

**Tentative Rulings**  
**May 6, 2024**  
**Department 44**  
**2:30 p.m.**

**\*\*\*The Tentative Rulings below are designed to eliminate unnecessary court appearances. If the Court grants a Petition and signs your order, it will be processed and placed in your will-call or deposited in the mail after Monday's calendar. If you wish to appear on your case, telephonic appearances are strongly encouraged utilizing CourtCall. Please schedule your appearance online for Department 44 at Courtcall.com or by calling 888-882-6878 (See CourtCall link under "General Information" on the Court's website). \*\*\***

### **CONSERVATORSHIPS**

#### **CONSERVATORSHIP OF MARK BIXLER**

**Case Number: 24PC-0032400**

This matter is on calendar for hearing on a Petition for Orders Accepting Transfer from Nebraska. The matter has not been properly noticed. The Notice of Hearing was not served on any individual. The Notice must be served on the brother Matthew Bixler and the proposed Conservatee Mark Bixler by mail at least fifteen days before the hearing. The Court Investigator has requested a continuance to complete its report. This matter is continued to **Monday, June 3, 2024, at 2:30 p.m. in Department 44.** Petitioner shall file and timely serve a new Notice of Hearing for the continued hearing date. **No appearance is necessary on today's calendar.**

#### **CONSERVATORSHIP OF RUTH CONWAY**

**Case Number: CVPG97-0021524**

This matter is on calendar for hearing on the Third Account and Report of Trustee and Petition for Allowance of Fees. The matter has been properly noticed, with proof of service on file. No objections have been raised. The paperwork appears to be in order. The Court is concerned that the sole distributions in the last two accountings have been for attorney's fees only. No other distributions have been made in years for the Conservatee's benefit. **An appearance is necessary on today's calendar to discuss if there is a current need for the funds that would better serve the Conservatee's interests.**

#### **CONSERVATORSHIP OF PATRICK DIDIER**

**Case Number: 23PC-0032097**

This matter is on calendar for confirmation of counsel and further proceedings on the Annual Review. The Public Defender was appointed at the prior hearing on March 25, 2024. The Court Investigator's Report dated March 19, 2024, raises issues with whether the current Conservators wish to continue in that capacity and whether they are able to meet their obligations. **An appearance is necessary on today's calendar to discuss the Court Investigator's Report.**

## **CONSERVATORSHIP OF AARON IVEY**

**Case Number: 23PC-0032179**

This matter is on calendar for further proceedings to confirm filing of the Conservatorship Care Plan, and Determination of Appropriate Level of Care Form. The documents have been filed and are accepted by the Court. The Court confirms the future date of December 9, 2024, for Annual Review. **No appearance is necessary on today's calendar.**

## **CONSERVATORSHIP OF ARTHUR KENDALL**

**Case Number: CVPG18-0029746**

This matter is on calendar to confirm submission of the Petition for Final Discharge. The Petition for Final Discharge has been submitted and the order executed by the Court. Today's hearing has been **VACATED. No appearance is necessary on today's calendar.**

## **CONSERVATORSHIP OF JOAN MAZUREK**

**Case Number: CVPG06-0025056**

This matter is on calendar for hearing on the Amended Final Account of Conservator and Petition for Approval of Accounting. The matter has not been properly noticed. No Notice of Hearing was filed for today's date. The Accounting does not provide a statement disclosing any family or affiliate relationship between the fiduciary and any agent hired by the fiduciary during the accounting period as required by Probate Code § 1064. No evidence has been provided in support of the requested attorney's fees. This matter is continued to **Monday, July 8, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Amended Final Account. Petitioner shall file a Second Amended Final Account or declaration addressing the defects noted above. Petitioner shall file and timely serve a Notice of Hearing for the continued hearing date. **No appearance is necessary on today's calendar.**

## **CONSERVATORSHIP OF BRIENNE MCCALLUM**

**Case Number: 23PC-0032142**

This matter is on calendar for further proceedings on a Petition for Appointment of a Limited Conservator of the Person and Estate. No Capacity Declaration has been filed. A Status Report has been filed which requests a continuance to provide the Capacity Declaration. The Court Investigator's Report has not yet been filed. This matter is continued to **Monday, June 17, 2024, at 2:30 p.m. in Department 44**. If the Capacity Declaration cannot be completed and submitted prior to the continued hearing date, Petitioner is **ORDERED** to file a Status Report at least five days prior to the hearing. **No appearance is necessary on today's calendar.**

