

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

PROBATE NOTES FOR  
MATTERS SCHEDULED FOR

**TUESDAY, MAY 31, 2016**

Prepared on May 24, 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 Jasmine Haddad Special Needs Trust  
**Case Number:** FPR046135

**Calendar Date:** May 31, 2016  
**Prior Calendar History:**

**Petition(s) or Motion(s):** Second Account and Request for Trustee Fees and for Fees and Costs of Attorney

**Filed On:** April 1, 2016  
**Filed By:** Westamerica Bank

**Objections:**

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

**Date of Review:** May 24, 2016

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## **SUMMARY/COMMENTS**

Unopposed petition to approve SNT accounting.

## **IDENTIFIED DEFECTS OR ISSUES**

1. While the petition is signed by a representative of Westamerica Bank, it is neither verified nor signed under penalty of perjury.
2. Accounting, Schedule A, p. 2: There is no receipt of an annuity payment for March 2015.
3. Accounting, Schedule C, pp. 1-2: The petition provides no justification or support for the fees paid to IBAR Settlement Co.
4. Petition, p. 7, para. B: The petition notes that the trust experienced no recognized capital losses. This is at odds with Schedule D, which reports modest capital losses on sales.
5. Petition, Exhibit C: Some of the 2015 dates of service are blank. Also, it appears all tasks were charged at an attorney rate, although some tasks were clerical in nature. It is unclear why a reduced rate was not charged for clerical tasks.

## **RECOMMENDATION**

Petitioner to address the issue(s) above.

# PROBATE NOTES

**Case Name:** In re the Estate of Bruce A. Benz, Deceased

**Case Number:** FPR046686

**Calendar Date:** May 31, 2016

**Prior Calendar History:**

**Petition(s) or Motion(s):** First and Final Report of Executors on Waiver of Account and Petition for Final Distribution; for Allowance of Statutory Executors' Commissions and Attorneys' Fees

**Filed On:** April 26, 2016

**Filed By:** Tina McCoy Hearn and Laurie Stratton

**Objections:** None

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

**Date of Review:** May 24, 2016

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## SUMMARY/COMMENTS

Unopposed petition to close estate administration.

## IDENTIFIED DEFECTS OR ISSUES

1. Petition, pp. 5-6: Per Local Rule 7.33(b), the following costs are not reimbursable costs of administration absent extraordinary circumstances:

<u>Date</u>	<u>Description</u>	<u>Amount</u>
01/12/2015	Mail service of objection to beneficiaries	\$24.35
10/15/2015	USPS Priority to Vital Records	\$11.75
11/05/2015	Postage for Investment account applications	\$35.10
11/25/2015	FedEx to TransAmerica	\$25.00
12/03/2015	Priority Mail to Putnam	\$7.15
12/15/2015	Priority Mail to Etrade	\$7.15
12/15/2015	Priority Mail to Fidelity	\$7.15
04/27/2016	Mail Service of Petition for Final Dist.	\$35.00
		<u>\$152.65</u>

Furthermore, the following expenses are considered part of office administration and should not be reimbursable as costs of administration, especially as the cost of the runner greatly exceeds the cost of mailing:

<u>Date</u>	<u>Description</u>	<u>Amount</u>
01/15/2015	Runner fee for recorder's office	\$25.00
01/26/2015	Runner fee for objection to probate	\$25.00
07/09/2015	Runner to file duties and letters	\$25.00
08/06/2015	Runner fee for ex parte app	\$25.00
09/15/2015	Runner fee for copies of certified letters	\$25.00
11/30/2015	Runner fee for certified letters	\$25.00
12/15/2015	Runner fee for certified letters	\$25.00
03/30/2016	Runner fee to file I and A	\$25.00
04/27/2016	Runner fee for petition	\$25.00
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		\$225.00

**RECOMMENDATION**

Petitioner to address issue(s) above.

# PROBATE NOTES

**Case Name:** In re the Estate of William Dale Reed, Deceased  
**Case Number:** FPR047208

**Calendar Date:** May 31, 2016  
**Prior Calendar History:**

**Petition(s) or Motion(s):** First and Final Report of Administrator on Waiver of Account and Petition for Allowance of Statutory Compensation to Attorney and for Final Distribution

**Filed On:** April 22, 2016  
**Filed By:** Suzan Reed

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

**Reviewed By:** C. Donovan, Staff Attorney  
**Date of Review:** May 24, 2016

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## **SUMMARY/COMMENTS**

Uncontested petition to close estate administration.

## **IDENTIFIED DEFECTS OR ISSUES**

1. There is no proof of service showing all those entitled to notice received it.
2. There is no proposed order in the file.
3. *Petition*, p. 1, lines 23-24: The petition indicates the decedent was domiciled in Napa County. The discrepancy between this statement and the petition for probate is unexplained.

## **RECOMMENDATION**

Petitioner to address the issue(s) above.

# PROBATE NOTES

**Case Name:** In re the Estate of Richard C. Claus, Deceased

**Case Number:** FPR047345

Calendar Date: **May 31, 2016**

Prior Calendar History: **May 5, 2016**

Petition(s) or Motion(s): Petition for Final Distribution on Waiver of Account and for Attorney and Administrator Statutory Fees

Filed On: April 4, 2016

Filed By: Mark R. Claus

Objections: None

Filed On:

Filed By:

Reviewed By: C. Donovan, Staff Attorney

Date of Review: May 24, 2016

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## **SUMMARY/COMMENTS**

Uncontested petition to close estate administration. *Supplement* filed May 18, 2016.

## **IDENTIFIED DEFECTS OR ISSUES**

None. All prior issues addressed.

## **RECOMMENDATION**

Recommend for approval.

# PROBATE NOTES

**Case Name:** In re the Estate of Hubert L. Lees, Deceased  
**Case Number:** FPR047635

**Calendar Date:** Tuesday, May 31, 2016  
**Prior Calendar History:**

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

**Filed On:** April 26, 2016  
**Filed By:** Derek Lees

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

**Reviewed By:** M. Stokes, Probate Examiner// C. Donovan, Staff Attorney  
**Date of Review:** May 24, 2016

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## **SUMMARY/COMMENTS**

Petition to open estate administration.

### **The following defects or issues are noted:**

1. There is no proof of publication on file as required by Probate Code section 8124.
2. A petition was filed by Daniel Lees on March 16, 2016. Although a declaration by attorney Beverly Saxon Leonard was filed April 26, 2016 in support of dismissal of said petition, no dismissal of the petition is on file.

## **RECOMMENDATION**

Issue(s) above to be addressed.