

Department 5 Probate Notes for Friday, January 10, 2025

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8:30 a.m.

- 1. Estate of Williams (PR12292).** This is a final petition for allowance of fees and distribution of the estate. The statutory fees are approved. The requests for reimbursement of estate expenses actually incurred and reasonably necessary are approved. The proposed distribution is flawed. As there are no gains/losses reported, the amount to distribute is \$454,998.93 – which comes to \$151,666.31 per stirpes. The problem appears to be counsel’s error including the Probate Advance as a cost against the estate. On that note, while this Court takes no issue with an assignment early in the administration with a quotient greater than 50%, there is no declaration from either Jeremy confirming that \$19,500 is *still* owed (see assignment Para 3). This Court does not distribute and hope for third-party reimbursement (see §11604.5(h)). Petitioner shall re-calculate the distribution and confirm what portion of Jeremy’s share is going to Probate Advance.
- 2. Estate of Todaro (PR12547).** No appearance is necessary. This Court, having received and reviewed this Petition for Letters of Administration with IAEA authority, finds by a preponderance of the evidence that jurisdiction is proper, venue is proper, proper notice has been provided, bond has been properly waived, and petitioner has statutory priority to appointment. The Court intends to grant the petition, issue the Letters, appoint the probate referee, and set 8800/12200 review dates.
- 3. Estate of Bettridge (PR12404).** At the last hearing, counsel advised that the failure to file any I&A was because a settlement was afoot in a related civil action, and that the settlement would likely render this probate proceeding subject to dismissal pursuant to §12251. Counsel to update Court on status.
- 4. Estate of Bridge (PR11944).** This is a petition to account, distribute and eventually close decedent’s estate. A review of the petition reveals no anomalies, and in the ordinary course of events would be approved as is. However, since the Probate Code requires at least 15 days’ notice for all substantive petitions and Lester did not withdraw his request for notice following the dismissal of his petition to enforce the settlement, this Court would prefer to proceed after notice has been provided to all those impacted hereby (Bruce, Lisa, Lester), and there is no proof of service accompanying the petition. See, e.g., Probate Code §§ 1042, 1260. This is particularly important in a case such as this, when there is a Breslin settlement binding all of the beneficiaries. See Probate Code §§ 9830 et seq. Counsel shall provide the Court with proof of service on the affected persons.
- 5. Estate of Hamilton (PR11413).** No appearance is necessary. This Court, having received and reviewed this Petition for Settlement, Allowance and Final Distribution, finds by a

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preponderance of the evidence that the statutory fees are properly calculated, costs were actually incurred and reasonably necessary, and the proposed distribution of the net estate pursuant to §11900 (as opposed to §11850) is appropriate under the circumstances. Court intends to sign the order.

6. **Estate of Benoit (PR12133).** At the last hearing, counsel advised that the absence of any petition for final distribution was the direct result of the client going MIA for over a year. A representation was made that a petition would now be forthcoming, but as yet there is still nothing in the file. Counsel to advise status, and whether remaining beneficiaries might like to try their hand at special administration just to bring this bus into the depot.
7. **Estate of Thornton (PR12237).** This Court, having received and reviewed this Petition for Settlement, Allowance and Final Distribution, and the Supplemental information provided after the previous hearing, finds by a preponderance of the evidence that the statutory fees are properly calculated, reimbursable costs were actually incurred and reasonably necessary, and the proposed distribution of the net estate is proper *except that* Phillip's share shall be distributed to the county treasurer in accordance with §11850. Counsel to provide the appropriate order for signature.
8. **Estate of Correa (PR12097).** Since there is no petition for final distribution on file, this Court reasonably surmises that there must still be an impasse regarding sale of the estate's principal asset, a residence located in the Phoenix Lake Country Club Estates. Petitioner served (per §10511) a Notice of Proposed Action intending to sell the property on 10/31/2024 for \$350,000 – which happened to be the exact same amount the property appraised for by the probate referee. At first blush, the action *might* comport with §10503. However, two of the beneficiaries (Gary and Timothy) filed objections prior to the sale date. While no basis for the objection is included therewith, Timothy's petition filed 06/26/2024 indicates his belief that the property at that time was "worth over \$437,000." See 3:26. Thus, it appears to this Court that the objection is based on a belief that the offer of \$350,000 is too low. A review of public online records reveals that the home went to market on 08/17/2024 for \$417,000, and went "pending" three weeks later. It is not clear to this Court how \$350,000 became the agreed-upon price; however, the objection now puts the onus on petitioner to either jettison the plan or proceed via Article 6 (updated appraisal, publication, private bids, and an evidentiary hearing thereon). Counsel to advise.
9. **Estate of Spreadborough (PR12343).** No appearance is necessary. The Court, having received and reviewed petitioner's §12201 status report, intends to find by a preponderance of the evidence that good cause exists to extend the period of administration an additional six months, and intends to set a review hearing commensurate therewith.

