

DEPARTMENT TWENTY-TWO  
JUDGE ALESIA JONES  
707-207-7322

PROBATE NOTES FOR  
MATTERS SCHEDULED FOR

**MONDAY, JUNE 6, 2016**

Probate notes are not posted for 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.

## Questions?

You can now e-mail the court’s probate staff at [probate@solano.courts.ca.gov](mailto: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 Mark Dean Lindsay, Deceased  
**Case Number:** FPR046836

**Calendar Date:** June 6, 2016  
**Prior Calendar History:**

**Petition(s) or Motion(s):** Petition for Final Distribution  
**Filed On:**  
**Filed By:**

**Objections:**  
**Filed On:**  
**Filed By:**

**Reviewed By:** C. Donovan, Staff Attorney  
**Date of Review:**

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## **SUMMARY/COMMENTS**

Petition to close estate administration.

## **IDENTIFIED DEFECTS OR ISSUES**

**File not available for review by probate staff. Please check back for updates.**

## **RECOMMENDATION**

# PROBATE NOTES

**Case Name:** In re the Estate of Sheila Mary Burseth, Deceased  
**Case Number:** FPR047318

**Calendar Date:** June 6, 2016  
**Prior Calendar History:**

**Petition(s) or Motion(s):** Petition for Final Distribution  
**Filed On:**  
**Filed By:**

**Objections:**  
**Filed On:**  
**Filed By:**

**Reviewed By:** C. Donovan, Staff Attorney  
**Date of Review:**

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## **SUMMARY/COMMENTS**

Petition to close estate administration.

## **IDENTIFIED DEFECTS OR ISSUES**

**File not available for review by probate staff. Please check back for updates.**

## **RECOMMENDATION**

# PROBATE NOTES

**Case Name:** In re the Estate of Stephen Bartlett, Deceased

**Case Number:** FPR047702

**Calendar Date:** June 6, 2016

**Prior Calendar History:**

**Petition(s) or Motion(s):** Petition to Determine Succession of Real Property

**Filed On:** April 27, 2016

**Filed By:** Nadine Erickson

**Objections:** None

**Reviewed By:** C. Donovan, Staff Attorney

**Date of Review:** May 27, 2016

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## **SUMMARY/COMMENTS**

Petition to determine succession to real property.

## **IDENTIFIED ISSUES OR DEFICIENCIES**

(1) Attachment 14 lists four siblings of the decedent, all of whom are intestate heirs of the decedent's estate per Probate Code section 6402. However, only one sibling has petitioned.

The law required that all successors in interest to a particular asset must petition the court. (Prob. C. § 13151 [the "successor in interest" must petition the court]; Prob. C. § 13006 ["Successor of the decedent" means:...(b) If the decedent died without a will, the sole person or all of the persons who succeeded to the particular item of property of the decedent under Sections 6401 and 6402..."].) As all four siblings are successors in interest, all four siblings must petition.

If a sibling wishes to have their share go to another sibling, they may wish to consult with an attorney on how to effectuate such a transfer.

(2) The *Inventory and Appraisal* does not conform to Prob. C. § 13152(b). The appraisal of the decedent's assets must include all assets in the estate and must be done by the Probate Referee.

(3) There is no proof of service showing that all those entitled to notice received it.

## **RECOMMENDATION**

Recommend denial without prejudice.

# PROBATE NOTES

**Case Name:** In re the Estate of Walter E. Gibson, Deceased  
**Case Number:** FPR047723

**Calendar Date:** Monday, June 6, 2016  
**Prior Calendar History:**

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

**Filed On:** May 6, 2016  
**Filed By:** Benjamin Gibson

**Objections:** None  
**Filed On:**  
**Filed By:**

**Reviewed By:** M. Stokes, Probate Examiner // C. Donovan, Staff Attorney  
**Date of Review:** May 27, 2016

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## SUMMARY/COMMENTS

Petition to open estate administration.

## IDENTIFIED ISSUES OR DEFICIENCIES

1. The original will and codicil have not been filed with the court as required by Probate Code section 8200.
2. *Petition*, Item 3(e): The will provided to the court is incomplete. Page 1 of the will is missing.
3. The codicil attached to the *Petition* is not self-proving. While two witnesses did sign an attestation clause, the clause is not signed under penalty of perjury and cannot serve as an affidavit. (Prob. C. § 8220.) A *Proof of Subscribing Witness* form (DE-131) or other evidence supporting due execution of the codicil is required. (See Prob. C. § 88, which includes codicils within the definition of a will.)
4. There is no proof of publication on file as required by Probate Code section 8124.
5. There is no proof of service showing that all those entitled to the *Notice of Petition to Administer Estate* have received it.

## RECOMMENDATION

Petitioner to address issue(s) above.