

Probate Notes for November 18, 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: Estate of Fernandez
Case No. CV PB 14-182

The Court notes the following deficiencies:

1. It is unclear whether petitioner Arthur Fernandez is petitioning for probate of will and for letters testamentary, for letters of administration with will annexed or for letters of special administration. At paragraph 3(e), petitioner states decedent Emilio Fernandez died intestate. However, at paragraph 3(f), petitioner states no executor is named in the will.
2. To the extent the petitioner is petitioning for probate of will and for letters testamentary, the original will has not been lodged with the Court and a photographic copy of the will must be attached to petition. (Prob. Code, §§ 8200, 8002, sub. (b)(1).)
3. Paragraph 2(d) of the petition is incomplete. Additionally, written bond waivers from each beneficiary have not been filed with the Court as alleged in paragraph 3(d)(2) of the petition.
4. Proof of publication must be filed prior to the hearing. (Prob. Code, § 8120 et seq.)
5. The *Duties and Liabilities of Personal Representative* form must be filed with the Court (Judicial Council of California Form DE-147).
6. Proof that the notice of hearing has been served on the required parties has not been filed with the Court. (Prob. Code, § 8110.)

CASE: Estate of Hoskins
Case No. CV PB 14-166

It is recommended to deny Susan Hoskins's petition for letters of administration. Bryan Hoskins, Jr. was appointed administrator of decedent's estate on October 21, 2014.