

Superior Court of California County of Yuba

Probate Notes for June 21, 2010

The Probate Calendar will be called at 9:00 a.m. 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.

Name: Estate of Endicott CVPB 09-25

Proceedings: Continued Hearing on First and Final Report, etc.

Discussion: At the hearing of April 26, 2010, the Court essentially adopted the Probate Notes, which stated that the petition was insufficient for lack of waivers of account, and treatment of the issue of attorneys fees. The Court ordered that the waivers and a declaration re: attorneys fees be filed.

As of June 15, there are no further filings.

Recommendation: If the waivers and declaration are not submitted, the petition should be denied without prejudice. If submitted and in order, the petition may be granted.

Name: Estate of Osborne CVPB 09-38

Proceedings: Probate Review

Discussion: Letters issued on July 1, 2009. The final Inventory and appraisal was filed on February 16, 2010. The statutory period in which to administer the estate expires in nine days. With the filing of the final Inventory and Appraisal, the estate should be in a condition to be closed.

Recommendation: It is recommended that this action be set for final hearing on August 16, 2010, at 9:00 a.m. in Department Two.

Name: Estate of Bird CVPB 09-47

Proceedings: Probate Review

Discussion: Letters issued on June 22, 2009, and the statutory time for administration of the estate expires in one day. There has been no activity since letters issued.

The Administrator files a declaration advising that she will be out of the country until July 6, 2010, and will seek the advice of a document preparer per appointment on July 8, 2010.

Recommendation: It is recommended that this action be set for final hearing on August 16, 2010, at 9:00 a.m. in Department Two, and that the court instruct the clerk to transmit a copy of the minutes to the Administrator.