

PROBATE NOTES: Friday, May 24, 2019

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

PR10012 LPS Conservatorship

Hearing type: Twelfth 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 pleading filed on May 2, 2019, and notes that Conservator did not include notice of Conservatee's residence. (Local rule 6.05.0.) Appearance required if the notice is not filed prior to the hearing.

PR10863 LPS Conservatorship

Hearing type: 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 pleading filed on May 3, 2019, and notes that Conservator did not include notice of Conservatee's residence. (Local rule 6.05.0.) Appearance required if the notice is not filed prior to the hearing.

PR10888 LPS Conservatorship

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

At the time of the Court's review of this case on May 21, 2019, the file still did not reflect that the accounting had been filed. Appearance required if it is not filed prior to the hearing.

PR11189 Conservatorship of Davin J. McLaughlin

Hearing type: Petition for transfer to Sacramento County
Conservators: Denyse and Mike McLaughlin
Conservators' counsel: Jennifer J. Lothert

The Court has read and considered the petition filed on April 29, 2019. The petition cannot be granted at this time because the proof of service of notice of hearing does not reflect that copies of the petition were served as required by Probate Code section 2214.

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PR11413 Estate of Janet Lee Hamilton

Hearing type: Further hearing re Petition to Determine Distribution Rights
Administrator: Tuolumne County Public Administrator
Administrator's counsel: County Counsel
Petitioner: Brandenburger & Davis
Petitioner's counsel: Tracy M. Potts

The first supplement filed on May 21, 2019, to the petition filed on March 27, 2019, was not timely filed for a hearing on May 24, 2019. The hearing will be continued to June 14, 2019, at 8:30 a.m. Appearance not required on May 24, 2019.

PR11509 Conservatorship of Sigried Fountain

Hearing type: Further hearing re court investigator's report (Prob. Code, § 1850)
Conservator: Teresa Barnhart
Conservator's counsel: Kimberly Sullivan Gray

The Court has read and considered the report filed on February 15, 2019, and the proof of service filed on April 26, 2019. Appearance not required. A review hearing re the court investigator's next report will be set for March 5, 2021, at 8:30 a.m.

PR11553 Conservatorship of Hubert F. Leaycraft

Hearing types: (1) Further hearing re amended account and report of conservators
(2) Further hearing re petition for attorney fees and costs
(3) Further hearing re ex parte application for order increasing bond
Conservators: Diane L. Souders and Leland V. Souders, Jr.
Conservators' counsel: Michael R. Germain

As a preliminary matter, the Court has reviewed the **corrected supplemental Inventory and Appraisal form** filed on May 9, 2019, which was filed pursuant to the discussion at the hearing on April 12, 2019. The first page lists the values of the assets from the corrected final form that was filed on March 28, 2019, while the second page lists the asset from the supplemental form that was filed on March 28, 2019. The Court intends to order the corrected supplemental Inventory and Appraisal form filed on May 9, 2019, stricken. Conservators shall file a corrected supplemental Inventory and Appraisal form that complies with the discussion at the April 12, 2019, hearing. A review hearing re corrected supplemental Inventory and Appraisal form will be set at the hearing on May 24, 2019, if the form is not filed prior to or at that hearing.

Regarding the **accounting**, although a "Third Supplement" was filed on May 9, 2019, to the amended accounting filed on January 16, 2019, the Court discovered upon review that the "Third Supplement" is not actually about the accounting but rather is about the sufficiency of bond, which is the subject of a different pleading. Given that the last issue with the accounting was

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resolved at the hearing on April 12, 2019, the Court intends to grant the petition for approval of the amended account, which was filed on January 16, 2019, amended on February 21, 2019, and supplemented on March 7, 2019, and March 28, 2019. Conservators shall lodge a proposed order. Appearance will not be required on this matter.

Appearance of counsel will be required regarding the **petition for attorney fees and costs** that was filed on November 29, 2018, amended on March 7, 2019, and supplemented on March 28, 2019. Reduction of the total amount requested, as well as reduction of the amount counsel seeks in cost reimbursement, will be discussed at the hearing.

Finally, at the hearing on April 12, 2019, Conservators were ordered to file an amendment to the **amended application for an order increasing bond** that was filed on March 28, 2019. The amendment was to correct the bond calculation based on the discussion at the hearing. Instead of filing the amendment that was discussed, Conservators filed a “Third Supplement” to their amended accounting on May 9, 2019, that addresses the sufficiency of bond. The Court will deem the “Third Supplement” to be an amendment to the amended application for an order increasing bond; the document properly should have been titled an amendment because it requests relief materially different from what was requested in the amended application for an order increasing bond. (See Cal. Rules of Court, rule 7.3, subds. (4)-(5) [defining “amendment” and “supplement”].)

The Court approves of the calculations leading to the conclusion that the proper bond amount is \$312,575.97 but disagrees with Conservators’ assertion that no order increasing bond is required. As Conservators acknowledge, bond previously was fixed at \$210,000.00 by order dated September 20, 2017. Bond must now be increased by \$102,575.97 to cover the difference. Conservators incorrectly assert that no increase in bond is required because there is a blocked account; in doing so, they overlook the fact that the funds in the blocked account were excluded from the aforementioned calculation. The Court intends (1) to grant the amended application for an order increasing bond, as amended by the “Third Supplement to Account and Report of Conservators,” to the extent bond will be increased and (2) to order the increase to be in the amount of \$102,575.97. Appearance will not be required on this matter.

