

Superior Court of California County of Yuba

Probate Notes for February 8, 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 Moss CVPB 06-142

Proceedings: Probate Review

Discussion: The Petition to Remove of the Administrators was dismissed on November 5, 2009, upon the execution of the listing agreement for the estate property. No further information appears in the file regarding efforts to sell the property.

Recommendation: Given present market conditions, it may be difficult to sell the estate realty. However, letters were issued in consolidated case No. CVPB 06-164 just over three years ago. No provision of law allows estates to remain open indefinitely due to market conditions, and the administration of decedent's estate has already taken three times the statutory period.

If the property has not sold, it is recommended that this matter be set for further review on May 10, 2010, at 9:00 a.m. in Department Two. It would be Staff's recommendation, if the property has not sold by that time that a hearing on the final petition be set approximately ninety days thereafter, with the Personal Representatives instructed to devise a proposed plan of distribution of the estate notwithstanding the inability to sell the property.

Name: Conservatorship of Gonzalez CVPB 09-63

Proceedings: Petition re: Attorneys Fees and Costs

Discussion: Counsel for Conservators petitions for her fees of \$3,167.50 and costs of \$219.00, primarily related to establishment of the Conservatorship and the Petition re: inter vivos gift.

The petition is in order, and the fees and costs appear to have been reasonable and necessary. 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.

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Name: Estate of Casto CVPB 09-112

Proceedings: Petition for Letters of Administration WWA

Discussion: The nominated executors decline appointment and nominate the Petitioner with the bond to be waived. The petition is in order in all respects. The executed Duties & Liabilities is in the file. The Proof of Publication is in the file. The notice is in order.

Recommendation: It is recommended that the Petition be granted. The proposed order and executed letters are in the file, and are in order.

Name: Estate of Kibbe CVPB 10-01

Proceedings: Petition for Letters of Administration

Discussion: Daughter petitions for her letters. Spouse and son of the decedent have disclaimed their interest in the estate. Petitioner daughter, and remaining daughter waive the bond. The petition is in order in all respects. The executed Duties & Liabilities is in the file. The Proof of Publication is in the file.

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

Name: Estate of Daniel CVPB 10-05

Proceedings: Petition for Letters of Administration

Discussion: Daughter petitions for letters. The remaining heirs waive the bond. The petition is in order in all respects. The executed Duties and Liabilities and Proof of Publication are in the file. The notice is in order.

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

Name: Estate of Krasky CVPB 10-06

Proceedings: Petition for Letters of Administration WWA

Discussion: The Public Administrator petitions for letters. The petition is in order in all respects. The Petitioner is entitled to waiver of bond. The notice is in order. The Public Administrator's oath is of public record. The Proof of Publication is not in the file.

Recommendation: If the Proof of Publication is provided, the petition may be granted. The proposed order and executed letters are in the file, and are in order.