

Probate Notes for June 11, 2015

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. Unless an appearance at the hearing is otherwise required by law, if petitioner submits a proposed order prior to the hearing and the recommendation is to grant the petition, no appearance is necessary. If you are scheduled to appear and there is no probate note issued in your case, you should appear as scheduled. If you wish to continue a matter, you must contact the civil division at (530) 406-6704, at least two (2) court days before your hearing.

Please note: The following probate matters will be heard in **Department Two at 9:00 a.m.**

CASE: Conservatorship of McAfee
Case No. CV PC 14-101

On the Court's own motion, the matter is **CONTINUED** to Thursday, July 23, 2015, at 9:00 a.m. in Department 2 for completion of the court investigator's report.

CASE: Conservatorship of Gardner, III
Case No. CV PC 10-61

It is recommended to approve the court investigator's report. (Prob. Code, § 1850 et seq.)

CASE: Estate of Copsey
Case No. CV PB 04-172

The Court notes the following deficiencies:

1. Petitioner fails to state whether notice was given or was required under Probate Code section 9201.
2. An inventory and appraisal has not been filed with the Court. (Prob. Code, § 8800.)

CASE: Estate of Orosco
Case No. CV P2 14-130

The parties are hereby notified that the Court will issue a tentative ruling no later than 2:00 p.m. on June 10, 2015, pursuant to Local Rule 11.4, on Arnulfo Orosco's motion for bifurcation of trial filed on May 20, 2015.

CASE: Estate of Honeywell
Case No. CV PB 13-50

The parties are **DIRECTED TO APPEAR** for the continued hearing on Stephen Montagna's motion to be relieved as counsel for personal representative Dawn Tetreault.

CASE: Estate of Shakir
Case No. CV PB 15-83/P2 15-84

The Court notes the following deficiencies with the petition for administration:

1. Proof of publication must be filed prior to the hearing. (Prob. Code, § 8120 et seq.)
2. The order for probate lodged with the Court indicates that a bond is not required. To the extent the petitioner seeks to have the bond waived, petitioner fails to state why the bond is not required in paragraph 3d of the petition. (Petition, ¶ 3(d), Prob. Code, § 8481.)

It is recommended to deny the spousal property petition. (Prob. Code, § 13650 et seq.) Petitioner fails to provide any facts to support a finding that the property described in Attachments 7a and 7b should pass, or be confirmed to, the surviving spouse. As decedent died intestate and is survived by more than one child, decedent's separate property, if any, is subject to the laws of intestate succession, and is therefore subject to probate administration. (Prob. Code, §§ 6401, 13501, subd. (a).) Additionally, petitioner has not filed proof that notice of the hearing on the spousal property petition was provided as required. The notice of hearing filed with the Court states that it is "for the probate of the estate of Muhammad S. Shakir," rather than for the spousal property petition. (Prob. Code, §§ 13655, 1220, Cal. Rules of Court, rule 7.50.)

Additionally, on the Court's own motion the *Estate of Skakir*, case no. CV P2 15-84 is consolidated with the *Estate of Shakir*, case No. CV PB 15-83. (Cal. Rules of Court, rule 7.301.) Case no. CV PB 15-83 shall be designated as the lead case.