

Probate Notes for February 24, 2020

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 Nine.

CASE: Estate of Gee
Case No. CV PB 19-195

It is recommended to approve the first and final report on waiver of accounting, and to grant the petition for allowance of statutory compensation to the attorney for the personal representative for ordinary services, and for final distribution and settlement of the estate. (Prob. Code, § 11600 et seq.)

CASE: Estate of Rizzo
Case No. CV PB 20-19

The Court notes the following deficiencies:

1. The original will has not been lodged with the Court. (Prob. Code, § 8200.)
2. Petitioner has not filed proof that the *Notice of Petition to Administer Estate* (Judicial Council form DE-121) has been served on the required individuals at least fifteen days before the hearing. (Prob. Code, § 8110.)
3. Proof of publication must be filed prior to the hearing. (Prob. Code, § 8120 et seq.)

The following probate matters will be heard in Department Ten.

CASE: Estate of Fenton
Case No. CV P2 20-16

The Court notes the following deficiencies:

1. Petitioner fails to allege facts supporting the claim to ownership, including, but not limited to, the date and place of marriage, the date the property was purchased or otherwise acquired, title to the property at the time it was purchased or otherwise acquired, the decedent's net worth at the time of the marriage, whether or not the decedent received any significant gifts or inheritance after marriage, and facts to show

that the property to be set aside is not traceable to such initial net worth or later gift or inheritance. (Petition, ¶ 7, Yolo County Local rule 25.6.).

2. Petitioner fails to list the relation of each heir. (Petition, ¶ 9; Prob. Code, § 13651, subd. (a)(5).)

CASE: Estate of Layne
Case No. CV PB 20-4

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.)