

Superior Court of California County of Yuba

Probate Notes for July 19, 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.

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.

Name: Estate of Nowlin CVPB 09-01

Proceedings: Probate Review

Discussion: On June 29, 2010, a *Notice of Settlement of Entire Case* was filed in the companion civil action No. CVCV09-519. This estate should therefore be in a condition to be closed.

Recommendation: It is recommended that this matter be set for hearing on the final petition on September 13, 2010, at 9:00 a.m. in Department Two.

Name: Estate of Dalton CVPB 09-36

Proceedings: Probate Review

Discussion: The Court granted the Petition for Letters of Administration on July 20, 2009, and directed that letters issue upon the posting of the corporate bond in the amount of \$104,000.00. The bond has never been posted.

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Recommendation: If the bond is not posted at or before the time of the hearing, it is recommended that the order granting the initial petition be vacated, and the case ordered closed.