

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

PROBATE NOTES FOR  
MATTERS SCHEDULED FOR

**WEDNESDAY, DECEMBER 14, 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 Almatha Suggs, Deceased  
**Case Number:** FPR046786

**Calendar Date:** December 14, 2016  
**Prior Calendar History:** October 18, 2016; September 20, 2016

**Petition(s) or Motion(s):** Petition for Payment of Co-Administrator Fees  
**Filed On:** August 9, 2016  
**Filed By:** Earnest Suggs  
**Represented By:** N/A

**Objections:** Response to Request for Administrator's Fees  
**Filed On:** November 10, 2016  
**Filed By:** Celest Green  
**Represented By:** Wayne A. Knight

**Petition(s) or Motion(s):** Petition and Report for Final Distribution, Request for Allowance for Ordinary Attorney Fees and Administrator's Commission, Appointment of Guardian Ad Litem, Allowance for Administrative Costs

**Filed On:** November 10, 2016  
**Filed By:** Celest Green  
**Represented By:** Wayne A. Knight

**Objections:** None

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

**Date of Review:** December 7, 2016

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## **SUMMARY/COMMENTS**

Contested petition for allocation of co-administrator fees. Uncontested petition for final distribution.

## **IDENTIFIED ISSUES OR DEFECTS**

As it concerns the Petition and Report for Final Distribution, Request for Allowance for Ordinary Attorney Fees and Administrator's Commission, Appointment of Guardian Ad Litem, Allowance for Administrative Costs:

1. The petition does not raise or address the issue of allocation of attorney fees between Wayne Knight and Terry Thompson. It is insufficient to raise the issue only in an attorney's supporting declaration.
2. The petition does not raise or address the issue of allocation of statutory fees between Celest Green and Earnest Suggs. It is insufficient to raise the issue only in an attorney's supporting declaration.

3. Accounting, Schedule A, pp. 1-2:
  - a. Several entries refer to “embezzlement” by Earnest Suggs. These statements are inappropriate. Accountings should contain neutral language such as “withdrawn.”
  - b. There is no explanation as to why no interest was reported for Travis Credit Union in March, April, and May 2015.
4. Accounting, Schedule B: It is unclear why the gain is reported as a negative when the stated sales price exceeded the stated carry value by \$60,404.15. Moreover, the gross sales price was the contract sales price of \$260,000, not \$260,404.15. The additional \$404.15 concerned county taxes and are not properly configured in the gross sales price.
5. Accounting: The accounting does not disclose whether the Bank of America account disclosed on the Inventory and Appraisal remains in existence. If the account is no longer in existence, the accounting shall indicate how the funds in the account were disbursed and when the account was closed. The accounting also does not state whether the account generated any interest. If the account did not generate interest, the accounting or petition should explain why.
6. Petition, p. 7:
  - a. The fee base reports receipts of \$4,128.08. The accounting reports receipts of \$14,128.08. The discrepancy is unexplained.
  - b. The fee base includes some receipts not properly included in the fee base calculation. Some of the receipts are loans to the estate (e.g. deposits by Celest Green totaling \$147 to open the estate account and cover creditor expenses). Other receipts are repayments of funds already shown as received (e.g. funds paid by United Insurance Company of America to Earnest Suggs of \$4,084.17, and then deposits from Earnest Suggs of funds he withdrew that were traced back to the United Insurance payment). These receipts should be excluded from any fee calculation.
  - c. The gain on the sale of the home should be \$60,000. The home was appraised at \$200,000 and the gross contract sales price was \$260,000.
7. The petition should set forth specific dollar amounts to be awarded to each heir.
8. It is unclear whether a guardian ad litem is appropriate or necessary for Jocelyn Suggs. If the minor is receiving less than \$5,000, payment of the minor’s share may be made directly to the minor’s parent. (Prob. C. 3401.) Alternatively, if the heir’s share is over \$5,000, the court may make any of the orders in Probate Code section 3413. The petition should propose alternatives for disposition that do not involve a guardian ad litem.

### **RECOMMENDATION**

Petitioner to address issue(s) identified above.

# PROBATE NOTES

**Case Name:** In re the Sylvester Cortez Jr. Special Needs Trust  
**Case Number:** FPR046788

**Calendar Date:** December 14, 2016  
**Prior Calendar History:**

**Petition(s) or Motion(s):** Petition for Approval of Second Account Current of Trustee for the Period of September 1, 2014 to August 31, 2016; Approval of Trustee's Fees; Approval of Attorney's Fees

**Filed On:** October 5, 2016  
**Filed By:** Westamerica Bank  
**Represented By:** Randolph Sharon

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

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

**Date of Review:** December 8, 2016

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## SUMMARY/COMMENTS

Petition to approve second accounting.

## IDENTIFIED DEFECTS OR ISSUES

1. Accounting, Schedule C, pp. 6-8: The accounting lists multiple distributions to Martha Cortez "FBO Jodi Cortez" per a court order dated "08/27/14." The court has no record of a court order made in either Solano County or Madera County on August 27, 2014. Nor does the petition identify a "Jodi Cortez" or explain why this individual's expenses are properly paid by the trust.

## RECOMMENDATION

Petitioner to address issue(s) identified above.