## **CONSERVATORSHIP OF JOHN MCKENZIE**

**Case Number: CVPG92-0019491**

This matter is on calendar for hearing on the Eleventh and Final Account and Report of Conservator and Petition for Fees and Petition for Discharge of Conservator and Bond. The matter has been properly noticed, with proof of service on file. No objections have been raised. The paperwork appears in order, with the exception that, in order to be discharged, the conservator is required to distribute the assets of the conservatorship estate. As there is no personal representative of the estate, then the conservator should distribute the funds to the public administrator. The Petition is **GRANTED**. A proposed order was lodged with the Court and will be modified to reflect the above distribution and executed. The

matter is set for **Monday, July 15, 2024, at 2:30 p.m. in Department 44** to confirm filing of receipts and a Petition for Final Discharge. The clerk is instructed to return the lodged documents to counsel. **No appearance is necessary on today's calendar.**

## **CONSERVATORSHIP OF MADISON SCHUDER**

### **Case Number: 24PC-0032390**

This matter is on calendar for hearing on a Petition for Appointment of a Limited Conservator of the Person. The matter has been properly noticed, with proof of service on file. The Citation has been filed with proper proof of service. Counsel has been appointed for the Conservatee. No objections have been raised. The paperwork appears to be in order. The Capacity Declaration has been reviewed and is accepted by the Court. The Court Investigator's report, filed April 23, 2024, indicates that the proposed Conservatee will not attend the hearing. The Court Investigator recommends granting the Petition. The Court Investigator further notes that the Conservatee cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process. Absent an appearance and objection by Counsel for the proposed Conservatee, the Petition is **GRANTED**. The Court finds that the Conservatee cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process and is therefore disqualified from voting. **The clerk is directed to forward the Court's order and voting determination to the Secretary of State and the county elections official in the format prescribed by the Secretary of State.** A proposed order was submitted and will be executed by the Court. The matter is set for **Monday, July 15, 2024, at 2:30 p.m. in Department 44** for confirmation of filing of the Conservatorship Care Plan, Determination of Appropriate Level of Care Form, and proof of service of the Notice of Conservatee's rights. The matter is set for **Monday, May 12, 2025, at 2:30 p.m. in Department 44** for Annual Review. **An appearance is necessary on today's calendar only if there is an objection by the Public Defender's office.**

## **ESTATES**

### **ESTATE OF JARED ALVAREZ**

**Case Number: 22PB-0031583**

This matter is on calendar for Status of Administration. No Petition for Final Distribution has been filed; however, a Status Report has been filed. The matter has been properly noticed, with proof of service on file. The Status Report indicates that additional time is needed before the estate administration can be finalized. The matter is continued to **Monday, November 4, 2024, at 2:30 p.m. in Department 44** for Status of Administration. If a Petition for Final Distribution cannot be filed prior to the next hearing date, the Court **ORDERS** the personal representative to timely file and serve a Status Report with proper Notice of Hearing in compliance with Probate Code Sections 12200 et seq. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions of \$250.00 for failure to timely close the estate administration and failure to comply with the Court Order. **No appearance is necessary on today's calendar.**

### **ESTATE OF JEANNE ANDERSON**

**Case Number: CVPB21-0031335**

This matter is on calendar for Status of Administration. No Petition for Final Distribution has been filed. No Status Report has been filed. The matter is continued to **Monday, June 17, 2024, at 2:30 p.m. in Department 44** for Status of Administration. If a Petition for Final Distribution cannot be filed prior to the next hearing date, the Court **ORDERS** the personal representative to timely file and serve a Status Report with proper Notice of Hearing in compliance with Probate Code Sections 12200 et seq. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions of \$250.00 for failure to timely close the estate administration and failure to comply with the Court Order. If a properly noticed Status Report or Petition for Final Distribution is noticed for a different date, the Court will vacate the June 17, 2024, date. **No appearance is necessary on today's calendar.**

