

Superior Court of California County of Yuba

Probate Notes for December 15, 2009

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 Billings CVPB 06-141

Proceedings: Motion (sic) to Reopen Estate, etc.

Discussion: The declaration of Brandon Hollady, Esq. filed in aid of the petition adequately demonstrates mistake or neglect in the Administrator's failure to file a final petition as instructed by the court. However, neither the petition nor the notice are in order.

The petition is not signed or verified by the Administrator. Pr.C. §§1020, 1021.

On September 15, 2009, John J. Trezza, Esq. filed and caused to be served a Request for Special Notice on behalf of Cheryl Welch which by its terms would apply to the instant application. There is no proof of service upon Mr. Trezza's firm.

While the petition is sufficient on the merits, it cannot be granted due to the foregoing defects.

Recommendation: It is recommended that the hearing be continued to allow for the filing and service of an amended petition.

Name: Estate of Morrison CVPB 09-43

Proceedings: First and Final Account, Distribution, Compensation

Discussion: The Administrator files his final petition. The petitioner is an intestate heir, and the other heirs previously disclaimed their interests in his favor.

The petition is in order in all respects. Statutory fees are properly calculated at \$6,851.70. Costs of \$1,039.54 are in order. The commission is waived.

The notice is in order.

Recommendation: It is recommended that the petition be granted. The proposed order is in the file, and is in order.