

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

PROBATE NOTES FOR  
MATTERS SCHEDULED FOR

**MONDAY, DECEMBER 19, 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 may 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 Vernon Lee Wear, Deceased  
**Case Number:** FPR047105

**Calendar Date:** December 19, 2016  
**Prior Calendar History:**

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

**Filed On:** November 9, 2016  
**Filed By:** Ronald Wear  
**Represented By:** Deborah Durr Ferras

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

**Reviewed By:** C. Donovan, Staff Attorney  
**Date of Review:** December 13, 2016

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## **SUMMARY/COMMENTS**

Petition to close estate administration.

## **IDENTIFIED DEFECTS OR ISSUES**

None.

## **RECOMMENDATION**

Recommend for approval with additional requirement of informal accounting prior to discharge.

# PROBATE NOTES

**Case Name:** In re the Estate of Ignas Tamosiunas, Deceased  
**Case Number:** FPR047624

**Calendar Date:** December 19, 2016  
**Prior Calendar History:**

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

**Filed On:** November 8, 2016  
**Filed By:** Ina Bedke  
**Represented By:** Deborah Durr Ferras

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

**Reviewed By:** C. Donovan, Staff Attorney  
**Date of Review:** December 13, 2016

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## **SUMMARY/COMMENTS**

Petition to close estate administration.

## **IDENTIFIED DEFECTS OR ISSUES**

None.

## **RECOMMENDATION**

Recommend for approval.

# PROBATE NOTES

**Case Name:** In re the Estate of Lola Mae Stolz, Deceased  
**Case Number:** FPR047709

**Calendar Date:** December 19, 2016  
**Prior Calendar History:** November 21, 2016; October 31, 2016

**Petition(s) or Motion(s):** Petition for Waiver of Appraisal by Probate Referee and Statement of Good Cause

**Filed On:** September 26, 2016  
**Filed By:** Karen Kim Horn  
**Represented By:** N/A

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

**Reviewed By:** M. Stokes, Probate Examiner // C. Donovan, Staff Attorney  
**Date of Review:** December 12, 2016

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## **SUMMARY/COMMENTS**

Petition to waive appraisal by probate referee. Notice given to Raymond Simonds on October 31, 2016 through personal service. Notice given to other heirs on November 23, 2016.

## **IDENTIFIED ISSUES OR DEFICIENCIES**

1. The petition seeks to waive the probate referee's appraisal as to the decedent's real property, furniture, and vehicle. However, Attachment 1 of the Inventory and Appraisal attached to the petition shows that the decedent had an IRA and a Thrift Savings Plan account. To the extent these are not 100% cash assets, they must be appraised by the probate referee, not the personal representative.

## **RECOMMENDATION**

Petitioner to address issue(s) identified above.

# PROBATE NOTES

**Case Name:** In re the Estate of Aaron Shropshire, Deceased  
**Case Number:** FPR047764

**Calendar Date:** December 12, 2016  
**Prior Calendar History:**

**Petition(s) or Motion(s):** First and Final Account and Report of Executor and Petition for Its Settlement; for Statutory Compensation to Attorney; Waiver of Statutory Compensation for Executor and for Final Distribution

**Filed On:** November 8, 2016

**Filed By:** Billie Ruth Only

**Represented By:** Diana Evans

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

**Date of Review:** December 12, 2016

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## **SUMMARY/COMMENTS**

Petition to close estate administration.

## **IDENTIFIED ISSUES OR DEFECTS**

1. **Petition, Items 11 and 27:** The petition indicates that while the entirety of the Vallejo property was included in the Inventory and Appraisal, only 50% is in fact subject to probate because the other 50% was transferred into the trust by the decedent prior to his death. What evidence does the petitioner have to document this pre-death transaction?
2. **Petition, Page 4, Item 12:** The petition indicates the petitioner refinanced the property and transferred it into her own name during the course of the estate administration. There is no court order in the file authorizing this distribution, especially a distribution to the petitioner personally as opposed to the petitioner as trustee.
3. **Petition, Item 19:** The statutory attorney compensation is calculated on the entire value of the Vallejo property. However, the petitioner avers that only 50% of the property is subject to probate. In light of that assertion, why are fees properly paid based on the value of the entire property?
4. The petition does not explain how statutory fees will be paid from a solvent but illiquid estate.
5. There is no proof of service showing all those entitled to notice received it.