### **ESTATE OF LINDA BARNETT**

**Case Number: 23PB-0031940**

This matter is on calendar for Status of Administration. No Petition for Final Distribution has been filed; however, a Status Report has been filed. The matter has been properly noticed, with proof of service on file. The Status Report indicates that additional time is needed before the estate administration can be finalized. The matter is continued to **Monday, August 5, 2024, at 2:30 p.m. in Department 44** for Status of Administration. If a Petition for Final Distribution cannot be filed prior to the next hearing date, the Court **ORDERS** the personal representative to timely file and serve a Status Report with proper Notice of Hearing in compliance with Probate Code Sections 12200 et seq. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions of \$250.00 for failure to timely close the estate administration and failure to comply with the Court Order. **No appearance is necessary on today's calendar.**

### **ESTATE OF JAMES CALLAHAN**

**Case Number: 24PB-0032410**

This matter is on calendar for hearing on a Petition for Letters of Administration. The matter has been properly noticed, with proof of service on file. No objections have been raised. The paperwork appears to be in order, with the exception that no proof of publication has been filed. The matter is continued to **Monday, May 20, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition. Proper proof of publication is required to be filed. **No appearance is necessary on today's calendar.**

## **ESTATE OF ROBERT DINGMAN**

### **Case Number: 24PB-0032382**

This matter is on calendar for hearing on a Petition for Probate of Will and for Letters Testamentary. The matter does not appear to have been properly noticed. In item 8, Mark Frost is listed as deceased. Presumably, Mark Frost pre-deceased the decedent, in which case his issue would be required to be listed and would be entitled to notice. Petitioner lodged what is purported to be a holographic will, along with a Proof of Holographic instrument. The court notes that the lodged will does not appear to contain a signature of the decedent. Evidence regarding where and when this document was located as well as evidence supporting this document being the holographic will of the decedent will be required. Additionally, the document lists individuals by first name and Petitioner has provided no explanation how Petitioner knows that the individuals listed in the document are the same as the individuals listed in Item 8. The Court notes that Anthony Barnett is listed twice in Item 8 with two different addresses. It is unclear if this is the same person. Proof of proper publication has been filed. This matter is continued to **Monday, June 17, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition. An amended Petition must be filed that addresses the above defects. Notice of Hearing must be timely served on all individuals entitled to notice. **No appearance is necessary on today's calendar.**

## **ESTATE OF VICTORIA FERRASCI**

### **Case Number: 24PB-0032386**

This matter is on calendar for hearing on a Petition for Letters of Administration. The matter has been properly noticed, with proof of service on file. Proof of proper publication has been filed. No objections have been raised. The paperwork appears to be in order. The Petition is **GRANTED**. A proposed order was submitted and will be executed by the court. The requirement of a bond has been properly waived, and letters shall issue. The matter is set for **Monday, September 16, 2024, at 2:30 p.m. in Department 44** for Confirmation of Filing the Inventory and Appraisal. The matter is set for **Monday, May 12, 2025, at 2:30 p.m. in Department 44** for Status of Administration. The personal representative is **ORDERED** to comply with Probate Code section 12200 et seq. **No appearance is necessary on today's calendar.**

## **ESTATE OF BETTY GROTON**

### **Case Number: 24PB-0032384**

This matter is on calendar for hearing on a Petition for Probate of Will and for Letters Testamentary. The matter does not appear to have been properly noticed. Petitioner is required to list in Item 8 all persons named in the will, whether living or deceased, and serve notice on all of those who are living. In addition, disclaimers have been filed by Dirk and Joshua. The legal effect of the disclaimer is that these two heirs are deemed to have pre-deceased the decedent. Consequently, their intestate heirs must be listed in Item 8 and provided notice. The Petition contains the following defects:

1. Item 2(b) of the Petition requests that Jodi Groton be appointed executor. It does not appear that the will names an executor.
2. Item 3d(2) indicates that \$300,000 is the annual gross income received from real property; however, no real property is listed for in Item 3d(4).
3. Items 3.e.(1) and (2) are both checked, only one is correct.
4. No copy of the will is attached to the Petition, as required in Item 3f(2).
5. Item 3.g. has not been completed.
6. Item 4 has not been completed.
7. Either Item 5a(3) or 5a(4) must be marked.

