

Probate Notes for January 13, 2015

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 Wilder
Case No. CV PC 13-177

Due to the death of the conservatee, the conservatorship of the person terminated, by operation of law.

The conservator failed to file the required accounting as ordered by the Court on May 5, 2014. (Prob. Code, § 2620.)

The parties are **DIRECTED TO APPEAR.**

CASE: Estate of Honeywell
Case No. CV PB 13-50

It is recommended to deny Stephen Montagna of Hodson & Mullin's unopposed motion to be relieved as counsel for personal representative Dawn Tetreault. Mr. Montagna fails to show that the moving papers were properly served on his client. (Cal. Rules of Court, rule 3.1362(d).) Mr. Montagna declares he confirmed the client's address within the last 30 days by using the "addressed [sic] used throughout the case." (Decl. Montagna, ¶ 3(b)(1)(d).) However, merely stating that the notice was sent to the client's last known address and was not returned is not, by itself, sufficient to demonstrate that the address is current. (Cal. Rules of Court, rule 3.1362, subd. (d)(2).)

Additionally, a proposed order was not lodged with the Court or served on Dawn Tetreault. (Cal. Rules of Court, rule 3.1362(d) & (e).)

CASE: Estate of Stone
Case No. CV PB 14-210

The Court notes the following deficiencies:

1. The codicil is not self-proving. (Prob. Code, § 8220, subd. (b); Code Civ. Proc., § 2015.5.)
2. The codicil is not properly executed. (Prob. Code, § 6110.)