

DEPARTMENT ELEVEN
JUDGE DAVID EDWIN POWER
707-207-7311

PROBATE NOTES FOR
MATTERS SCHEDULED FOR

MONDAY, OCTOBER 26, 2015

Prepared on October 16, 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 Omar Andres Tamayo Special Needs Trust
Case Number: FPR044949

Calendar Date: Monday, October 26, 2015
Prior Calendar History: September 23, 2015; August 26, 2015

Petition(s) or Motion(s): Petition for Approval of Seventh Account Current of Trustee for the Period of April 1, 2013 to February 28, 2015; Approval of Trustee's Fees; Approval of Trust Advisory Fees; Approval of Attorney's Fees

Filed On: July 1, 2015
Filed By: Westamerica Bank

Objections:
Filed On:
Filed By:

Reviewed By: C. Donovan, Staff Attorney
Date of Review: October 16, 2015

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

No defects identified.

DEFECTS OR ISSUES IDENTIFIED:

Comments: File under review.

PROBATE NOTES

Case Name: In re the Estate of Nadine France, Deceased
Case Number: FPR046556

Calendar Date: Monday, October 26, 2015
Prior Calendar History:

Petition(s) or Motion(s): First and Final Account and Report of Administrator and Petition for Its Settlement, for Instructions on How to Distribute the Estate; for Allowance of Compensation for Ordinary Services, and for Final Distribution
Filed By: Stanley France, Jr.

Objections:
Filed On:
Filed By:

Reviewed By: C. Donovan, Staff Attorney
Date of Review: October 16, 2015

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

No defects identified.

DEFECTS OR ISSUES IDENTIFIED:

(1) There is no proof of service on file showing all interested persons received notice.

Comments: The issue identified above should be addressed prior to the hearing.

PROBATE NOTES

Case Name: In re the Estate of Alice J. (Penick) Ellis, Deceased
Case Number: FPR046609

Calendar Date: Monday, October 26, 2015
Prior Calendar History:

Petition(s) or Motion(s): First and Final Report of Executor on Waiver of Account and Petition for Allowance of Statutory Compensation to Attorney for Ordinary Services; and for Final Distribution

Filed By: Jerry D. Penick

Objections:

Filed On:

Filed By:

Reviewed By: C. Donovan, Staff Attorney

Date of Review: October 16, 2015

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

No defects identified.

DEFECTS OR ISSUES IDENTIFIED:

(1) The petition proposes to pay statutory attorney fees of \$3,750 from an estate consisting entirely of real property. How will the fees be paid? If the asset is being distributed to the beneficiary subject to a lien in favor of the attorney, the attorney must affirmatively agree to this arrangement.

Comments: The issue identified above should be addressed prior to the hearing.

PROBATE NOTES

Case Name: In re the Estate of Robert Copeland, Deceased
Case Number: FPR047304

Calendar Date: October 26, 2015
Prior Calendar History: October 5, 2015

Petition(s) or Motion(s): Amended Petition for Probate of Will and for Letters Testamentary and for Authorization to Administer Under the Independent Administration of Estates Act
Filed By: Sean Copeland

Objections:
Filed On:
Filed By:

Reviewed By: C. Donovan, Staff Attorney

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

No defects identified.

The following DEFECTS OR ISSUES are noted:

- (1) There is no affidavit of publication on file as required by Probate Code section 8124.
- (2) A new DE-121 has not been filed for the amended petition.
- (3) There is no proof of service showing that all persons entitled to notice received notice of the amended petition.
- (4) Amended Petition, Item 3(e): The amended petition does not include a copy of the decedent's will.

Comments: All issues above should be resolved prior to the hearing.