

Probate Notes for August 17, 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.**

CASE: Conservatorship of Hoyt
Case No. CV PC 12-139

The Court notes the following deficiencies:

1. The conservator failed to file the *original* account statements showing the account balance as of the closing date of the accounting period. (Prob. Code, § 2620, subd. (c).)
2. The balance at the end of the third account on December 31, 2015 was \$423,133.63. However, the balance at the beginning of the fourth account on January 1, 2016 was \$448,184.64.

CASE: Conservatorship of Lindsey
Case No. CV PB 05-262

It is recommended to approve the verified first account and report of trustees. (Prob. Code, § 17200, subd. (b)(5).)

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

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

CASE: Estate of Mayer
Case No. CV PB 17-149

The Court notes the following deficiencies:

1. Paragraph eight of the petition does not list Peter Koukis, Georgia Koukis, or Mary Apostolos, as persons 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 Peter Koukis, Georgia Koukis, or Mary Apostolos, (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.)

CASE: Estate of Carner
Case No. CV PB 17-161

If proof of publication is filed with the Court, it is recommended to grant the petition for letters of administration, and for full authority under the Independent Administration of Estates Act. (Prob. Code, § 8000 et seq.)