## **RECOMMENDATION**

Petitioner to address issue(s) above.

# PROBATE NOTES

**Case Name:** In re the Charles H. Berger Revocable Trust  
**Case Number:** FPR047863

**Calendar Date:** December 19, 2016  
**Prior Calendar History:** November 16, 2016; October 18, 2016; September 20, 2016

**Petition(s) or Motion(s):** Petition for Approval of (i) Final Account of Successor Trustee; (ii) Request for Allowance of Trustee's Fees (Including Reserve); (iii) Resignation of Trustee; and (iv) Appointment of New Successor Trustee(s) Pursuant to Probate Code section 17200

**Filed On:** August 9, 2016  
**Filed By:** Mary Swanson Taylor  
**Represented By:** Gregory J. Rubens

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

**Reviewed By:** C. Donovan, Staff Attorney  
**Date of Review:** December 12, 2016

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## **SUMMARY/COMMENTS**

Petition to approve final account, approve payment of trustee fees, approve trustee resignation, appoint successor trustees.

## **IDENTIFIED DEFECTS OR ISSUES**

1. The order filed November 28, 2016 refers to a November 16, 2016 court order modifying the terms of the trust. No such order is on file.

## **RECOMMENDATION**

Petitioner to address issue(s) identified above. Judicial discretion whether to approve fees as prayed.

# PROBATE NOTES

**Case Name:** In re the Matter of Evelyn Hardin  
**Case Number:** FPR047939

**Calendar Date:** December 19, 2016  
**Prior Calendar History:** November 7, 2016

**Petition(s) or Motion(s):** Amended Petition for Order Authorizing Particular Transactions: To Transfer Community Property for Support of Community Spouse, to Increase Community Spouse Resource Allowance, and to Execute an Agreement Regarding Real Property

**Filed On:** October 14, 2016  
**Filed By:** James E. Hardin  
**Represented By:** James D. Watson/Laura Srebro/Karen Blank

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

**Reviewed By:** C. Donovan, Staff Attorney  
**Date of Review:** December 12, 2016

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## **SUMMARY/COMMENTS**

Petition to authorize transactions for incapacitated spouse for Medi-Cal planning purposes.

## **IDENTIFIED DEFECTS OR ISSUES**

1. On November 21, 2016, the court appointed the Solano County Public Guardian to represent the interests of Evelyn Hardin and ordered (1) that notice of that appointment be given to the Public Guardian as soon as possible and (2) that written proof of such notice be filed with the court. As of December 12, 2016, there is no indication of compliance with either order.

## **RECOMMENDATION**

Petitioner to address issue(s) identified above.

# PROBATE NOTES

**Case Name:** In re the Matter of the William Harold Forrest Family Trust  
**Case Number:** FPR048020

**Calendar Date:** December 19, 2016  
**Prior Calendar History:**

**Petition(s) or Motion(s):** Petition for Instructions  
**Filed On:** November 10, 2016  
**Filed By:** Eunice N. Harness  
**Represented By:** Deborah Durr Ferras

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

**Reviewed By:** C. Donovan, Staff Attorney  
**Date of Review:** December 12, 2016

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## **SUMMARY/COMMENTS**

Petition to confirm financial accounts as trust assets.

## **IDENTIFIED DEFECTS OR ISSUES**

1. The Schedule A excludes from the trust checking accounts held in joint tenancy with other parties or those held in a Totten trust. The petition is silent on whether the checking account at issue in the petition was held in joint tenancy with any other persons or whether it was a Totten trust arrangement.
2. The petition does not indicate whether either of the financial accounts at issue has a beneficiary designation.

## **RECOMMENDATION**

Petitioner to address issue(s) identified above.