

Superior Court of California County of Yuba

Probate Notes for July 12, 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 Daniel CVPB 10-05

Proceedings: First Report & Account, Fees, Distribution, etc.

Discussion: The Administrator presents her final petition. The petition is in order in all respects. Attorneys fees are properly calculated at \$6,295.17. The Administrator waives her commission. 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.

Name: Estate of Lancaster CVPB 10-42

Proceedings: Petition for Probate

Discussion: The petition contains an error in that the petitioner is not the primary nominated executor, and para. 3(f) (1)(d) is not "checked" to indicate why the nominated executor cannot serve. However, para.5(a)(2)(b) makes clear that the nominated executor, the spouse of the decedent, is deceased. Staff regards the error as *de*

minimis. The petitioner is the son of the decedent, nominated alternate executor, and the will of the decedent waives the bond.

The petition is in order in all respects. The Proof of Publication and executed Duties & Liabilities 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 Kennington CVPB 10-45

Proceedings: Petition to Determine Succession to Real Property

Discussion: Daughter/ beneficiary under the will of the decedent, petitions to determine succession to the specified property. The petition is in order in all respects. 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.

Name: Estate of Karly CVPB 10-52

Proceedings: Petition to Determine Succession to Real Property

Discussion: The adult children/heirs of the decedent petition to succeed to specified property. The petition is in order in all respects. 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.