

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

PROBATE NOTES FOR
MATTERS SCHEDULED FOR

TUESDAY, DECEMBER 13, 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 Raymond and Virginia Graves Trust
Case Number: FPR044134

Calendar Date: December 13, 2016
Prior Calendar History:

Petition(s) or Motion(s): Seventh Account and Petition to Settle Seventh Account
Filed On: November 2, 2016
Filed By: Jim Nord
Represented By: Matthew R. Lucas

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

Reviewed By: C. Donovan, Staff Attorney
Date of Review: December 7, 2016

SUMMARY/COMMENTS

Petition to approve 7th accounting for trust.

IDENTIFIED DEFECTS OR ISSUES

None.

RECOMMENDATION

Recommend for approval.

PROBATE NOTES

Case Name: In re the Estate of Lisa Marie de Carbonel, Deceased
Case Number: FPR047399

Calendar Date: December 13, 2016
Prior Calendar History:

Petition(s) or Motion(s): First and Final Waiver of Account and Report of Administrator; Petition for Order: (1) Approving Report of Administrator; (2) Allowing Statutory Fees to Attorneys; and (3) for Final Distribution

Filed On: November 4, 2016
Filed By: Judith de Carbonel
Represented By: Michael T. Beuselinck

Objections: None

Reviewed By: C. Donovan, Staff Attorney

Date of Review: December 7, 2016

SUMMARY/COMMENTS

Petition to close estate administration.

IDENTIFIED DEFECTS OR ISSUES

1. The Inventory and Appraisal filed on March 24, 2016 shows that the personal representative appraised stocks and mutual funds. Stocks and mutual funds are not cash assets and therefore should have been appraised by the probate referee. (Prob. C. §§ 8901, 8902.) While the improper appraisal is rendered moot in this case by the subsequent sale of the assets, counsel is reminded to follow the correct appraisal procedures in future cases.
2. The statutory attorney compensation calculation is based solely on the inventory and appraisal values, without accounting for any gains or losses on sales. This is not in conformance with Probate Code section 10810(b), which provides that for purposes of calculating statutory compensation, "the value of the estate accounted for by the personal representative is the total amount of the appraisal of property in the inventory, plus gains over the appraisal value on sales, plus receipts, less losses from the appraisal value on sales, without reference to encumbrances or other obligations on estate property." As there was at least one gain on sale (the real property), it is unclear whether the omission of gains or losses on sales was an oversight or intentional.

RECOMMENDATION

Petitioner to address issue(s) identified above.

PROBATE NOTES

Case Name: In re the Donald Pippo Revocable Trust Dated March 9, 2007
Case Number: FPR047867 [FPR047675]

Calendar Date: December 13, 2016
Prior Calendar History: September 26, 2016

Petition(s) or Motion(s): Petition for Order to Confirm Trust Assets
Filed On: August 11, 2016
Filed By: Patricia Weitl, Trustee
Represented By: David W. Knecht

Objections: Objection and Opposition of Donna Shapiro to Petition for Order to Confirm Trust Assets
Filed On: September 12, 2016
Filed By: Donna Shapiro
Represented By: Lael Brown

Reviewed By: C. Donovan, Staff Attorney
Date of Review: December 7, 2016

SUMMARY/COMMENTS

Contested petition to confirm asset titled in the name of the Pippo Family Trust is an asset of the Donald Pippo Revocable Trust. Matter on calendar for status conference.

IDENTIFIED ISSUES OR DEFECTS

None.

RECOMMENDATION

Counsel to appear for status conference.

PROBATE NOTES

Case Name: In re the Wayne M. Hullett Trust

Case Number: FPR047912

Calendar Date: December 13, 2016

Prior Calendar History: November 1, 2016

Petition(s) or Motion(s): Petition for Order Accepting Resignation of Trustee and for Appointment of Trustee

Filed On: September 14, 2016

Filed By: Robert L. Hullett

Represented By: Andrew D. Smith/Grace S. Johnson

Objections: None

Filed On:

Filed By:

Reviewed By: C. Donovan, Staff Attorney

Date of Review: December 7, 2016

SUMMARY/COMMENTS

Petition to accept trustee's resignation and appoint successor trustee.

IDENTIFIED DEFECTS OR ISSUES

None.

RECOMMENDATION

Judicial discretion whether to grant petition.