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10. **Estate of Richesin (PR12136).** No appearance is necessary. This Court, having received and reviewed this Amended Petition for Settlement, Allowance and Final Distribution, and the supplemental information provided after the previous hearing, finds by a preponderance of the evidence that the statutory fees are properly calculated, reimbursable costs were actually incurred and reasonably necessary, and the proposed distribution of the net estate is proper. Petitioner is reminded that before final discharge there must be evidence that the mortgage was been refinanced out of decedent's name. Counsel to provide the appropriate order for signature.
11. **Estate of Bauman (PR12419).** No appearance is necessary. This Court, having received and reviewed this Amended Petition for Settlement, Allowance and Final Distribution, and the supplemental information provided after the previous hearing, finds by a preponderance of the evidence that the statutory fees are properly calculated, reimbursable costs were actually incurred and reasonably necessary, and the proposed distribution is proper.

10:00 a.m.

12. **Conservatorship of Condit (PR8852).** No appearance is necessary. This Court, having received and reviewed the court's investigative report, intends to find by clear and convincing evidence that the conservatee still meets the statutory qualifications for a general conservatorship, that a general conservatorship remains the least restrictive alternative for the conservatee's protection, and that the conservator continues to serve the conservatee's best interests. Court intends to set the annual review hearing date.
13. **Conservatorship of Jardine (PR11602).** Counsel to advise regarding coordination of final accounting with hand-off to PR12450.
14. **Conservatorship of Jardine (PR12450).** Counsel to advise regarding coordination of final accounting in PR11602 with hand-off to this case.
15. **Conservatorship of Winham (PR11378).** No appearance is necessary. This Court, having received and reviewed the court's investigative report, intends to find by clear and convincing evidence that the conservatee still meets the statutory qualifications for a general conservatorship, that a general conservatorship remains the least restrictive alternative for the conservatee's protection, and that the conservator continues to serve the conservatee's best interests. Court intends to set the annual review hearing date.

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16. **Conservatorship of Watson (PR12553).** This is a petition to establish a permanent general conservatorship, filed by the biological parents of an adult with certain special needs. There is no capacity declaration on file, nor is there a completed court investigative report. Absent an indication of some urgency, this Court intends to continue the hearing on this petition for 45-60 days.
17. **Conservatorship of Friedman (PR12182).** No appearance is necessary. This matter is on calendar for an accounting following the order permitting the sale of the conservatee's residence, as well as the annual 1850 review hearing. The court file does not include either the accounting or the investigative report. As such, the Court intends to simply continue the hearings for 45-60 days.
18. **Conservatorship of Jones (PR12552).** Conservator to update the Court regarding placement of the conservatee and, if out of county, whether it makes more sense to have the conservatorship handled in another courthouse. Court investigative report is still pending completion, so venue should be decided as soon as possible to preserve resources.
19. **Conservatorship of Wilcox (PR10600).** This is a petition to voluntarily swap out the conservator. Pursuant to §2660, "the court shall allow such resignation when it appears proper, to take effect at such time as the court shall fix, and may make any order as may be necessary to deal with the conservatorship during the period prior to the appointment of a new conservator." Since the proposed successor conservator did not file a GC-312 or a GC-348, it is premature to appoint her in a permanent capacity without the investigator's completed report (§2684).
20. **Guardianship of Meek (PR11073).** This is a brand new petition to terminate a long-standing guardianship, related to item #24 on calendar. There is no proof of service in the court file showing notice to the guardians or any of the biological family members entitled thereto. Court intends to appoint the court investigator and to inquire of the guardian and the ward regarding preferences.
21. **Guardianship of Green (PR11847).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary/convenient, and that the guardians continue to serve the ward's best interests. Court intends to set an annual review date.
22. **Guardianship of McKelvey (PR11888).** This is an annual guardianship review. Pursuant to Probate Code §1513.2(a), every year the guardian shall complete and return to the court a status report (GC-251). The court clerk is required to provide a reminder to the guardian,

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along with a blank GC-251, which did occur herein on 11/01/24. Based on prior reporting, it does appear that the guardianship remains necessary/convenient, and may be temporary carried over until a report and order are completed. Guardian to advise as to the status.

