amended petition filed on April 12, 2019. Administrator seeks to prove the will pursuant to Probate Code section 8221, but the Court was unable to locate in the papers evidence that the subscribing witnesses are unavailable within the meaning of Evidence Code section 240. Appearance required if such evidence is not filed prior to the hearing.

On April 19, 2019, the Court issued an ex parte order increasing bond. The order required that a supplemental undertaking be filed within 15 days of the date of the order; the next court day after the expiration of 15 days was May 6, 2019. At the time of the Court's review of this case on May 7, 2019, the file did not reflect that the supplemental undertaking in the amount of $1,306,000 had been filed. Appearance required if it is not filed prior to the hearing.

PR11602 **Conservatorship of Arnie Jardine**

Hearing type: Further review re inventory and appraisal
Conservator: Tuolumne County Public Guardian
Conservator's counsel: County Counsel

The Court has reviewed the Inventory and Appraisal form filed on April 12, 2019, which lacks the date of appointment of Conservator. Conservator shall file a corrected form. Appearance not required.

PR6100 (A6100) **Estate of Estle W. Hale**

Hearing type: Further hearing re Petition to Continue Modification of Trust
Petitioners: Sabina Jill Hofman, Suzanne Grossman Stephens, and Michele Grossman Pourjalali
Petitioners' counsel: Michael C. Ferguson

At the time of the Court's review of this case on May 7, 2019, the file still did not reflect that Petitioners had filed the amendment and proof of service required by the minute order dated January 4, 2019. Accordingly, the Court still has not considered the petition filed on November 2, 2018. Appearance of counsel required.

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PR10483 **Guardianship of Patrisha Lynn Trevino, et al.**

Hearing types: (1) Further review re Confidential Guardianship Status Reports
(2) Orders to show cause issued on April 3, 2019
Guardians: Randall and Rebecca Deaton
Guardians' counsel: None

Appearance of Guardians was required at the hearing on March 29, 2019, pursuant to the minute order dated March 8, 2019. Because Guardians failed to appear at the hearing, orders to show cause were issued on April 3, 2019, and appearance was required at the hearing on April 12, 2019. Guardians also failed to appear at the April 12, 2019, hearing. Because it did not appear that Guardians were notified of the April 26, 2019, hearing date, appearance was not required on April 26, 2019, and the hearings were continued to May 10, 2019, at 9:30 a.m. Copies of the minute orders dated March 8, April 12, and April 26, 2019, as well as copies of the orders to show cause issued on April 3, 2019, were mailed to Guardians on April 26, 2019. Appearance required on May 10, 2019.

PR11154 **Guardianship of Isabelle Ferreira, et al.**

Hearing types: (1) Further review re Confidential Guardianship Status Reports
(2) Review re change of venue
Guardian: Carolyn Enriquez
Guardian's counsel: None

Because the minute order dated April 5, 2019, mistakenly did not state that the hearing was continued to May 10, 2019, for purposes of a further review of the report re Alisia that was filed on March 18, 2019, the hearing will be continued again to May 31, 2019, at 9:30 a.m. Guardian's appearance will be required on May 31, 2019.

Regarding the pending transfer of this case to Stanislaus County following completion of the 2019 annual review, as described in the minute order dated April 5, 2019, Guardian shall submit another Request to Waive Court Fees (Judicial Council form FW-001-GC) so that it can be transmitted, along with the file, to the Superior Court in Stanislaus County. Because the request submitted on April 25, 2019, had this Court's information in the caption, the clerk's office processed and filed the request in this Court. The request intended for the Superior Court in Stanislaus County should include that court's information in the caption. The review hearing re change of venue will be continued to May 31, 2019, at 9:30 a.m., to be heard at the same time as the further review of the report re Alisia. Guardian may bring the fee-waiver request to the hearing on May 31, 2019, or may submit it in person or by mail in advance of the hearing.

Appearance not required on May 10, 2019. The clerk shall promptly mail Guardian a copy of the minute order dated May 10, 2019.