

## Probate Notes for July 16, 2014

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 Two at 9:00 a.m.**

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**CASE:            Conservatorship of Bezerra**  
**Case No. CV PC 14-96**

The Court notes the following deficiencies:

1. Proof that the citation and petition were served on the proposed conservatee at least 15 days before the hearing has not been filed with the Court. (Prob. Code, § 1824.)
2. Proof that the notice of hearing has been served on the required parties, including the ALTA Regional Center, has not been filed with the Court. (Prob. Code, §§ 1822, 1827.5.)
3. A Capacity Declaration (form GC-335) has not been filed with the Court. (Prob. Code, §§ 1881, 1890.)

The matter is **CONTINUED** upon the Court's own motion to Wednesday, August 27, 2014, at 9:00 a.m., in Department Two for completion of the court investigator's report.

**CASE:            Conservatorship of Threet**  
**Case No. CV PC 10-35**

The Court notes the following deficiency: the conservator failed to file the required accounting as ordered by the Court on March 5, 2014. (Prob. Code, § 2620.)

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

The parties are **DIRECTED TO APPEAR.**

**CASE:            Estate of Fong**  
**Case No. CV PB 14-95**

The Court notes the following deficiency: proof of publication has not been filed with the Court. (Prob. Code, § 8120 et seq.)

**CASE: Estate of Sharp  
Case No. CV PB 14-97**

It is recommended to grant the petition for probate of will and letters testamentary. (Prob. Code, § 8200.)

**CASE: In the Matter of the Ethel Jean Spain 1988 Revocable Trust  
Case No. CV P2 13-113**

It is recommended to deny the petition to compel an accounting. Petitioner Carol Lynn Kauffman fails to establish that the accounting does not comply with the trust requirements. (Third Amendment and Restatement to the Ethel Jean Spain Revocable Trust, ¶ 4.16.)

It is recommended to deny trustee Ernest Gaddini's request for attorneys' fees and costs. Trustee fails to establish that the petition was filed in bad faith. (Prob. Code, § 17211.)