

## Department 5 Probate Notes for Friday, June 14, 2024

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.

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### 8:30 a.m.

1. **Conservatorship of Kohler (PR9777).** No appearance is necessary. This Court, having received and reviewed the confidential investigative report, will find by clear and convincing evidence that a conservatorship remains necessary for this individual, that the current limited conservatorship appears to be the least restrictive option for this individual given his deficits, and that the Public Guardian continues to serve in the conservatee's best interests. Court to set annual review date. If the conservatee wishes to terminate conservatorship, Court will appoint counsel for the conservatee.
2. **Conservatorship of Hoskins (PR11904).** No appearance is necessary. This Court, having received and reviewed the confidential investigative report, will find by clear and convincing evidence that a conservatorship remains necessary for this individual, that a general conservatorship appears to be the least restrictive option given his pronounced deficits, and that the conservators continue to serve in the conservatee's best interests. Court to set annual review date.
3. **Estate of Shaver (PR12246).** No appearance is necessary. Hugh Shaver (hereinafter "decedent") died intestate on 01/03/24. Although petitioner failed to faithfully complete Para 8 of the petition, it appears that decedent had five surviving heirs: his mother Georgia; his nieces Alison and Amy; and his grandnephews Dominick and Jacob. Alison was appointed (sans nomination) as administrator largely because Georgia was too elderly to serve and nobody else asked. Since Georgia was the sole intestate beneficiary, and unable to waive bond, a bond was required. Petitioner advises that Georgia has since passed away, and that her interest in decedent's estate were assigned via the conservatorship case to the Georgia S. Shaver Revocable Living Trust dtd 06/08/12. Petitioner advises that the current bond is "insufficient" and asks for permission to forgo an increase therein. Since it appears from a review of the trust instrument that there are only four beneficiaries (petitioner, Amy, Dominick and Jacob), petitioner could have secured a bond waiver (§8481). Nevertheless, the current bond amount is sufficient to cover the three persons to whom petitioner owes a fiduciary duty, so no increase is required at this time (§§ 8480, 10453; CCP §996.010). The balance of the petition has been reviewed, and is found to be adequate in all respects. Court intends to approve the petition and enter the final order thereon.
4. **Estate of Brejla (PR12366).** No appearance is necessary as a final I&A is on file.
5. **In re Riley Family Trust (PR11848).** Court anticipated receiving an order conforming to the orders made on 04/12/2024. The file does not contain and proposed orders. Counsel to advise.

### 10:30 a.m.

6. **Conservatorship of Reel (PR11804).** No appearance is necessary. This Court, having received and reviewed the confidential investigative report, will find by clear and convincing evidence that a conservatorship remains necessary for this individual, that a general conservatorship appears to be

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the least restrictive option (though the report permits an inference that a limited conservatorship of the person might be worth exploring), and that the conservators continue to serve in the conservatee's best interests. Court to set annual review date.

- 7. Guardianship of Wondra (PR12399).** There being no indication that the ward requires appointment of counsel, or that either biological parent objects to this guardianship (notwithstanding the absence of consents), this Court is prepared to convert the temporary guardianship into a permanent guardianship.

**1:30 p.m.**

- 8. Petition of Lu (CV66131).** Nonconfidential name change to conform to new marriage. Voir dire re §1279.5.