PROBATE NOTES

Case Name: In re the Estate of David B. Liefer, Deceased
Case Number: FPR047947

Calendar Date: December 13, 2016
Prior Calendar History: November 8, 2016

Petition(s) or Motion(s): Spousal Property Petition
Filed On: September 30, 2016
Filed By: Jeannie Liefer
Represented By: Charles Wood III

Objections:
Filed On:
Filed By:

Reviewed By: C. Donovan, Staff Attorney
Date of Review: December 7, 2016

SUMMARY/COMMENTS

Spousal property petition. Amendment to Spousal Property Petition filed November 7, 2016 in response to probate notes. Amendment to Amended Spousal Property Petition filed November 22, 2016.

IDENTIFIED DEFECTS OR ISSUES

1. On November 8, 2016, the court directed Attorney Reustle to file an objection on behalf of his clients prior to the December 13, 2016 hearing. No objections are on file as of December 6, 2016.

RECOMMENDATION

Judicial discretion whether to grant petition.

PROBATE NOTES

Case Name: In re the Estate of Jessie Brown, III, Deceased
Case Number: FPR047948

Calendar Date: December 13, 2016
Prior Calendar History: November 15, 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 3, 2016
Filed By: Jessie Brown, IV and Shaniece Washington
Represented By: John M. Coyle

Objections: None

Reviewed By: M. Stokes, Probate Examiner // C. Donovan, Staff Attorney

Date of Review: December 6, 2016

SUMMARY/COMMENTS

Petition to open estate administration. Verbal objections made to petition on November 15, 2016. Declaration Correcting Petition filed December 2, 2016.

IDENTIFIED DEFECTS OR ISSUES

1. The petitioner is seeking a bond of \$60,000.00, based solely on the personal property and real property rental income. However, because the Petitioner is seeking full authority under the IAEA, the real property's equity must also be bonded. (Prob. C. 8482(a).) Bond is therefore appropriately set at \$230,000, not \$60,000 as requested.
2. There is no proposed order in the court file. // Issue previously identified remains unresolved.
3. The proof of service shows that Jennice Brown and Jaida Brown were served through their parent, not directly. This is insufficient notice. Subject to exceptions inapplicable here, minors must be served directly, with an additional copy of the notice sent to their parent or guardian. (CRC 7.51; Estate of Lacy (1975) 54 Cal. App. 3d 172, 186.) // Issue previously identified remains unresolved.
4. The proof of service does not show that Zenouha Brown received notice. A statement that notice was mailed "TBD Pittsburg, CA" is insufficient evidence of notice. If Ms. Brown cannot be located, a declaration per CRC 7.52 describing the petitioners' efforts to locate her must be filed. // Issue previously identified remains unresolved.

RECOMMENDATION

Petitioner to address issue(s) identified above.

PROBATE NOTES

Case Name: In re the Estate of Louise An Johnson, aka Louise An Johnson,
Deceased

Case Number: FPR047956

Calendar Date: December 13, 2016
Prior Calendar History: November 15, 2016

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

Filed On: October 6, 2016
Filed By: Christopher Williams
Represented By: N/A

Objections: None

Reviewed By: M. Stokes, Probate Examiner // C. Donovan, Staff Attorney
Date of Review: December 6, 2016

SUMMARY/COMMENTS

Petition to open estate administration.

IDENTIFIED DEFECTS OR ISSUES

1. *Petition*, Item 2(b)(1): The petition must identify who is to be appointed as Executor. // Issue previously identified remains unresolved.
2. *Petition*, Item 8: Petitioner's relationship to the decedent must be stated. // Issue previously identified remains unresolved.
3. There is no Affidavit of Publication on file as required by Probate Code section 8124. // Issue previously identified remains unresolved.
4. There is no proof of service showing all parties entitled to *Notice of Petition to Administer Estate* (other than the Petitioner) have been served. // Issue previously identified remains unresolved.
5. There is no proposed order on file. // Issue previously identified remains unresolved.
6. The petitioner has not filed the *Duties and Liabilities of Personal Representative* form (Judicial Council form DE-147).

RECOMMENDATION

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

PROBATE NOTES

Case Name: In re the Estate of Kathleen Ann Murphy, Deceased
Case Number: FPR048004

Calendar Date: December 13, 2016
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 On: October 28, 2016
Filed By: Christine Zavaglia and Donna Deickmann
Represented By: James G. Haskell, Douglas Spletter

Objections: None
Filed On:
Filed By:

Reviewed By: M. Stokes, Probate Examiner // C. Donovan, Staff Attorney
Date of Review: December 6, 2016

SUMMARY/COMMENTS

Petition to open estate administration.

IDENTIFIED DEFECTS OR ISSUES

1. There are no proposed letters and orders on file.

RECOMMENDATION

Petitioner to address issue(s) identified above.