

## Probate Notes for August 10, 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 Five at 9:00 a.m.**

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**CASE:           Estate of Eden**  
**Case No. CV PB 17-167**

The Court notes the following deficiencies:

1. Paragraph 8 of the petition does not list Cecil Junior Eden 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 Cecil Junior Eden, a named executor and beneficiary in decedent's will. (Prob. Code, § 8110, subd. (b); *Estate of Baird* (1987) 196 Cal.App.3d 957, 961-962.)
3. It is not clear from the petition why Cecil Junior Eden will not act as executor. (Petition, ¶ 3(g)(1)(d).)
4. The will is not self-proving. (Prob. Code, § 8220, subd. (b); Code Civ. Proc., § 2015.5.)
5. Proof of publication must be filed prior to the hearing. (Prob. Code, § 8120 et seq.)