

Probate Notes for April 4, 2017

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 Seven at 9:00 a.m.**

CASE: Estate of Barnaby
Case No. CV PB 17-54

The Court notes the following deficiencies:

1. Paragraph eight of the petition does not list Patricia Lynn Castaneda as a person mentioned in decedent's will as required. (Petition, ¶ 8.)
2. Petitioner failed to file a proof that *the Notice of Petition to Administer Estate* (Judicial Council of California Form DE-121) was served on Patricia Lynn Castaneda, a named alternate beneficiary in decedent's will. (Prob. Code, § 8110, subd. (b); *Estate of Baird* (1987) 196 Cal.App.3d 957, 961-962.)
3. Proof of publication must be filed prior to the hearing. (Prob. Code, § 8120 et seq.)
4. The will is not self-proving. (Prob. Code, § 8220, subd. (b); Code Civ. Proc., § 2015.5.)