

Department 5 Probate Notes for Friday, September 12, 2025

Probate Notes are not tentative rulings. Parties and counsel are still expected to appear for the hearings unless the Probate Note specifies otherwise. Unless indicated otherwise, all parties and counsel are authorized to appear via Zoom using this link: <https://tuolumne-courts-ca-gov.zoomgov.com/j/1615813960?pwd=NTRMT0NwMDg5cnlYdzZ6VnBXWWFsUT09>. [Meeting ID: 161 581 3960; Passcode: 123456]. All matters set for hearing in Department 5 are presumptively assigned to that department for all purposes. Parties retain the right under Cal. Const. art VI §21 to decline consent to the Commissioner serving as a Judge Pro Tem by so stating clearly at the outset of the first hearing in the case. By participating in the hearing, or electing not to attend after due notice thereof, parties are deemed to have stipulated to the Commissioner serving as a Judge Pro Tem for the entirety of the case. See CRC 2.816.

8:30 a.m.

1. **Estate of Baker (PR12587).** No appearance is necessary. This is the §8800 review hearing to confirm compliance with submission of a final I&A, which has indeed occurred.
2. **Estate of Anderson (PR12505).** No appearance is necessary. Before the Court this day is a petition to approve the final accounting, the requests for reimbursement and fees/costs, and the proposed estate distribution. The Court, having carefully reviewed the petition and its voluminous receipts and exhibits, is pleased to note that the petition is complete, accurate and ready for approval. Court intends to grant the petition and enter the order accordingly.
3. **In re Bogan Trust (PR12687).** This is the initial hearing on a verified (CRC 7.103) petition to compel an accounting and internal affair answers from the acting trustee. Pursuant to Probate Code §17203(a), the petitioner shall cause notice of hearing to be delivered to the trustee “at least 30 days before the time set for the hearing on the petition.” Although there are different ways to give notice, proof of having done so “shall be made to the satisfaction of the court at or before the hearing.” Probate Code §1260. Although proof can be provided in the first instance at the hearing itself (see §1266), it is customary for those practicing in this legal community to honor the spirit of TCSC Local Rule 5.05.0(a) and provide proof of service as soon as a hearing date is provided. Otherwise, this Court is in the dark as to whether the respondent has been notified. As a courtesy to counsel, who practices from San Diego, this matter will remain on calendar to see if respondent appears with a gameplan. If she does, she will be given an opportunity to file “a written objection or response” (CRC 7.801) by a date certain. Since a trustee’s informational duties are fairly ministerial, this Court certainly expects the impasse to pass quickly. If not, this Court’s usual triage is to install a limited-purpose receiver and reserve surcharges against the delinquent acting trustee. See CCP §564(b)(9); Probate Code §17206.

10:00 a.m.

4. **Conservatorship of Kleier (PR12410).** Related to #5. This is on for the annual §1850 review. Court must await receipt of the investigative report.
5. **Conservatorship of Zimmer (PR12145).** Related to #4. This is on for the annual §1850 review. Court must await receipt of the investigative report.
6. **Conservatorship of Gilbert (PR12632).** This is a petition to establish a general conservatorship over the person and estate of an 18 year-old male by his biological mother, seeking authority to make medical decisions for what appears to be a developmentally disabled adult, without the required physician's declaration (§1890). Court previously appointed the court investigator, as well as VMRC, to assess whether a limited conservatorship is warranted.

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Since that time, it appears that the conservatee's biological father has intervened and attempted to join the action as a co-conservator. Court is still awaiting various reports, but is pleased to see that parents are working together on this.

7. **Conservatorship of McLaurin (PR12661).** This is the second hearing on a petition to establish a general conservatorship over a person with a rare developmental disability requiring extensive assistance. Petitioners include the proposed conservatee's mother, father and "step" father; no disqualifiers or apparent conflicts exist. Court is awaiting report from the investigator and input on whether the Court can accept a *de facto* waiver of the conservatee's right to counsel. Temporary conservatorship is in place due to immediate need for medical planning. Capacity declarations have been received and reviewed.
8. **Conservatorship of Stone (PR7726).** No appearance is necessary. Counsel's stipulated request to continue to 10/17/2025 at 10:00 a.m. is GRANTED.
9. **Conservatorship of Palmer (PR12657).** This is the second hearing on a petition to establish a general conservatorship over the person and estate of an adult with schizo-affective disorder and related mental health concerns, commenced by his mother and step-father. Notice has been provided to father and brother, with whom proposed conservatee had been residing prior to recent legal troubles and incarceration. See CRF77163. There is still no capacity declaration included with the petition, though his capacity concerns are front and center in the criminal case. The proposed conservatee was recently found not competent to stand trial in CRF77163, and has been recommended for placement in a state hospital. It is unclear at this juncture whether petitioners intend to pursue a civil conservatorship at this time given the changing landscape, but this Court will appoint the public defender to represent the conservatee if need be.
10. **Guardianship of Stone (PR11178).** This is on for the annual review, but at present there is no GC-251 on file for this Court's review.
11. **Guardianship of Garner (PR12361).** No appearance is necessary. This review hearing should be off calendar as the guardianship was already terminated.
12. **Riley v. Fields (FL18907).** Confidential parentage action. Petitioner was provided list of options at last hearing. Subsequent thereto, petitioner filed FL-280. See §§ 7570, 7576.

1:30 p.m.

13. **Marriage of Garcia (FL18852).** Trial, Day 3 (if needed).
14. **Marriage of Inman (FL18703).** In-chambers interviews.