

Superior Court of California County of Yuba

Probate Notes for August 29, 2011

The Probate Calendar will be called in Department Two,
the Hon. Debra L. Givens Presiding.

The probate notes represent staff's recommendations to the Court, and are not tentative rulings. If the probate notes indicate that a petition should be granted, no appearance is required at the hearing. The matter will be deemed submitted on the papers. If the Court does not follow staff recommendation, appropriate instructions will be issued.

Frequently, the only defect in a probate petition is the absence of the Proof of Publication. In such instances, if the Proof of Publication is filed by 12:00 p.m. on the Friday before the hearing, the recommendation will be deemed to have been changed to a recommendation that the petition be granted.

If the moving party would like to continue the matter to cure defects showing in the probate notes, he or she may do so by sending an email to probate@yubacourts.org no later than 12:00 p.m. the Friday before the hearing. The email is to state the case name and number, and indicate a Monday date to which the continuance is requested. If such an email request is timely made, no appearance is required at the hearing, and the matter will be continued unless the probate notes indicate that the Court has directed otherwise.

In some instances Staff recommends that the Court instruct that a party file a petition, e.g., a petition for distribution, for hearing on a certain date. A date certain is recommended for tracking purposes, and is not meant to prejudice the ability to bring a petition on an earlier date. Subject to ordinary filing and service requirements, and unless specifically instructed otherwise, a party may set the matter for hearing on or before the specified date.

Names and Proceedings:

**In re Shintaffer's Trust 09-41 Amended Petition to Instruct the Trustee, etc.
Estate of Shintaffer 09-49 Petition to Instruct the Trustee, etc.**

Discussion: Per the Court, counsel are instructed to appear.

Name: In re Jenkins Family Trust CVPB 11-58

Proceedings: Petition for Relief from Breach of Trust, etc.

Discussion: Per the Court, appearance is required.

Name: In re Beasley's Trust 11-67

Proceedings: Petition to Order Determining Property to be in Trust

Discussion: This unopposed petition adequately demonstrates that the trustor intended seventy-seven (77) identified U.S. saving bonds to be part of the trust estate, but that the bonds were never transferred to the trust. The petition is in order in all respects. Notice is in order.

Recommendation: The petition should be granted. The proposed order is in the file, and is in order.