

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

PROBATE NOTES FOR
MATTERS SCHEDULED FOR

TUESDAY, DECEMBER 20, 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.

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 Garland Lewis Crenshaw, Deceased
Case Number: FPR047199

Calendar Date: December 20, 2016
Prior Calendar History: September 13, 2016

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

Filed On: November 4, 2016
Filed By: Barbie Sewing
Represented By: Bruce M. Palmer

Objections: None
Filed On:
Filed By:

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

SUMMARY/COMMENTS

Petition to close estate administration.

IDENTIFIED DEFECTS OR ISSUES

1. The Final Account and Report and Petition for Its Settlement, and Petition for Final Distribution, and for Allowance of Compensation to Administrator and to Attorney for Ordinary Services filed August 2, 2016 was denied without prejudice on September 13, 2016. The petitioner filed a "First Amendment to" said petition on November 4, 2016. A denied petition cannot be amended; instead, a new stand-alone petition and accounting fully compliant with the Probate Code must be filed. The "First Amendment to" does not include all matters required to be addressed by law and does not qualify as a stand-alone petition.

RECOMMENDATION

Petitioner to address issue(s) identified above. Recommend continuance and grant of leave to file amended petition without filing fee as filing fee was paid on First Amendment to the petition.

PROBATE NOTES

Case Name: In re the Estate of Kenneth McIntosh, Deceased
Case Number: FPR048001

Calendar Date: December 20, 2016
Prior Calendar History: November 29, 2016

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

Filed On: October 20, 2016
Filed By: Solano County Public Administrator
Represented By: Solano County Counsel

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

Reviewed By: M. Stokes, Probate Examiner // C. Donovan, Staff Attorney
Date of Review: December 13, 2016

SUMMARY/COMMENTS

Uncontested petition to open estate administration.

IDENTIFIED DEFECTS OR ISSUES

None.

RECOMMENDATION

Recommend for approval.

PROBATE NOTES

Case Name: In re the Estate of Joan Reese Aldrich, Deceased
Case Number: FPR048002

Calendar Date: December 20, 2016
Prior Calendar History: November 22, 2016

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

Filed On: October 27, 2016
Filed By: Ricky Don Reese and Kim Jo-Ann Loraine Raven
Represented By: Ralph T. Collins, III

Objections: None
Filed On:
Filed By:

Reviewed By: M. Stokes, Probate Examiner // C. Donovan, Staff Attorney
Date of Review: December 13, 2016

SUMMARY/COMMENTS

Petition to open estate administration.

IDENTIFIED DEFECTS OR ISSUES

1. *Petition*, Item 5(a): Either box (3) or (4) must be checked. // Issue previously noted remains unresolved.
2. There is no Affidavit of Publication on file as requested by Probate Code section 8124. // Issue previously noted remains unresolved.
3. Probate Code section 8121 requires publication in a newspaper of general circulation in the city of the decedent's residence. The petition states that the petitioners intend to publish the notice in the Fairfield Daily Republic. Is the Daily Republic a newspaper of general circulation in Benicia such that publication is proper there? // Issue previously noted remains unresolved.
4. There is no proposed order on file. // Issue previously noted remains unresolved.

RECOMMENDATION

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

PROBATE NOTES

Case Name: In re the Lucia Kulik Special Needs Trust

Case Number: FPR048010

Calendar Date: December 19, 2016

Prior Calendar History:

Petition(s) or Motion(s): Petition to Bring Trust Under Ongoing Court Jurisdiction and for Order Authorizing Disbursement of Trust Funds for Purchase of Home

Filed On: October 31, 2016

Filed By: Fremont Bank

Represented By: Kevin Urbatsch

Objections: Objection to Trustee's Petition for an Order Authorizing Disbursement of Trust Funds for Purchase of a Home

Filed On: December 9, 2016

Filed By: California Department of Health Care Services

Represented By: Attorney General of California

Reviewed By: C. Donovan, Staff Attorney

Date of Review: December 13, 2016

SUMMARY/COMMENTS

Contested petition to bring trust under court supervision and to approve disbursement of trust funds to purchase home.

IDENTIFIED DEFECTS OR ISSUES

1. The petition indicates that this disbursement "is a proper discretionary distribution pursuant to the terms of the Trust." The trust requires that the Trustee "hold, administer, and distributed all property allocated to this trust, and all income therefrom, for the sole benefit of the Beneficiary during the Beneficiary's lifetime." (Trust, Article Three, Section 1, Para. 1.) It is unclear how distribution of approximately one-half of the trust principal to allow the purchase of an asset titled in another person's name is for the beneficiary's "sole benefit."

RECOMMENDATION

Petitioner to address issue(s) identified above.