

Probate Notes for September 18, 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 in **Department Twelve at 9:00 a.m.**

CASE: Estate of Arleo
Case No. CV PB 08-137

It is recommended to deny petitioner's petition for approval of extraordinary attorneys' fees and costs advanced. (Prob. Code, § 10830.) Petitioner does not state the hourly rate of each person who performed services and the hours spent by each of them. (Cal. Rules of Court, rule 7.702(5).)

CASE: Conservatorship of McCullough
Case No. CV PB 96-83

It is recommended to approve the court investigator's report and the sixth verified account and report of conservator and to grant the request to decrease the total bond amount. (Prob. Code, §§ 1060, 1850 et seq., 2320, 2620.)

It is recommended to set a biennial review for September 21, 2021, and vacate the biennial hearing set for January 9, 2020.

It is recommended to order reimbursement for the court investigator's report in the amount of \$450.

CASE: Estate of Perini
Case No. CV PB 17-144

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.)

It is recommended to grant Michael E. Mechill's unopposed motion to be relieved as counsel. (Cal. Rules of Court, rule 3.1362.) An order granting Mr. Mechill's motion will not be effective until Mr. Mechill files a proof of service with the Court showing service of a copy of the signed order on his client. (Cal. Rules of Court, rule 3.1362(e).)

CASE: Matter of Schmauderer Trust
Case No. CV P2 18-139

It is recommended to deny the petitioner's petition to compel accounting, to redress breach of trust and for surcharge, for removal of trustee and suspension of powers of trustee, for recovery of trust property, and for recovery of double damages and attorneys' fees. The trust terminated by operation of law when the parties distributed the entirety of the trust estate between themselves and terminated the trust pursuant to their Agreement for Division and Distribution of Trust Assets. (Prob. Code, § 15407, subd. (a)(2); see *Ball v. Mann* (1948) 88 Cal.App.2d 695, 699.)