# PROBATE NOTES

**Case Name:** In re the Estate of Jean M. Carlson, Deceased  
**Case Number:** FPR047454

**Calendar Date:** December 14, 2016  
**Prior Calendar History:** September 14, 2016; June 7, 2016; February 24, 2016; February 9, 2016; January 5, 2016

**Petition(s) or Motion(s):** Petition for Return of Estate Property Based on Disqualification of Caretakers Under Probate Code section 21360-21392; for Elder Abuse

**Filed On:** January 7, 2016  
**Filed By:** Elisa Cetera  
**Represented By:** Robert Campbell

**Objections:** Answer, Objections and Defenses of Jeannie A. Hoff in Response to Petition for Return of Estate Property Based on Disqualification of Caretakers under Probate Code section 21360-21392; for Elder Abuse

**Filed On:** February 19, 2016  
**Filed By:** Jeannie A. Hoff  
**Represented By:** Scott Handelman

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

**Date of Review:** December 8, 2016

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## **SUMMARY/COMMENTS**

Contested petition to return assets to estate and for relief under elder abuse statutes. Matter on calendar for status conference. CMC statements ordered to be filed no later than December 7, 2016. CMC statement from Jeannie Hoff filed November 30, 2016.

## **IDENTIFIED ISSUES OR DEFICIENCIES:**

1. There is no CMC statement on file from Elisa Cetera.
2. Elisa Cetera indicates she desires a jury trial. It is unclear from the pleadings and Probate Code section 825 whether a jury trial is available.

## **RECOMMENDATION**

Counsel to appear for CMC.

# PROBATE NOTES

**Case Name:** In re the Estate of Mary Lane Dickerson, Deceased  
**Case Number:** FPR047571

**Calendar Date:** December 14, 2016  
**Prior Calendar History:**

**Petition(s) or Motion(s):** Amended Petition for Final Distribution on Waiver of Account  
**Filed On:** December 7, 2016  
**Filed By:** Danielle Theresa Dickerson  
**Represented By:** N/A

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

**Reviewed By:** C. Donovan, Staff Attorney  
**Date of Review:** December 8, 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 Matter of Ryan Clivio, a Minor  
**Case Number:** FPR047890

**Calendar Date:** December 14, 2016  
**Prior Calendar History:** November 16, 2016; October 19, 2016; September 21, 2016

**Petition(s) or Motion(s):** Amended Petition to Approve Compromise of Disputed Claim for a Minor  
**Filed On:** October 17, 2016  
**Filed By:** Shaun Clivio  
**Represented By:** N/A

**Reviewed By:** C. Donovan, Staff Attorney  
**Date of Review:** December 8, 2016

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## SUMMARY/COMMENTS

Compromise of minor's claim.

## IDENTIFIED DEFECTS OR ISSUES

1. Petition, Item 13(a)(3): The amount of \$342.17 does not match the amount listed in Item 15(b)(1) of \$3,923.35. // Issue unresolved.
2. Petition, Item 14: This request is unsupported by evidence as to the actual loss and how it was calculated. // Issue unresolved.
3. Petition, Item 15(b)(1): Per Item 13, the amount being reimbursed from the proceeds is \$342.17 for the petitioner's out of pocket costs. The balance was paid by the health insurance plan and there is no claim for reimbursement by the plan. If all that is being reimbursed from the proceeds is \$342.17, this is the amount that must be listed in Item 15(b)(1). // Issue unresolved.
4. Petition, Item 16: This total must be readjusted to account for the change in Item 15(b)(1). // Issue unresolved.
5. Petition, Item 17(b): The total from Items 13(a)(3) should be listed in Item 17(b). // Issue unresolved.
6. Petition, Item 17(f): This total must be readjusted to account for the change in Items 15(b)(1) and 17(b). // Issue unresolved.
7. Petition, Item 19(b)(2): The petitioner does not explain whether and how a 529 plan qualifies as a "blocked account." // Issue unresolved.

**RECOMMENDATION**

Recommend denial without prejudice.

# PROBATE NOTES

**Case Name:** In re the Estate of Clark Jackson Jr., Deceased  
**Case Number:** FPR048011

**Calendar Date:** December 14, 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:** November 3, 2016

**Filed By:** David Jackson

**Represented By:** David Knight

**Objections:** None

**Filed On:**

**Filed By:**

**Represented By:**

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

**Date of Review:** December 8, 2016

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## **SUMMARY/COMMENTS**

Petition to open administration.

## **IDENTIFIED DEFECTS OR ISSUES**

1. There is no affidavit of publication on file as required by Probate Code section 8124.

## **RECOMMENDATION**

Petitioner to address issue(s) identified above.

# PROBATE NOTES

**Case Name:** In re the Estate of Stanley D. Armstrong, Deceased  
**Case Number:** FPR048012

**Calendar Date:** December 14, 2016  
**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 On:** November 4, 2016

**Filed By:** Yvonne Armstrong [joined by Bryan Armstrong on November 29, 2016]

**Represented By:** N/A

**Objections:** None

**Filed On:**

**Filed By:**

**Represented By:**

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

**Date of Review:** December 8, 2016

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## **SUMMARY/COMMENTS**

Petition to open administration.

## **IDENTIFIED DEFECTS OR ISSUES**

None.

## **RECOMMENDATION**

Recommend for approval.

# PROBATE NOTES

**Case Name:** In re the Estate of Rodney Lee Trudell, Deceased  
**Case Number:** FPR048016

**Calendar Date:** December 14, 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:** November 7, 2016  
**Filed By:** Christopher Lee Trudell  
**Represented By:** David Knight

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

**Reviewed By:** C. Donovan, Staff Attorney  
**Date of Review:** December 8, 2016

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## **SUMMARY/COMMENTS**

Petition to open administration.

## **IDENTIFIED DEFECTS OR ISSUES**

1. There is no affidavit of publication on file as required by Probate Code section 8124.

## **RECOMMENDATION**

Petitioner to address issue(s) identified above.