

DEPARTMENT TEN
JUDGE MICHAEL C. MATTICE
707-207-7310

TENTATIVE RULINGS AND PROBATE PREGRANTS FOR
MATTERS SCHEDULED FOR
TUESDAY, JULY 14, 2015

ANNOUNCEMENTS

- **New Family Law/Probate Clerk's Office Operating Hours**

The Family Law/Probate Clerk's Office located at 600 Union Avenue in Fairfield is now open from 8:00 a.m. to 3:00 p.m., Monday through Friday, excluding court holidays. Telephone hours will be 8:00 a.m. to noon and 1:00 p.m. to 3:00 p.m.

- **Probate Notes**

Probate notes are now being posted for Department 10 probate cases, except for guardianships and conservatorships, at the following webpage:

<http://www.solano.courts.ca.gov/TentativeRulings/ProbateNotesandPregrants.html>

Probate notes will be available approximately one week prior to an individual case's hearing date, and will be updated as staff time permits.

Unless otherwise directed by the court, probate pregrants are not posted for guardianship or conservatorship matters, or for ex parte petitions.

PROBATE PREGRANTS – 8:30 CALENDAR

**IN RE THE ESTATE OF SCOTT PHILBROOK, DECEASED
FPR043817**

First and Final Account and Report of Administrator with Will Annexed and Petition for Its Settlement; for Allowance of Statutory Attorney's Fees, Statutory Administrator's Commission; and for Final Distribution

PREGRANT ORDER

The petition is granted as prayed.

Effective Monday, July 20, 2015, this case is reassigned for all purposes to Judge David Edwin Power, Department 11. After reassignment, all matters reassigned to Department 11 will continue to be heard in Room 103 of the Hall of Justice, 600 Union Avenue, Fairfield, California 94533.

**IN RE THE SIMON MISHKANIAN SPECIAL NEEDS TRUST
FPR046217**

Petition for Approval of Second and Final Account of Trustee for the Period of June 1, 2013 to March 31, 2015; Approval of Trustee's Fees; Approval of Trust Advisory Committee Fees; Approval of Attorney's Fees; Petition for Termination and for Instructions Regarding Final Distribution

PREGRANT ORDER

Counsel shall appear (CourtCall is approved) and shall be prepared to address the following:

- (1) Accounting, Schedule C, p. 3: The amount approved for Randolph Sharon's attorney fees on February 19, 2014 was \$3,430. The amount paid was \$3,496.94. The difference is unexplained.
- (2) Accounting, Schedule C, p. 3: The amount approved for John Payne Jr.'s attorney fees on January 17, 2013 was \$2,897.50. The amount paid was \$2,895.70. The difference is unexplained.
- (3) May the court terminate an irrevocable trust with a spendthrift provision based on the beneficiary's request and if so, what legal authority supports such a termination?

Effective Monday, July 20, 2015, this case is reassigned for all purposes to Judge David Edwin Power, Department 11. After reassignment, all matters reassigned to Department 11 will continue to be heard in Room 103 of the Hall of Justice, 600 Union Avenue, Fairfield, California 94533.

**IN RE THE ESTATE OF ANN BEALE, DECEASED
FPR046847**

First and Final Report of Administrator on Waiver of Account and Petition for Allowance of Compensation to Attorney for Ordinary Services and for Final Distribution

PREGRANT ORDER

The court on its own motion continues the hearing to August 17, 2015 at 8:30 a.m. in Department 11. Pending the hearing, the petitioner shall file an *Allowance or Rejection of Creditor's Claim* (DE-174) for each creditor's claim. (Prob. C. § 9250(a),(b).)

Effective Monday, July 20, 2015, this case is reassigned for all purposes to Judge David Edwin Power, Department 11. After reassignment, all matters reassigned to Department 11 will continue to be heard in Room 103 of the Hall of Justice, 600 Union Avenue, Fairfield, California 94533.

**IN RE THE ESTATE OF JOHN PORTZ, DECEASED
FPR047159**

Petition for Probate of Will and for Letters Testamentary and for Authorization to Administer Under the Independent Administration of Estates Act

PREGRANT ORDER

The petition is granted as prayed. The court finds all notices have been given as required by law. The will of John Portz dated November 8, 2012 is ordered admitted to probate. The court appoints Renata Kmecova as executor with full authority under the Independent Administration of Estates Act. Bond is waived. The court appoints Raymond Simonds as probate referee.

The personal representative is reminded of the requirement to file the Inventory & Appraisal within four months as required by Probate Code section 8800.

As was stamped on the face of the Petition on June 4, 2015, which was the official notice and the date of said notice, effective Monday, July 20, 2015, this case has been reassigned for all purposes to Judge David Edwin Power, Department 11. After reassignment, all matters reassigned to Department 11 will continue to be heard in Room 103 of the Hall of Justice, 600 Union Avenue, Fairfield, California 94533.