

DEPARTMENT ELEVEN
JUDGE DAVID EDWIN POWER
707-207-7311

PROBATE NOTES FOR
MATTERS SCHEDULED FOR

WEDNESDAY, OCTOBER 21, 2015

Prepared on October 15, 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 William Nicol, Deceased
Case Number: FPR046529

Calendar Date: Wednesday, October 21, 2015
Prior Calendar History:

Petition(s) or Motion(s): First and Final Account and Report of Executor and Petition for Its Settlement, for Allowance of Compensation to Executor and Attorney for Ordinary Services and for Final Distribution

Filed By: Terence David A. Hodge

Objections:

Filed On:

Filed By:

Reviewed By: C. Donovan, Staff Attorney

Date of Review: October 15, 2015

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

No defects identified.

DEFECTS OR ISSUES IDENTIFIED:

Comments: Recommend for approval.

PROBATE NOTES

Case Name: In re the Estate of Armstead Brown, Deceased
Case Number: FPR046949

Calendar Date: Wednesday, October 21, 2015
Prior Calendar History:

Petition(s) or Motion(s): First and Final Report of Executor on Waiver of Account; Petition for Allowance of Attorney's Fees for Ordinary Services; For Reimbursement to Attorneys; for Final Distribution; and for Final Discharge of Executor

Filed By: Bessie Douglas

Objections:

Filed On:

Filed By:

Reviewed By: C. Donovan, Staff Attorney

Date of Review: October 15, 2015

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

No defects identified.

DEFECTS OR ISSUES IDENTIFIED:

- (1) There is no waiver of account on file from Bessie Douglas.
- (2) The Inventory and Appraisal must be filed as a separate document, not as an attachment to the petition.
- (3) The petition was filed prior to the closing of the creditor's claim period without explanation.

Comments: Recommend petitioner address above issues prior to hearing.

PROBATE NOTES

Case Name: In re the Estate of Anthony Washington, Deceased
Case Number: FPR047340

Calendar Date: Wednesday, October 21, 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: Regina Huerls-Washington

Objections:
Filed On:
Filed By:

Reviewed By: C. Donovan, Staff Attorney
Date of Review: October 15, 2015

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

No defects identified.

DEFECTS OR ISSUES IDENTIFIED:

- (1) Amount of bond proposed is in excess of the estimated estate value without explanation.
- (2) There is no affidavit of publication on file as required by Probate Code section 8124.
- (3) There is no proof of service on file showing all persons entitled to notice received it.
- (4) There are no proposed orders or letters lodged with the court.

Comments: Recommend denial without prejudice unless all issues are resolved prior to hearing.

PROBATE NOTES

Case Name: In re the Estate of George Bauer, Deceased
Case Number: FPR047343

Calendar Date: Wednesday, October 21, 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: Dennis James

Objections:
Filed On:
Filed By:

Reviewed By: C. Donovan, Staff Attorney
Date of Review: October 15, 2015

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

No defects identified.

DEFECTS OR ISSUES IDENTIFIED:

(1) The affidavit of publication filed October 7, 2015 declares under penalty of perjury that publication occurred only on September 30, 2015. This is inconsistent with the clipping attached to the affidavit, which shows publication occurred on several dates. The affidavit is therefore not in compliance with Probate Code section 8124 ("A petition for administration of a decedent's estate shall not be heard by the court unless an affidavit showing due publication of the notice of hearing has been filed with the court. The affidavit shall contain a copy of the notice and state the date of its publication.").

The petitioner must obtain a corrected affidavit of publication and file it prior to the hearing.

Comments: Recommend denial without prejudice unless all issues are resolved prior to hearing.