

Superior Court of California County of Yuba

Probate Notes for June 22, 2020

The 9:00 Calendar will be heard in Department 4 and the 11:00 Calendar will be heard in Department 1

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 to a probate petition is the absence of the Proof of Publication, in such instance, 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 2:00 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.

9:00 Calendar

Case Name: Estate of Clara Ann McCall

Case #: PR PB 20 33

Motion for: Petition to administer estate

Date Motion filed: 3/13/20

Recommended Ruling:

Proof of publication for a hearing date when the court was closed is insufficient. Probate Code 8120 and 8122 require notice by publication. Notice by publication must be accomplished for the actual hearing date.

Bond waiver for Ms. Wehrenberg is missing.

Case Name: Estate of Clara Ann McCall

Case #: PR PB 20 33

Motion for: Petition to administer estate

Recommended Ruling:

Proof of publication for a hearing date when the court was closed is insufficient. Probate Code 8120 and 8122 require notice by publication. Notice by publication must be accomplished for the actual hearing date.

Bond waiver for Ms. Wehrenberg is missing.

Case Name: Estate of Bruce R. Chausee

Case #: PR PB 20 47

Motion for: Petition to administer estate

Recommended Ruling:

Grant

Case Name: Estate of Lynda Lee Parrish

Case #: PRPB 20 11

Motion for: Petition to determine succession to real and personal property

Date Motion filed: 2/25/20

Recommended Ruling:

Grant

Case Name: Estate of Lewis Paullin

Case #: CV PB 18 30

Motion for: Petition for final distribution and report of executor

Recommended Ruling:

Waivers of accounting have not been filed. This matter is continued to 7/13/20 for receipt of bond waivers.

Case Name: Estate of Larry J. Lane

Case #: PRPB 20 32

Motion for: Petition to determine succession to real property

Date Motion filed: 3/6/20

Recommended Ruling:

Grant

Case Name: Estate of Patricia Esquibel

Case #: PR PB 20 27

Motion for: Petition to administer estate

Recommended Ruling:

Missing are bond waivers from Gail Lavery, Cheryl Kessinger and Jamie Esquibel. No proof of publication is in the file yet.

Case Name: Estate of Louis Williams

Case #: CV PB 18 48

Motion for: Report of Executor; Petition for Final distribution

Recommended Ruling:

I&A needs to be signed by probate referee.

There needs to be an accounting or a waiver.

Case Name: Estate of Larry David Lowery

Case #: CV PB 19 79

Motion for: 1st & final report of administrator on waiver of accounting and petition for its settlement, for allowance of compensation and costs and for final distribution

Recommended Ruling:

Appearance required to explain the request for attorney's fees. Have attorney's fees and costs been paid. If not, what was the \$3,316 spent by petitioner for?

Appearance by zoom or courtcall is acceptable.

Case Name: Lemons Family Trust

Case #: CV PB 19 23

Motion for: Petition for Order Appointing Successor Trustee

Recommended Ruling:

The court was advised by the Mediator, Mr. Anderson, that the matter was settled. This matter is continued to 7/13/20. The parties are to file status report(s) by 6/26/20 or submit an Order.

11:00 Calendar

Case Name: Estate of Arthur M. Hoffman

Case #: PR PB 20 49

Motion for: Spousal property petition

Recommended Ruling:

Grant