23. **Guardianship of Harrelson (PR10773).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary/convenient, and that the guardians continue to serve the ward's best interests. Court intends to set an annual review date. Court also wishes to thank the guardians for the photos and personal story.
24. **Guardianship of Jones (PR12098).** This is a brand new petition to terminate a long-standing guardianship, related to item #20 on calendar. There is no proof of service in the court file showing notice to the guardians or any of the biological family members entitled thereto. Court intends to appoint the court investigator and to inquire of the guardian and the ward regarding preferences.
25. **Guardianship of Murray (PR12218).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary/convenient, and that the guardians continue to serve the ward's best interests. Court intends to set an annual review date.
26. **Guardianship of Swanson (PR10490).** This is an annual guardianship review. Pursuant to Probate Code §1513.2(a), every year the guardian shall complete and return to the court a status report (GC-251). The court clerk is required to provide a reminder to the guardian, along with a blank GC-251, which did occur herein on 11/01/24. Based on prior reporting, it does appear that the guardianship remains necessary/convenient, and may be temporary carried over until a report and order are completed. Guardian to advise as to the status.
27. **Guardianship of Ireland (PR11484).** This is an annual guardianship review. Pursuant to Probate Code §1513.2(a), every year the guardian shall complete and return to the court a status report (GC-251). The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary/convenient, and that the guardians continue to serve the ward's best interests. Although this Court is aware of the recent criminal charges pending against the guardians, it would appear that no other family members are presently willing to step forward and take seriously the role of raising this excellent child. The guardians have done a fine job, and but for the recent blip, this Court would not have needed several hearings to assess the seriousness of Bryanna/Zhanna's petition to substitute out the current guardians. Either Bryanna/Zhanna fail to appear at this hearing, the petition filed 03/05/24 will be

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dismissed without prejudice. If the guardians end up doing time, the ward will likely go into temporary foster care until resolution can be reached. Court will consider sending court investigator to interview the ward and school officials to assess alternative placement options if jail time appears likely.

28. **Guardianship of Poe (PR11620).** No appearance is necessary. The Court, having received and reviewed the GC-251 with attachments, intends to find by a preponderance of the evidence that the guardianship remains necessary/convenient, and that the guardians continue to serve the ward's best interests. Court intends to set an annual review date.
29. **Guardianship of Poe (PR11619).** No appearance is necessary. The Court, having received and reviewed the GC-251, intends to find by a preponderance of the evidence that the guardianship remains necessary/convenient, and that the guardian continues to serve the ward's best interests. Court intends to set an annual review date. Guardian is reminded to kindly include medical/scholastic reports as attachments with future submissions.
30. **Guardianship of De la Rosa (PR11470).** This is an annual guardianship review. Pursuant to Probate Code §1513.2(a), every year the guardian shall complete and return to the court a status report (GC-251). The court clerk is required to provide a reminder to the guardian, along with a blank GC-251, which did occur herein on 11/01/24. Based on prior reporting, it does appear that the guardianship remains necessary/convenient, and may be temporary carried over until a report and order are completed. Guardian to advise as to the status.
31. **Guardianship of the Shrader Boys (PR11901).** This is a guardianship case involving three wards and two guardians who do not co-habitate. Before the Court this day is a recently-filed motion by their biological father to secure visitation rights. Although the RFO was issued 11/14/24, notice was not provided until 12/30/24. While visitation orders can be made part of a probate guardianship, like any visitation dispute, the moving party must complete a co-parenting workshop, and the parties must attend mediation. They were ordered to do so with the RFO, but the delay in service suggests that the preliminary steps have not been completed. Father to advise.

1:30 p.m.

32. **Marriage of Smiley (FL17674).** Settlement Conference (further).
33. **Estate of Holland (PR12327).** [Reserved] Ex parte application to shorten notice regarding ongoing discovery disputes.