

Probate Notes for April 6, 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 Coman
Case No. CV PB 17-61**

The Court notes the following deficiencies:

1. Proof that the *Notice of Petition to Administer Estate* (Judicial Council of California Form DE-121) has been served on the required parties has not been filed with the Court. (Prob. Code, § 8110.)
2. Paragraph eight of the petition does not list George Coman, a child of decedent. (Petition, ¶ 8.)
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.)
5. The Court is unable to determine if petitioner has complied with the notice requirements of Probate Code section 1208. Petitioner shall submit evidence to support a finding that a third party has been appointed as the trustee of the Trust Agreement dated February 4, 1993, mentioned in decedent's will. In the alternative, petitioner may file a copy of the Trust with the Court, so that it may determine if notice has been provided to all beneficiaries as required. (Prob. Code., § 1208, subd. (b).)
6. Petitioner has failed to file proof Nance Lege declines to act as co-executor

**CASE: Estate of Chavez
Case No. CV PB 16-23**

The Court notes the following deficiency: the conservator failed to file the required accounting as ordered by the Court on April 6, 2016. (Prob. Code, § 2620.)

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

The parties are **DIRECTED TO APPEAR.**

CASE: Estate of Means
Case No. CV PB 17-57

The Court notes the following deficiencies:

1. The original will has not been lodged with the Court. (Prob. Code, § 8000 et seq.)
2. A typed copy of the holographic will executed on October 19, 1994 was not attached to the petition. (Prob. Code, § 8002, subd. (b)(1).)
3. Paragraph eight of the petition does not list Marvelyn Beryl Kelly as a person mentioned in decedent's will as required. (Petition, ¶ 8.)
4. Petitioner failed to file a proof that *the Notice of Petition to Administer Estate* (Judicial Council of California Form DE-121) was served on Marvelyn Beryl Kelly, a beneficiary in decedent's will. (Prob. Code, § 8110, subd. (b); *Estate of Baird* (1987) 196 Cal.App.3d 957, 961-962.)
5. Petitioner has failed to file proof Marjorie Heins declines to act as executor.