

DEPARTMENT ELEVEN
JUDGE DAVID EDWIN POWER
707-207-7311

PROBATE NOTES FOR
MATTERS SCHEDULED FOR

WEDNESDAY, OCTOBER 28, 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 Estate of Trudi Gifford, Deceased
Case Number: FPR046906

Calendar Date: Wednesday, October 28, 2015
Prior Calendar History:

Petition(s) or Motion(s): Final Account and Report of Personal Representative, Petition for Approval of Account and Report; For Allowance of Compensation to Administrator and His Attorney and for Final Distribution

Filed By: James A. Moore

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) **Accounting:** The accounting includes transactions that were previously approved in connection with a conservatorship accounting.

An amended accounting should be filed that removes all transactions that were previously approved in another accounting. Instead, the accounting may incorporate *by reference* the previously approved accounting(s) per Probate Code § 10902.

Comments: Recommend the filing of an amended accounting.

PROBATE NOTES

Case Name: In re the Estate of Jean Ann Fremming, Deceased
Case Number: FPR047026

Calendar Date: Wednesday, October 28, 2015
Prior Calendar History:

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

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 affidavit of publication on file as required by Probate Code § 8124.
- (2) The waiver of bond by the beneficiaries is not on the mandatory Judicial Council form DE-111.

Comments: Issues above should be resolved prior to the hearing.

PROBATE NOTES

Case Name: In re the Estate of Richard Claus, Deceased
Case Number: FPR047345

Calendar Date: Wednesday, October 28, 2015
Prior Calendar History:

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

Filed By: Mark Claus

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 affidavit of publication on file as required by Probate Code § 8124.
- (2) The waiver of bond by the beneficiaries is not on the mandatory Judicial Council form DE-111.
- (3) The *Duties and Liabilities of Personal Representative* (DE-147) is not on file.

Comments: Issues above should be resolved prior to the hearing.

PROBATE NOTES

Case Name: In re the Nunn Family Revocable Trust

Case Number: FPR047350

Calendar Date: Wednesday, October 28, 2015

Prior Calendar History:

Petition(s) or Motion(s): Petition for Declaratory Relief Confirming Invalidity of 2005 Trust and for Remedies for Financial Elder Abuse

Filed By: Gerald L. Nunn

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: Judicial discretion whether to grant petition.

PROBATE NOTES

Case Name: In re the Estate of Bernard Gomez, Deceased
Case Number: FPR047357

Calendar Date: Wednesday, October 28, 2015
Prior Calendar History:

Petition(s) or Motion(s): Petition to Determine Succession
Filed By: Sonya Gomez, Lupe Padilla, Sherry Atencio, Becky Huerta, and Bernadette Dyke

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: Recommend for approval.