

Probate Notes for November 12, 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.**

CASE: Conservatorship of Vann
Case No. CV PC 14-158

The Court notes the following deficiencies:

1. The ALTA Regional Center was not provided notice of the hearing as required. (Prob. Code, § 1827.5.)
2. A confidential written report of the regional center's findings and recommendations must be filed with the Court. (Prob. Code, § 1827.5.) The regional center's report must also be mailed, at least five days prior to the hearing, to the proposed conservatee and the petitioner, or attorney of the petitioner. (*Ibid.*)

CASE: Estate of Pannattoni
Case No. CV PB 14-17

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

CASE: Estate of Ringkamp
Case No. CV PB 14-179

The Court notes the following deficiencies with the petition for probate of will and for letters testamentary:

1. Proof that the notice of hearing has been served on the required parties has not been filed with the Court. (Prob. Code, § 8110.)
2. Paragraph 2d of the petition is incomplete.
3. Rather than stating the value of decedent's property in paragraph 3c of the petition, petitioner Brian Scaccia's states "see Motion." The petition must contain the character and estimated value of the property in the estate. (Prob. Code, § 8002, subd. (a)(4).)
4. Paragraph 8 of the petition does not include Paul Size as a person mentioned in decedent's will.
5. Proof of publication must be filed prior to the hearing. (Prob. Code, § 8120 et seq.)
6. A typed copy of the holographic will executed on May 1, 1998, was not attached to the petition. (Prob. Code, § 8002, subd. (b)(1).)

7. A “proof of holographic instrument” (Judicial Council of California Form DE-135) must be filed with the Court. (Prob. Code, § 8222.)

Petitioner Brian Scaccia’s motion to waive the bond is **DROPPED FROM CALENDAR**. Petitioner has failed to afford proper notice of the motion. (Prob. Code, § 1000, Code Civ. Proc., § 1005, subd. (b).) Further, petitioner fails to provide any legal authority upon which the Court may grant the relief requested.

**CASE: In the Matter of the Thomas E. McCauley and Helen M. McCauley
 Revocable Trust
 Case No. CV P2 14-181**

It is recommended to grant the unopposed petition to confirm assets to trust. (Prob. Code, § 850 et seq; *Estate of Heggstad* (1993) 16 Cal.App.4th 943.)