

DEPARTMENT ELEVEN
JUDGE DAVID EDWIN POWER
707-207-7311

PROBATE NOTES FOR
MATTERS SCHEDULED FOR

FRIDAY, OCTOBER 23, 2015

Prepared on October 15, 2015

Probate notes are not posted for guardianship or conservatorship matters, ex parte petitions, or status conferences.

Probate notes supplement—but do not replace—the posting of intended rulings on probate matters. Please check the court’s website for intended rulings on probate matters (“pregrants”) after 2:00 p.m. the court day before the scheduled hearing.

If the notes identify defects, you can file documents with the court to correct them. Defects that are not corrected may result in your petition being denied or the hearing delayed.

Because of processing times and staff shortages, documents filed one or two court days prior to the hearing might not be reviewed in time to alter the court’s intended pregrant ruling. Documents filed in this time frame will not necessarily avoid an appearance at the hearing.

Questions?

You can now e-mail the court’s probate staff at probate@solano.courts.ca.gov.

Remember:

- (1) Probate staff cannot give legal advice or discuss your case with you.
- (2) Parties or attorneys may not submit via e-mail any documents intended to address the probate notes. Attachments e-mailed directly to probate staff will not be opened.

PROBATE NOTES

Case Name: In re the Estate of Barrington L. Wilson Sr., Deceased
Case Number: FPR043785

Calendar Date: Friday, October 23, 2015
Prior Calendar History:

Petition(s) or Motion(s): Case Management Conference
Filed On:
Filed By:

Objections: None
Filed On:
Filed By:

Reviewed By: C. Donovan, Staff Attorney
Date of Review: October 15, 2015

No probate notes needed for this type of petition, motion, or hearing.

No defects identified.

DEFECTS OR ISSUES IDENTIFIED:

Comments: No accounting is on file from Deirdre Hornes.

PROBATE NOTES

Case Name: In re the Alfred Gassama Revocable Trust

Case Number: FPR045197

Calendar Date: Friday, October 23, 2015

Prior Calendar History: April 24, 2015; February 20, 2015; January 30, 2015; January 9, 2015

Petition(s) or Motion(s): Amended Response and Accounting by Kathrin Turner, Trustee for the Alfred Gassama Revocable Trust

Filed By: Kathrin Turner

Objections: Verified Reply to Trustee's Response and Account

Filed On: December 29, 2014

Filed By: Alfred Gassama, Jr.

Petition(s) or Motion(s): Trustee's Verified First Account and Report

Filed On: December 31, 2014

Filed By: Kathrin Turner

Objections:

Filed On:

Filed By:

Reviewed By: C. Donovan, Staff Attorney

Date of Review: August 17, 2015

No probate notes needed for this type of petition, motion, or hearing.

No defects identified.

DEFECTS OR ISSUES IDENTIFIED:

(1) Parties were to file updated status reports at least 20 days prior to the hearing. No status reports have been filed.

(2) Stipulation for retention of jurisdiction pending review by judicial officer.

Comments: This matter is on calendar for a status conference.

PROBATE NOTES

Case Name: In re the Matter of the Barrington L. Wilson Sr. Revocable Living Trust

Case Number: FPR046781

Calendar Date: Friday, October 23, 2015

Prior Calendar History:

Petition(s) or Motion(s): Case Management Conference

Filed On:

Filed By:

Objections: None

Filed On:

Filed By:

Reviewed By: C. Donovan, Staff Attorney

Date of Review: October 15, 2015

No probate notes needed for this type of petition, motion, or hearing.

No defects identified.

DEFECTS OR ISSUES IDENTIFIED:

Comments: No accounting is on file from Deirdre Hornes.

PROBATE NOTES

Case Name: In re the Estate of Agnes Nickison

Case Number: FPR047106

Calendar Date: Friday, October 23, 2015

Prior Calendar History: October 2, 2015; July 30, 2015; June 17, 2015

Petition(s) or Motion(s): Petition for Order Determining Title to Real Property

Filed By: John Abraham

Objections: None

Filed On:

Filed By:

Reviewed By: C. Donovan, Staff Attorney

Date of Review: October 15, 2015

No probate notes needed for this type of petition, motion, or hearing.

No defects identified.

DEFECTS OR ISSUES IDENTIFIED:

Comments: Recommend for approval in light of *Declaration of John Abraham in Support of Petition for Order Determining Title to Real Property* filed October 7, 2015 and *Declaration of Executor in Support of Petition for Order Determining Title to Real Property* filed October 7, 2015.

PROBATE NOTES

Case Name: In re the Estate of Delbert Wright, Deceased
Case Number: FPR047172

Calendar Date: Friday, October 23, 2015
Prior Calendar History: September 29, 2015; August 26, 2015; July 27, 2015

Petition(s) or Motion(s): Petition for Letters of Administration and for Authorization to Administer Under the Independent Administration of Estates Act

Filed On: June 10, 2015
Filed By: Mamie Louise Matthews

Objections: Opposition to Petition for Probate; Objection of Appointment of Mamie Louise Matthews as Administrator; and Petition for Letters of Administration for Edward Eric Robinson

Filed On: July 21, 2015
Filed By: Edward Robinson

Petition(s) or Motion(s): Petition for Letters of Administration and for Authorization to Administer Under the Independent Administration of Estates Act

Filed On: August 24, 2015
Filed By: Edward Robinson

Reviewed By: C. Donovan, Staff Attorney

Date of Review: October 15, 2015

No probate notes needed for this type of petition, motion, or hearing.

No defects identified.

DEFECTS OR ISSUES IDENTIFIED:

With regard to the *Petition for Letters of Administration and for Authorization to Administer Under the Independent Administration of Estates Act* filed by Edward Robinson:

(1) The court will not consider the declaration filed September 23, 2015 as a means of modifying a petition. Changing the relief requested in a petition requires either an amended petition or an amendment to the petition. Moreover, there is no proof of service in the file showing that all parties entitled to notice have received a copy of the proposed changes in relief. **This issue previously identified and not addressed.**

PROBATE NOTES

Case Name: In re the William J. Johnson Irrevocable Trust, Dated May 10, 2000
Case Number: FPR047254

Calendar Date: Friday, October 23, 2015
Prior Calendar History: September 9, 2015

Petition(s) or Motion(s): Petition for Temporary Restraining Order, Preliminary Injunction, Permanent Injunction, Removal of Trustee, for an Accounting, Appointment of Successor or Temporary Trustee, Suspension of Trustee Powers, Breach of Trust, Breach of Fiduciary Duty, Fraud, Prohibition of Use of Trust Funds for Attorney's Fees, and for Surcharge

Filed On: July 30, 2015
Filed By: Clark Johnson, Jill Johnson

Objections: None

Petition(s) or Motion(s): Notice of Motion and Motion for Preliminary Injunction, Immediate Suspension of Trustee Powers, and Appointment of Temporary Successor Trustee

Filed On: August 12, 2015
Filed By: Clark Johnson, Jill Johnson

Objections: Respondent's Opposition to Motion for Preliminary Injunction, Immediate Suspension of Trustee Powers, and Appointment of Temporary Successor Trustee

Filed On: August 26, 2015
Filed By: Robert R. Johnson

Reviewed By: C. Donovan, Staff Attorney
Date of Review: October 15, 2015

Recommendation:

Notice of Motion and Motion for Preliminary Injunction, Etc.: Judicial discretion whether to grant opposed motion.

Petition for Temporary Restraining Order, Etc.: Judicial discretion whether to grant unopposed petition as prayed on issues other than those raised in separate motion (request for preliminary injunction, suspension of trustee powers, and appointment of successor trustee).