8. As stated above, item 8 does not include all required individuals.

In addition to the defects in the Petition, a copy of the purported holographic will was attached to the proof of subscribing witness. The original must be lodged. Proof of Publication has not been filed. This matter is continued to **Monday, June 17, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition. An amended Petition must be filed that addresses the above defects. Notice of Hearing must be timely served on all individuals entitled to notice. **No appearance is necessary on today's calendar.**

## **ESTATE OF MAXINE HENDRICKS**

### **Case Number: 22PB-0031549**

This matter is on calendar to confirm the filing of Receipts and Petition for Final Discharge. Receipts have been filed. The Petition for Final Discharge has been submitted and the order executed by the Court. Today's hearing has been **VACATED. No appearance is necessary on today's calendar.**

## **ESTATE OF AUGUSTINE MANZANARES**

### **Case Number: 23PB-0032154**

This matter is on calendar for hearing on the Second Amended Petition for Letters of Administration. The Court notes that it has already issued an order and letters, and so the present Petition is deemed to be a request that the Court vacate its prior order and letters. It appears Petitioner intended to file a Petition for Probate of Lost Will and for appointment of administrator with Will Annexed. The matter has not been properly noticed. The Notice of Petition fails to mark item 4 to inform the parties that the Petitioner is seeking to probate a will, although the proof of service indicates that a copy of the Petition was also served with the Notice. The Notice was not served on Ronald Carrey and no information has been provided to dispense with notice to this party. Petitioner has provided evidence to overcome the presumption of Probate Code 6124 regarding the lost original page 1 of the will. The matter is continued to **Monday, July 8, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition. Notice of Hearing is required for the continued hearing date. **No appearance is necessary on today's calendar.**

## **ESTATE OF WILLIAM MARSH**

### **Case Number: 23PB-0031994**

This matter is on calendar for hearing on a Petition for Instructions Regarding Repairs to Estate Assets and Authorization to Retain Corporate Counsel. The matter has been properly noticed, with proof of service on file. An objection has been filed. The matter is also on calendar for further proceedings on a Will Contest and for Trial Setting. **An appearance is necessary on today's calendar to discuss the Petition for Instructions and to set the will contest for trial.**

## **ESTATE OF JOAN MAZUREK**

### **Case Number: 22PB-0031837**

This matter is on calendar for Confirmation of Filing the Supplemental Inventory and Appraisal. The Supplemental Inventory and Appraisal filed on March 4, 2024, is accepted by the Court. This matter is also on calendar for Status of Administration. No Petition for Final Distribution has been filed. No Status Report has been filed. The matter is continued to **Monday, July 8, 2024 at 2:30 p.m. in Department 44** for Status of Administration. If a Petition for Final Distribution cannot be filed prior to the next hearing date, the Court **ORDERS** the personal representative to timely file and serve a Status

Report with proper Notice of Hearing in compliance with Probate Code Sections 12200 et seq. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions of \$250.00 for failure to timely close the estate administration and failure to comply with the Court Order. If a properly noticed Status Report or Petition for Final Distribution is noticed for a different date, the Court will vacate the July 8, 2024 date. **No appearance is necessary on today's calendar.**

## **ESTATE OF JOYCE MURRELL**

**Case Number: 24PB-0032387**

This matter is on calendar for hearing on a Petition for Letters of Administration. The matter has been properly noticed, with proof of service on file. Proof of publication has been filed but it reflects an invalid publication. There must be five days intervening between the first and last date of publication not counting the dates of publication. Probate Code Section 8121(a). The first date of publication was April 3, 2024 and the last date was April 7, 2024. There was only three days intervening. The Court finds that publication was not in compliance with Probate Code Section 8121(a). Petitioner will need to re-notice and re-publish the notice. No objections have been raised. This matter is continued to **Monday, June 24, 2024, at 2:30 p.m. in Department 44** for further proceedings. Petitioner shall file and timely serve a new Notice of Petition for the continued hearing date. Petitioner shall publish the new Notice of Petition and file the proof prior to the continued hearing date. **No appearance is necessary on today's calendar.**

## **ESTATE OF PAMELA RAINEY**

**Case Number: 24PB-0032417**

This matter is on calendar for hearing on a Petition to Determine Succession to Real Property. The will is not self-proving, in that the subscribing witnesses did not sign under penalty of perjury. Proper Proof of Subscribing Witness must be filed. The Petition and Notice of Hearing must also be served on Marley C. Rainey. The matter is continued to **Monday, June 17, 2024 at 2:30 p.m. in Department 44** for further proceedings on the Petition. Petitioner must file Proof of Subscribing Witness and a new Notice of Hearing with the continued hearing date that has been served on Marley C. Rainey. **No appearance is necessary on today's calendar.**

