

Probate Notes for December 4, 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 Pierson
Case No. CV PB 06-95

On the Court's own motion, the matter is CONTINUED to Tuesday, December 16, 2014, at 9:00 a.m. in Department 2 so that the Court may more thoroughly consider the petition filed by conservatee Alexander Shea Pierson.

CASE: Estate of King
Case No. CV PB 14-60

It is recommended to grant the petition for final distribution on waiver of accounting, for reimbursement of costs advanced, and for allowance of statutory compensation to the attorney for ordinary services. (Prob. Code, § 11600 et seq.)

CASE: Estate of Ross
Case No. CV PB 14-37

It is recommended to approve Karen Field's petition for an order approving the settlement agreement. (Prob. Code, § 9837.)

CASE: Estate of Yin
Case No. CV PB 14-199

It is recommended to grant the petition for probate of will and letters testamentary and for authorization to administer the estate under the Independent Administration of Estates Act. (Prob. Code, § 8200.)

CASE: In the Matter of the 2013 Patsy Fields Revocable Trust
Case No. CV P2 14-170

It is recommended to deny Van Field's petition for an order that respondent Ronald Fields transfer assets owned by the 2013 Patsy Fields Revocable Trust ("2013 Trust") to the Patsy Marie Fields Revocable Trust ("2012 Trust"). On April 26, 2013, Ms. Fields revoked the 2012 Trust. On May 9, 2013, petitioner acknowledged receipt of the revocation of the 2012 Trust. (Opposition, Exhibit A.)

It is recommended to deny the petition for an accounting. Petitioner is not a beneficiary of the 2013 Trust, and therefore, does not have standing to request an accounting. (Prob. Code, §§ 24, subd. (c), 17200.) Additionally, the terms of the 2013 Trust do not require respondent to account to any person. (Petition, Exhibit B, Section 6.18.) Further, petitioner fails to present any evidence that it is reasonably likely a material breach of the trust occurred. (Prob. Code, 16064, subd. (a).)

The Court declines to consider any issues related solely to the estate of Carl Fields, as they are not properly before the Court in this trust matter.

As there are disputes regarding the validity of the 2013 Trust and damages for the alleged undue influence by respondent, it is recommended that the matter be set for trial. The parties are **DIRECTED TO APPEAR** for the purpose of setting a trial date.