

# Superior Court of California County of Yuba

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## Probate Notes for December 21, 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](mailto: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 Branscum CVPB 08-19**

**Proceedings: Petition for Distribution on Waiver of Account, etc.**

**Discussion:** The beneficiaries waive the account, and the Executor presents her final petition.

The petition is in order in all respects. Attorneys fees are properly calculated at \$7,156.34. The commission is waived. Costs of \$40.12 are in order. Notice is in order.

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

**Name: Estate of Magnee CVPB 09-37**

**Proceedings: First and Final Report, etc.**

**Discussion:** The Executor presents her final petition.

The petition is in order in all respects. The commission is waived. Neither the petition, nor the proposed order, have any provision for attorneys fees. The notice is in order.

**Recommendation:** It is recommended that the petition be granted.