

Probate Notes for September 10, 2019

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 at **9:00 a.m.** in the department indicated below.

The following probate matters will be heard in Department Eight.

CASE: Matter of the Nichols Living Trust
Case No. CV P2 19-130

Petitioner has not resolved all identified deficiencies. The following deficiency remains and warrants denial of the petition: Petitioner has failed to file proof that the *Notice of Hearing* (Judicial Council form DE-120) was served on all trustees at least 30 days prior to the hearing. (Prob. Code, § 17203, subd. (a)(1).) Specifically, the *Notice of Hearing* was not served on Janet Edwards.

CASE: Estate of Perkins
Case No. CV PB 18-36

It is recommended to grant the petition for final distribution on waiver of accounting and for allowance of statutory commissions. (Prob. Code, § 11600 et seq.)

The following probate matters will be heard in Department Twelve.

CASE: Estate of Fesler
Case No. CV P2 19-117

It is recommended to grant the spousal property petition. (Prob. Code, § 13650 et seq.)

CASE: Estate of Reisner
Case No. CV PB 19-122

The Court notes the following deficiencies with petitioner Stephan Szydowski's petition:

1. The petition does not contain the name, age, address, and relationship to the decedent of each person named in the petition. (Petition ¶ 8.)
2. The *Duties and Liabilities of Personal Representative* form must be filed with the Court (Judicial Council form DE-147). (Prob. Code, § 8404.)
3. Based on Paragraph 8 of the petition, it appears several of the decedent's heirs reside in foreign countries. Where any property will pass to a citizen of a foreign country,

notice must be given to a recognized diplomatic or consular official of the foreign country maintaining an office in the United States. (Prob. Code, § 8113.) Petitioner must provide the required notice, or in the alternative, demonstrate that this requirement does not apply.