PR11635

In re Disputed Claim of Grace Dickerson

Hearing type:	First amended petition to approve compromise of disputed claim of a minor
Petitioner:	April Dickerson
Petitioner’s counsel:	None
Claimant:	Grace Dickerson
Defendants:	David Bell, Holly Bell, and CSAA, IE
Defendants’ counsel:	Bruce E. Leonard

The Court has read and considered the first amended petition filed on April 11, 2019. Appearance required; appearance by CourtCall is permitted.

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PR11645 In re Trust of Helen Edwards

Hearing type: First amended petition to appoint successor trustee
Petitioners: American Civil Liberties Union and Planned Parenthood Federation of
 America
Petitioners' counsel: Stephen A. Derkum

The Court has preliminarily reviewed the first amended petition filed on May 1, 2019, which lacks counsel's signature at line 13 on page 2 and which lacks verification by Petitioners. The hearing will be continued to July 12, 2019, at 8:30 a.m. Appearance not required on May 24, 2019.

PR11681 In the Matter of the Timothy B. Williams Living Trust

Hearing type: Petition to Confirm Title to Trust Property and for Order Directing
 Transfer of Real Property to Trustee
Petitioner: George Henry
Petitioner's counsel: Tamara M. Polley

The Court has read and considered the petition filed on April 15, 2019. Appearance required.

PR11684 In re the George H. White 2012 Separate Property Trust

Hearing type: Petition for Order Appointing Successor Trustee
Petitioner: Sonora Community Hospital d/b/a Adventist Health Sonora
Petitioner's counsel: Timothy T. Trujillo

The Court has read and considered the petition filed on May 2, 2019, which is recommended for approval. Appearance not required.

PR7726 Conservatorship of Melissa R. Stone

Hearing type: Further hearing re fourteenth account and report of conservators;
 petition for fees and costs
Conservators: Michelle and Richard Stone
Conservators' counsel: Jennifer J. Lothert

At the time of the Court's review of this case on May 21, 2019, the file still did not reflect that an amended accounting had been filed as required by the minute order dated February 1, 2019. Appearance required if it is not filed prior to the hearing.

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PR8839 **Conservatorship of Julie A. Barnes**

Hearing types: (1) Further review re court investigator's report (Prob. Code, § 1850.5)
 (2) Review re Post-Move Notice of Change of Residence of
 Conservatee
 (3) Review re change of venue

Conservators: Bonnie and William Barnes

Conservators' counsel: None

Following the hearing on April 19, 2019, at the direction of the Court, the court investigator made further contact with Conservators to reconfirm Conservatee's move to a new care home in Turlock; the care home also has confirmed the Conservatee's residence in Turlock. The Court's records shall be updated by the clerk to reflect Conservatee's new address as stated in the report filed on March 21, 2019. In the interests of justice, the Court shall vacate its April 19, 2019, order to change venue at this time. The Court also will vacate the other orders made in the minute order dated April 19, 2019. Appearance not required. A review hearing re the court investigator's next report will be set for April 16, 2021, at 8:30 a.m.

PR10697 **Guardianship of Emily Wrede**

Hearing types: (1) Further review re Confidential Guardianship Status Report
 (2) Order to show cause issued on April 9, 2019

Guardians: Carol and Eric Wrede

Guardians' counsel: None

At the time of the Court's review of this case on May 21, 2019, the file still did not reflect that Guardians had filed the report. An order to show cause was issued on April 9, 2019, but returned to the Court by the U.S. Postal Service as undeliverable. Upon further review of the case, the Court discovered that Guardians reported a new address as of 2017 in the report filed on March 20, 2018, but did not comply with various authorities governing changes of residence, so the Court's record of Guardians' address was not updated accordingly. (See Prob. Code, § 2352; Cal. Rules of Court, rule 7.1013; local rule 6.05.0.)

Under the circumstances, appearance will not be required on May 24, 2019. Guardians shall file and serve Judicial Council form GC-080 (Post-Move Notice of Change of Residence of Ward) no later than June 14, 2019. A review hearing to confirm filing of the notice and proof of service will be set for June 28, 2019, at 9:30 a.m.

The instant hearings will be continued to June 14, 2019, at 9:30 a.m. The order to show cause will be reissued with the continued hearing date. The clerk shall mail Guardians a copy of the minute orders dated April 5, 2019, and May 24, 2019, along with the order to show cause, using the address that appears in the report filed on March 20, 2018.

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PR10781 Guardianship of Troy Burk

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

The Court has read and considered the letters from staff of the Tuolumne Learning Center that were filed on May 8, 2019, to supplement the report filed on April 30, 2019. These letters resolve the issue described in the minute order dated May 3, 2019. Appearance not required. A review hearing re the next annual Confidential Guardianship Status Report will be set for April 10, 2020, at 9:30 a.m.

PR9263 Guardianship of Aileena Dawn Schneider

Hearing types: (1) Further review re Confidential Guardianship Status Report
 (2) Order to show cause issued on April 9, 2019
Guardians: Brenda and Sharron James
Guardians' counsel: None

At the time of the Court's review of this case on May 21, 2019, the file did not reflect that Guardians had filed the information missing from the report that was filed on March 12, 2019, as required by the minute order dated April 5, 2019. Appearance required pursuant to the order to show cause issued on April 9, 2019.