

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

PROBATE NOTES FOR
MATTERS SCHEDULED FOR

TUESDAY, MAY 24, 2016

Prepared on May 18, 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.

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 Jeffrey Twitchell, Deceased
Case Number: FPR045930

Calendar Date: May 24, 2016
Prior Calendar History: April 18, 2016

Petition(s) or Motion(s): Waiver of Accounting and Report, Petition for Final Distribution and for Allowance of Commissions and Fees

Filed On: March 16, 2016
Filed By: Helen Twitchell

Objections: None
Filed On:
Filed By:

Reviewed By: C. Donovan, Staff Attorney
Date of Review: April 11, 2016; updated May 17, 2016

SUMMARY/COMMENTS

Petition to close estate administration.

IDENTIFIED ISSUES OR DEFECTS

All previously identified issues have been resolved.

RECOMMENDATION

Recommend for approval.

PROBATE NOTES

Case Name: In re the Dorothy V. Rhone Trust
Case Number: FPR047142

Calendar Date: May 24, 2016
Prior Calendar History: May 9, 2016; April 7, 2016; February 11, 2016; October 22, 2015; August 24, 2015; June 22, 2015

Petition(s) or Motion(s): Petition to Appoint Successor Trustee
Filed By: Josephine Rhone

Objections: Successor Trustee's Response re: Petition to Appoint Successor Trustee
Filed On: June 16, 2015
Filed By: Patricia Rhone

Reviewed By: C. Donovan, Staff Attorney
Date of Review: May 17, 2016

SUMMARY/COMMENTS

Contested petition re: appointment of successor trustee.

The following defects or issues are noted:

- (1) No case management statement is on file from Josephine Rhone.
- (2) The mediation settlement agreement is not signed by Josephine Rhone or her counsel.

RECOMMENDATION

Counsel to appear.

PROBATE NOTES

Case Name: In re the Estate of Dale Eugene Young, Deceased
Case Number: FPR047511

Calendar Date: May 24, 2016
Prior Calendar History: April 21, 2016; February 11, 2016; February 8, 2016

Petition(s) or Motion(s): Petition for Determination of Ownership of Property (Prob. C. § 850(a)(2)(C))
Filed On: January 6, 2016
Filed By: Manysay Oudomvong

Objections: None
Filed On:
Filed By:

Petition(s) or Motion(s): Notice of Demurrer and Demurrer of Sheryl D. Bartholomew to the Petition for Determination of Ownership of Property
Filed On: April 20, 2016
Filed By: Sheryl Bartholomew

Objections: Opposition to Respondent's Demurrer
Filed On: May 17, 2016
Filed By: Manysay Oudomvong

Reviewed By: C. Donovan, Staff Attorney
Date of Review: May 17, 2016

SUMMARY/COMMENTS

Petition to determine ownership of property. Opposed demurrer on file.

IDENTIFIED ISSUES OR DEFECTS

No procedural defects identified.

RECOMMENDATION

Judicial discretion whether to grant petition.

PROBATE NOTES

Case Name: In re the Estate of Richard Alan Taylor, Deceased

Case Number: FPR047644

Calendar Date: Tuesday, May 24, 2016

Prior Calendar History: April 21, 2016

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

Filed On: March 21, 2016

Filed By: William F. Terminello, III.

Objections: None

Filed On:

Filed By:

Reviewed By: M. Stokes, Probate Examiner; C. Donovan, Staff Attorney

Date of Review: May 17, 2016

SUMMARY/COMMENTS

Petition to open estate administration.

IDENTIFIED ISSUES OR DEFECTS

1. The decedent was a resident of Walnut Grove, California. Walnut Grove is part of Sacramento County. It is unclear how venue is proper in Solano County. // Issue previously identified and unresolved. // Issue previously identified and remains unresolved.

RECOMMENDATION

Petitioner to address issue(s) identified above.

PROBATE NOTES

Case Name: In re the Estate of Leonard C. Gage, aka Leonard Campbell Gage,
Deceased

Case Number: FPR047676

Calendar Date: May 24, 2016

Prior Calendar History:

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

Filed On: April 11, 2016

Filed By: Gerald B. Gage

Objections: None

Filed On:

Filed By:

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

Filed On: April 21, 2016

Filed By: Reginald T. Gage

Objections: None

Filed On:

Filed By:

Reviewed By: M. Stokes, Probate Examiner // C. Donovan, Staff Attorney

Date of Review: May 13, 2016

SUMMARY/COMMENTS

Contested petition to open estate administration. Competing petition filed April 21, 2016. Declaration in opposition to Reginald Gage's appointment filed May 16, 2016. Declaration in support of Reginald Gage's appointment filed May 16, 2016.

IDENTIFIED ISSUES OR DEFECTS

As it concerns the *Petition for Probate for Letters Administration and Petition for Authorization to Administer Under the Independent Administration of Estates Act* filed by Gerald B. Gage:

(1) *Petition*, Item 2(d)(2): According to Item 2(c), the petitioner is seeking full authority under IAEA, and asking that the bond be set at \$1,000,000. However, according to the total value of the estate listed at Item 3(c)(7) the estate is worth \$6,450,000. The petitioner has not provided an Attachment 2 explaining why the requested bond is \$5,450,000 below the estimated value of the estate. (See Prob. C. § 8482(a).)

(2) There is no affidavit of publication on file as required by Probate Code section 8124.

As it concerns the *Petition for Letters of Administration and Petition for Authorization to Administer Under the Independent Administration of Estates Act* filed by Reginald T. Gage:

(1) There is no affidavit of publication on file as required by Probate Code section 8124.

RECOMMENDATION

Both parties to file their affidavit of publication prior to the hearing.

Gerald Gage to file a supplement to address issues above.

PROBATE NOTES

Case Name: In re the Jerold Dean Tom Revocable Trust
Case Number: FPR047692

Calendar Date: May 24, 2016
Prior Calendar History:

Petition(s) or Motion(s): Petition to Remove and Replace Trustee for Breach of Trust and Failure to Act, to Compel Accounting and for Surcharge and Attorneys Fees

Filed On: April 20, 2016
Filed By: Alaina Erickson

Objections: None
Filed On:
Filed By:

Reviewed By: C. Donovan, Staff Attorney
Date of Review: May 17, 2016

SUMMARY/COMMENTS

Petition to remove Trina Tom as trustee, appoint Alaina Erickson as successor trustee, compel accounting from Trina Tom, surcharge Trina Tom, and for attorney fees.

IDENTIFIED ISSUES OR DEFECTS

1. There are two *Notices of Hearing* on file, one for May 24, 2016 and the other for June 8, 2016. It appears the second date was requested due to insufficient notice under Probate Code section 17203. However, the first date has not been vacated.

RECOMMENDATION

Continue May 24, 2016 hearing to June 8, 2016 to allow for sufficient notice.