## **ESTATE OF JERRY REID**

**Case Number: 22PB-0031675**

This matter is on calendar for hearing on the Administrator's First and Final Account and Report, and Petition for Final Distribution. The Court notes that a Supplemental Inventory and Appraisal was filed on April 11, 2024 and is accepted by the Court. The Petition has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears to be in order. The Petition for Final Distribution is **GRANTED**. A proposed order has been submitted and will be executed by the Court. This matter is set for **Monday, June 10, 2024, at 2:30 p.m. in Department 44** for confirmation of filing of Receipts and a Petition for Final Discharge. **No appearance is necessary on today's calendar.**

## **ESTATE OF WAYNE RINARD**

**Case Number: 22PB-0031847**

This matter is on calendar for Status of Administration. No Petition for Final Distribution has been filed. No Status Report has been filed. The matter is continued to **Monday, June 17, 2024, at 2:30 p.m. in Department 44** for Status of Administration. If a Petition for Final Distribution cannot be filed

prior to the next hearing date, the Court **ORDERS** the personal representative to timely file and serve a Status Report with proper Notice of Hearing in compliance with Probate Code Sections 12200 et seq. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions of \$250.00 for failure to timely close the estate administration and failure to comply with the Court Order. If a properly noticed Status Report or Petition for Final Distribution is noticed for a different date, the Court will vacate the June 17, 2024, date. **No appearance is necessary on today's calendar.**

## **ESTATE OF DAVID TIDWELL**

### **Case Number: CVPB16-0028648**

This matter is on calendar for a motion to be relieved as counsel. Counsel Joshua Devine seeks to be relieved as counsel for Vickie Morgan. The matter has not been properly noticed. Notice and Motion (MC-051), Supporting Declaration (MC-052), and the proposed Order (MC-053) must be served on the client and all other parties. CRC 3.1362(d). Service by mail on April 15, 2024, for a hearing on May 6, 2024, is untimely. Notice is required per CCP § 1005(b). There is no indication that the proposed Order has been served. The motion is **DENIED** without prejudice. **No appearance is necessary on today's calendar.**

## **ESTATE OF MARY WALKER**

### **Case Number: 24PB-0032388**

This matter is on calendar for hearing on a Petition for Letters of Administration. The matter has been properly noticed, with proof of service on file. Proof of publication has been filed but it reflects an invalid publication. There must be five days intervening between the first and last date of publication not counting the dates of publication. Probate Code Section 8121(a). The first date of publication was April 2, 2024, and the last date was April 7, 2024. There were only four days intervening. The Court finds that publication was not in compliance with Probate Code Section 8121(a). Petitioner will need to re-notice and re-publish the notice. No objections have been raised. This matter is continued to **Monday, June 24, 2024, at 2:30 p.m. in Department 44** for further proceedings. Petitioner shall file and timely serve a new Notice of Petition for the continued hearing date. Petitioner shall publish the new Notice of Petition and file the proof prior to the continued hearing date. **No appearance is necessary on today's calendar.**

## **ESTATE OF THOMAS WILLIAMS**

### **Case Number: 23PB-0031917**

This matter is on calendar for Status of Administration. No Amended Petition for Final Distribution has been filed. A Status Report has been filed, and properly noticed for hearing on today's date. The Court notes that the Status Report was filed on March 20, 2024, and indicates that the Petition for Final distribution is anticipated to be filed within 45-60 days. The Court notes that a Third Status Report has been filed and is noticed for hearing on July 15, 2024. That date is confirmed. **No appearance is necessary on today's calendar.**



## **TRUSTS**

### **IN RE THE AUSTIN WALKER SPECIAL NEEDS TRUST**

**Case Number: CVPB15-0028344**

This matter is on calendar for hearing on the Fifth and Final Account and Report of Trustee, Petition to Settle Account, to Authorize Final Distribution, to Discharge Trustee and Terminate Trust and for Fees and Costs. The matter has been properly noticed, with proof of service on file. The Petition seeks distribution to Clint and Ana Walker, but no evidence has been provided to demonstrate that they are the proper contingent beneficiaries. This matter is continued to **Monday, July 15, 2024, at 2:30 p.m. in Department 44** for further proceedings on the Petition. Petitioner shall file and timely serve a Notice of Hearing for the continued hearing date. Petitioner shall also submit a declaration addressing the proposed distribution. A copy of the declaration will need to be served along with the Notice of Hearing. **No appearance is necessary on today's calendar.**